



Discharge of Homelessness Duties (Accommodation Offers) Policy

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1. Introduction

- 1.1 This policy sets out how North Northamptonshire Council will aim to discharge duties owed under homelessness legislation to homeless households through offers of accommodation.
- 1.2 This policy covers the utilisation of the powers granted to local authorities by the commencement of the Localism Act 2011 and requirements of Part 7 Housing Act 1996 and the Homelessness Reduction Act 2017.
- 1.3 The Council can discharge its homelessness duties through securing suitable, available accommodation for the household. The property can be either social housing or a property in the private rented sector which complies with the relevant suitability requirements. In light of a limited supply of social housing, that is far outweighed by demand, it is the Council's policy that it will always look to find suitable private rented sector accommodation for any applicant in the first instance, where it is deemed a suitable housing solution.
- 1.4 Statutory regulations require the Council to take several matters into account in determining the suitability of accommodation.
- 1.5 Private rented sector accommodation can be used to prevent or relieve homelessness, or to bring the main housing duty to an end. This policy covers the use of the offer of a private rented sector tenancy, and the circumstances in which the Council may do so, to discharge homelessness duties owed to homeless households as set out above.
- 1.6 This policy has full regard for legislation, government guidance, caselaw and it meets relevant aims set out in the North Northamptonshire Housing Strategy Lite 2021-2022.
- 1.7 This policy should be read in conjunction with:
 - North Northamptonshire Temporary Accommodation Policy 2021
 - North Northamptonshire Keyways Housing Allocations Scheme (specifically Sections 7.9 and 8.2)
 - North Northamptonshire Private Rented Sector Access Fund Policy 2021

2. Legal context

- 2.1 The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996 (as amended). This legislation requires the Council to make all allocations and nominations in accordance with its published Housing Allocation Scheme (North Northamptonshire Keyways Housing Allocations Scheme). The Council is required to frame its Housing Allocation Scheme to give “reasonable preference” to certain categories of people, those categories relevant to this policy are:
 - People who are homeless as defined in Part 7 of the Housing Act 1996 (as amended)
 - People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation

- 2.2 Offer or nominations made to homeless households under the Housing Allocation Scheme are referred to as ‘Suitable Part 6 Offers’ or ‘Final Part 6 Offers’.
- 2.3 The Localism Act 2011 (S148 and S149) introduced provisions which enable the Council to bring its statutory housing duty under S193 Part 7 Housing Act 1996 (as amended) (the Act) to an end, by making an offer of a private rented sector tenancy (a Private Rented Sector Offer (PRSO)) rather than a social housing tenancy.
- 2.4 Amendments to the Act under the Homelessness Reduction Act 2017 (HRA) extend the powers in the Act to encourage local authorities to embed an approach to use private sector accommodation to discharge its prevention duty to households threatened with homelessness, and relief duty to homeless households.
- 2.5 The aim of the HRA is to assist households with resolving their homelessness as early as possible. For some homeless households, depending on the duty owed and type of accommodation offered, rejecting the offer may result in the duty being discharged, and may result in no further duties being owed. This means that they may not be receive any further offers of accommodation (social or private rented sector housing) and the duty owed to them will be discharged.
- 2.6 The Council has four primary accommodation and assistance duties, these are:
- Prevention duty (S195)
 - Interim accommodation duty (S188)
 - Relief duty (S189B)
 - Main housing duty (S193)
- 2.7 The duties relevant to this policy are:
- Prevention duty (S195)
 - Relief duty (S189B)
 - Main housing duty (S193) (for information relating to the interim accommodation duty (S188) and temporary accommodation secured under this duty please refer to North Northamptonshire Council’s Temporary Accommodation Policy 2021)
- 2.8 This policy outlines the process through which the Council will offer homeless households, owed any of the duties listed above, social housing and private rented sector accommodation.
- 2.9 This policy covers the use of private rented sector accommodation to prevent or relieve homelessness, or to bring the main housing duty to an end.

3. Aims and objectives of this policy

- 3.1 The aims and objectives of this policy are:
- 3.1.1 To provide clear, and transparent information to homeless households in relation to how the Council will seek to discharge its statutory duties – as

quickly as possible - through offers of accommodation, including when and how they will make a suitable and affordable offer of private rented sector accommodation.

- 3.1.2 Increase the number of households prevented from becoming homeless and relieved of their homelessness by helping them to secure suitable and affordable accommodation in the private rented sector (irrespective of priority need, intentionality, and local connection¹).
- 3.1.3 Improve the overall health and wellbeing of homeless households by preventing the need for, or reducing the time spent in, temporary accommodation.
- 3.1.4 Reduce the Council's use of and costs associated with the provision of temporary accommodation.
- 3.1.5 Minimise disruption to homeless households by offering long term private rented sector accommodation in their home area² where possible, and where safe and suitable to do so, or within North Northamptonshire.
- 3.1.6 Offer homeless households accepted on to North Northamptonshire Keyways (North Northamptonshire Council's Choice Based Letting System) the choice to receive an offer of social/affordable housing in up to 4 different areas within North Northamptonshire.
- 3.1.7 To support all North Northamptonshire Keyways landlords in making the best use of their housing stock in North Northamptonshire, ensuring that larger homes, specialist housing, and homes adapted for disabilities, are made available to those who need them most.
- 3.1.8 Ensure that vulnerable people, including young people, care leavers and people at risk of domestic abuse or other forms of violence are provided with a suitable offer of long-term accommodation.
- 3.1.9 Promote tenancy sustainment in both the social and private rented housing sectors.

4. Overview of the homelessness duties

4.1 Applicant

- 4.1.1 This is a person, and members of their family/household, who applies to the Council for assistance because they are homeless or threatened with

¹ Although the Council will not apply any blanket policies and will consider each case on its own merits; the Council will refer cases with no local connection in accordance with legislation and guidance

² The area from which they became homeless. There are 4 'areas' within North Northamptonshire for this purpose which comprise the former boundary lines of the former 4 Councils.

homelessness. Homeless households are referred to as 'the Applicant' throughout this policy.

4.2 Priority need

- 4.2.1 S189 of the Act and the Homelessness (Priority Need for Accommodation) (England) Order 2002 (the '2002 Order') sets out certain categories of applicants who are in priority need for accommodation, for example families with resident and dependent children and people who are vulnerable as a result of a physical disability.

4.3 Assessments and personalised housing plans (S189A)

- 4.3.1 The Council has a duty to carry out an assessment in all cases where the applicant is eligible and homeless or threatened with homelessness, which includes assessing:
- The circumstances that have caused them to be homeless or threatened with homelessness; and
 - Their housing needs, and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them; and,
 - The support that would be necessary for them, and anybody who will be living with them, to have and sustain suitable accommodation.
- 4.3.2 Following this assessment, the Council will work with the applicant to develop a personalised housing plan, which will include actions (or 'reasonable steps') to be taken by the Council and by the applicant to try and prevent or relieve homelessness. As part of this plan, the Council will outline the steps required to access the private rented sector and North Northamptonshire Keyways, this will include the steps that the applicant should take and the steps that the Council will take.
- 4.3.3 The Council will make every effort to secure the agreement of applicants to their personalised housing plans. Identifying and attempting to address personal wishes and preferences will help achieve that agreement, and improve the likelihood that the plan will be successful in preventing or relieving homelessness.
- 4.3.4 Assessments and personalised housing plans must be kept under review throughout the prevention and relief stages, and any amendments notified to the applicant. The Council will establish timescales for reviewing plans, and these are likely to vary according to individual needs and circumstances

4.4 The prevention duty (S195)

- 4.4.1 This duty applies when the Council is satisfied that the applicant is both threatened with homelessness and eligible for assistance, regardless of whether the household is in priority need or became homeless intentionally.

The Council is obliged to take reasonable steps to help the applicant either remain in their existing accommodation or secure alternative accommodation. The duty continues for 56 days unless it is brought to an end, for example by an event such as accommodation being secured for the person, or by their becoming homeless.

4.5 The relief duty (S189B)

- 4.5.1 This duty applies when the Council is satisfied that the applicant is both homeless (or has become homeless despite activity during a prior prevention duty) and eligible for assistance, regardless of whether the household is in priority need or became homeless intentionally. The Council is obliged to take reasonable steps to help the applicant secure suitable accommodation with a reasonable prospect that it will be available for their occupation for at least 6 months and so the personalised housing plan will be focused on helping the applicant to secure accommodation. The duty continues for 56 days unless it is ended, for example by an event such as accommodation being secured for the person, or they refuse a suitable final offer of accommodation.
- 4.5.2 Where the Council has reason to believe that an applicant may be homeless, eligible and have a priority need it must provide interim accommodation under S188 whilst fulfilling the relief duty.

4.6 The main housing duty (S193)

- 4.6.1 If homelessness is not successfully prevented or relieved, where an applicant is unintentionally homeless, eligible for assistance and has a priority need for accommodation, the Council has a duty under S193 to secure that accommodation is available for their occupation. This is known as 'the main housing duty'. The main housing duty will not be owed to an applicant who has turned down a suitable final accommodation offer or Part 6 offer made during Relief Duty, or has been given notice due to their deliberate and unreasonable refusal to co-operate (with their personalised housing plan).
- 4.6.2 Under the main housing duty, the Council must ensure that suitable temporary accommodation is available for the applicant and their household until the duty is ended, usually through the offer of long term accommodation. The duty can also be ended for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance.
- 4.6.3 A suitable offer of long term accommodation (whether accepted or refused by the applicant), which would discharge the main housing duty, includes an offer of a secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a tenancy for at least 12 months from a private landlord arranged by the Council.

5. Options to discharge the Council's homelessness duties

- 5.1 This policy covers the following accommodation offers to discharge its duties owed to applicants:
- Social housing through an offer of a direct let (See North Northamptonshire Housing Allocation Scheme Section 7.9)
 - Social housing offered of nominated via North Northamptonshire Keyways
 - Suitable offer of a private rented sector tenancy
- 5.2 The different accommodation offers for this purpose are:
- 5.2.1 **Suitable Part 6 Offer** – an allocation of social housing made in accordance with North Northamptonshire Keyways Housing Allocation Scheme.
- 5.2.2 **Final Part 6 Offer** – a suitable allocation of social housing made in accordance with North Northamptonshire Keyways Housing Allocation Scheme. The applicant is informed of the possible consequences of refusal (and acceptance) and of their right to ask for a review of the suitability of the accommodation, the offer is made in writing and states that it is a final offer (to bring the relief or main housing duty to an end) and the Council is satisfied that the accommodation is suitable and that it would be reasonable for the applicant to accept it.
- 5.2.3 **Suitable offer of private rented sector accommodation** – an offer or a private rented sector tenancy (assured shorthold tenancy) of at least 6 months but not exceeding 12 months, made by a private landlord, arranged by the Council, to bring the prevention and relief duties to an end.
- 5.2.4 **Final accommodation offer** – a suitable offer of a private rented sector tenancy of at least 6 months but not exceeding 12 months, made by a private landlord, arranged by the Council, to bring the relief duty to an end. The applicant is informed of the possible consequences of refusal (and acceptance) and of their right to ask for a review of the suitability of the accommodation, the offer is made in writing and states that it is a final offer to bring the relief duty to an end, and the Council is satisfied that the accommodation is suitable and that it would be reasonable for the applicant to accept it.
- 5.2.5 **Private Rented Sector Offer (PRSO)** – is defined in Localism Act 2011 as a suitable offer of a private rented sector tenancy made by a landlord. For this purpose, it is a suitable offer of a private rented sector tenancy of at least 12 months made by a private landlord, arranged by the Council, to bring the main housing duty to an end. The applicant is informed in writing of the possible consequences of refusal (and acceptance) their right to request a review of the suitability of the accommodation, and the duties that would be owed to them on

re-application³ if they became unintentionally homeless from the accommodation within 2 years of accepting the offer.

- 5.3 Where the requirement is for a private rented sector tenancy to be a minimum of 6 months the Council will always aim to offer longer tenancies of 12 months, particularly where homeless households contain children.
- 5.4 Suitable private rented sector accommodation for households in priority need, final accommodation offers, and private rented sector offers (PRSO's) must meet the requirements of Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 if it is to be considered suitable when offered to an applicant. See Section 9 of this policy for further details.
- 5.5 This table set out the different types of offers that can be made to applicants depending on the which duty they are owed. It also set out how the duty, and any further duties, are affected if the applicant rejects the offer:

Prevention Duty	Relief Duty	Main Housing Duty
<p>Suitable Part 6 Offer Rejection brings duty to an end but does not affect any further duties that may be owed to the applicant if they become homeless.</p>	<p>Suitable Part 6 Offer Rejection brings duty to an end but does not preclude the applicant from subsequently being owed the main housing duty.</p>	<p>Suitable Part 6 Offer Duty ends if offer is accepted.</p>
<p>Suitable offer of private rented sector accommodation Rejection brings duty to an end but does not affect any further duties that may be owed to the applicant if they become homeless.</p>	<p>Final Part 6 Offer Rejection brings duty to an end and applicant is ineligible for main housing duty and receives no further offers of accommodation (social or private rented sector housing).</p>	<p>Final Part 6 Offer Rejection brings duty to an end and applicant receives no further offers of accommodation (social or private rented sector housing).</p>
	<p>Suitable offer of private rented sector accommodation Rejection brings duty to an end but does not preclude the applicant from subsequently being owed the main housing duty.</p>	<p>Private Rented Sector Offer (PRSO) Rejection brings duty to an end and applicant receives no further offers of accommodation (social or private rented sector housing).</p>

³ Refer to Homelessness Code of Guidance Para 18.16 – 18.20 inc

	<p>Final accommodation offer Rejection brings duty to an end and applicant is ineligible for main housing duty and receives no further offers of accommodation (social or private rented sector housing).</p>	
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6. Applicant identified private rented sector accommodation

- 6.1 Applicants that self-identify a private rented sector property they wish to move to must seek the approval of the Council that it is a suitable property before entering into a contract and/or if they require assistance from the Council to secure it (for example through the Private Rented Sector Access Fund).
- 6.2 While a property identified by an applicant does not have to conform to the suitability standards required for the Council to make an offer of private rented sector accommodation, the Council will offer guidance to enable the applicant to consider the standards and will have regard to Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 in determining its suitability.
- 6.3 Where an applicant identifies the property and is helped to secure it (for example through negotiation, advocacy or through the provision of financial assistance from the Private Rented Sector Access Fund) this will not constitute an offer of private rented sector accommodation made by the Council. Therefore, once the property is secured the application will close and the two-year re-application period will not apply if the applicant moves to a property not arranged by the Council regardless of whether they would have been owed the main housing duty.

7. North Northamptonshire Keyways

- 7.1 Qualifying applicants (applicants that are eligible and accepted to join North Northamptonshire Keyways because they meet the qualification criteria) owed the prevention, relief, or main housing duty ('homeless applicants') will be placed in the relevant priority band depending on the duty owed and whether the applicant is in priority need.
- 7.2 Homeless applicants will not be able to bid manually, they will have their choice removed and be placed onto 'autobid'. This means that bids will be automatically placed on available suitable properties. This is to ensure the Council prevents and relieves homelessness, and discharges the main housing duty, where possible at the earliest opportunity.

- 7.3 Homeless applicants placed onto autobid will be able to add a minimum of one, but up to four locality areas⁴ to their Keyways application, within which their bids will automatically be placed (autobid). This means that the applicant could receive an offer of accommodation, or nomination, anywhere within their chosen locality area(s).
- 7.4 Homeless applicants who successfully shortlist for an available property, and satisfy additional verification, will receive in writing, a Final Part 6 Offer.
- 7.5 In order for the Council to be able to discharge its duties owed to homeless applicants by making a suitable offer of accommodation, keep an applicant's stay in temporary accommodation to a minimum (if applicable) and support Keyways landlords to make best use of social housing stock, it will:
- 7.5.1 Complete quarterly reviews of all homeless applicants in order it can monitor the time it takes for homeless applicants to receive a Final Part 6 Offer. At each quarterly review the Council will consider the likelihood of the homeless applicant receiving a Final Part 6 Offer and may take the decision to add additional locality areas to their application. In doing so, the Council will clearly record against each case its considerations, based on the individual facts of each case and issues relating to suitability, and its decision whether (or not) to add any extra, or all, locality areas; and
- 7.5.2 Consider making a direct let in or outside of the homeless applicant's chosen locality area(s)⁵ (but within North Northamptonshire) whose household is considered large in size (4+ bedroom need) and/or require specialist adapted accommodation for example, wheelchair accessible and/or ground floor bedroom and level access shower.
- 7.6 In all cases, the Council must make a suitable offer of accommodation. For more information on how the Council will consider suitability please refer to Section 9 of this policy.
- 7.7 In all cases the applicant can request a review of the suitability of their Final Part 6 Offer, whether or not the applicant accepts or rejects the offer. For more information please refer to Section 10 of this policy.
- 7.8 Please refer to North Northamptonshire Keyways Housing Allocation Scheme for more information.

8. Which applicants will receive a suitable offer of a private rented sector tenancy

- 8.1 The Council's policy is that a suitable offer of private rented sector accommodation, a final accommodation offer, or a PRSO (PR Offers) may be

⁴ The locality areas are based on the boundary lines of the former four sovereign Councils. Homeless applicants will be given the opportunity to select their chosen locality areas during their full housing assessment with a Housing Adviser. The locality areas chosen by the homeless applicant will be recorded in their personalised housing plan.

⁵ Please refer to Section 9 of this policy which outlines how the Council will determine suitability of the offer of accommodation in these cases.

made to any applicant where the law allows it, Section 2 of this policy sets out the legislative framework for this.

8.2 The number of applicants that will be made PR Offers each year will depend on the supply of suitable private rented sector properties.

8.3 The following groups will ordinarily be excluded from receiving PR Offers:

- 1) Applicants eligible for sheltered housing because it is unlikely that this type of housing can be provided in the private rented sector.
- 2) Applicants that need wheelchair adapted properties or other significant adaptations because these are especially difficult to procure in the private rented sector.
- 3) Any applicant which the Council determines requires supported accommodation or would be unable to sustain a private rented sector tenancy.

8.4 Exceptions may also be made for other applicants in respect of whom there is a compelling reason why a PR Offer would not be appropriate. A decision will be taken after a consideration of each household's individual circumstances.

8.5 The following general principles will apply when making a PR Offer:

8.5.1 Prevention, relief and the main housing duty will be discharged if an applicant rejects the relevant PR Offer (see table in Section 5 of this policy):

- Applicants owed the prevention duty who reject a suitable offer of private rented accommodation will be eligible for the relief duty if they go on to become homeless
- Applicants owed the relief duty will not be eligible for a main housing duty assessment if they reject a suitable final accommodation offer.
- Applicants owed the relief or main housing duty, who reject a final accommodation offer or PRSO respectively, will not be made any further offers of accommodation but the Council will continue to offer advice and other assistance in order to help them to resolve their homelessness.

8.5.2 Applicants will have the right to request a review of the decision that a PR Offer is suitable.

8.5.3 Applicants will have the right to request a review that the prevention, relief or main housing duty is discharged upon rejection of a PR Offer.

8.5.4 The Council will fund any deposits or rent in advance required by a landlord in order to secure a PR Offer (in accordance with the Private Rented Sector Access Fund).

- 8.5.5 The Council will only make a PR Offer that is suitable (including affordability) considering the applicant's individual circumstances and relevant legislation, guidance and caselaw.
- 8.5.6 PR Offers will be made in the applicant's home area (or any additional areas within North Northamptonshire selected by the applicant) where possible, and where safe and suitable to do so. If this is not possible, PR Offers will be made in a neighbouring area(s) and as close to the applicant's home area/areas of choice.
- 8.5.7 The Council will not seek to make PR Offers outside of its area of North Northamptonshire, and will only do so in the following circumstances:
- The applicant requests a PR Offer outside of North Northamptonshire
 - The applicant must relocate outside of North Northamptonshire for safety reasons
 - The Council cannot meet the applicants housing needs or discharge its duties owed to the applicant in North Northamptonshire within a reasonable period of time (all efforts in this regard will be fully documented before making a PR Offer outside of North Northamptonshire).
- 8.5.8 In making a PR Offer outside of North Northamptonshire the Council will have particular regard to The Homelessness (Suitability of Accommodation) Order 2012 (S.I. 2012/2601), in particular, paragraph 2 (and the principles in the 2015 Supreme Court ruling (Nzolameso v LBC Westminster). In addition:
- The Council will take particular care to ensure that applicants have sufficient information about the location of the accommodation and the services that would be available to them there (including details of the provider of the accommodation and the local authority social care teams if appropriate)
 - The Council will consider the level of disruption caused by the location of the accommodation with regard to employment, education, health needs, distance and mobility
 - If the homeless household contains school age children, the Council will contact the relevant Local Education Authority to make them aware of the placement
 - The Council will notify the host local authority of the accommodation in writing (by email)
- 8.5.9 In all cases, practical support to enable a move may be offered and will be tailored to the individual needs of each applicant and may include help to: transfer any care and support packages, access employment support, enrol children in schools, register with a GP and help to access other local services.
- 8.5.10 In all cases, applicants will be given the chance to view accommodation that is offered, before being required to decide whether they accept or refuse an offer, and before being required to sign any written agreement relating to the accommodation for example, a tenancy agreement.

9. Suitability of accommodation

- 9.1 S206 of the Act provides that where a housing authority discharges its functions to secure that accommodation is available for an applicant the accommodation must be suitable. This applies in respect of all powers and duties to secure accommodation under Part 7 (including interim duties). The accommodation must be suitable in relation to the applicant and to all members of their household who normally reside with them, or who might reasonably be expected to reside with them.
- 9.2 All offers of accommodation, made by the Council, to discharge the prevention, relief and main housing duties **must** be suitable. The Council will assess whether an accommodation offer is suitable for each applicant individually, and case records will demonstrate that statutory requirements have been considered in securing the accommodation.
- 9.3 S210 of the Act sets out matters the Council must have regard to when determining suitability:
- 9.3.1 Parts 9 and 10 of the Housing Act 1985 (the '1985 Act') (slum clearance and overcrowding); and,
- 9.3.2 Parts 1 to 4 of the Housing Act 2004 (the '2004 Act') (housing conditions, licensing of houses in multiple occupation, selective licensing of other residential accommodation, additional control provisions in relation to residential accommodation).
- 9.3.3 The Homelessness (Suitability of Accommodation) Order 1996 (S.I. 1996/3204), which covers the affordability of the accommodation for the household.
- 9.3.4 The Homelessness (Suitability of Accommodation) (England) Order 2003 (S.I. 2003/3326) which specifies the circumstances in which accommodation will not be regarded as suitable for household types.
- 9.3.5 The Homelessness (Suitability of Accommodation) Order 2012 (S.I. 2012/2601), in particular, paragraph 2 of the 2012 Order which requires consideration of:
- where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;
 - the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
 - the proximity and accessibility of the accommodation to medical facilities and other support which:
 - are currently used by or provided to the person or members of the person's household; and

- are essential to the well-being of the person or members of the person's household; and
- the proximity and accessibility of the accommodation to local services, amenities and transport.

9.4 The Council will therefore consider the following when making an offer of long-term accommodation for a homeless household:

- Distance of the accommodation from their home area and/or outside of the Council's area
- Affordability of the accommodation
- If the homeless household has their own transport including additional costs and the impact of these
- Availability and accessibility of public transport
- Existing or pending employment within the household
- Caring arrangements provided to or by the household
- Children's schools, including availability of school places to transfer to in the new area, any statement of special educational need or educational health care plan, and whether any child is at a pivotal point of education, i.e. GCSE's or A level
- Physical and medical needs of the household
- Any other relevant factors as raised by the applicant

9.5 The Council will maintain clear records to demonstrate that consideration has been given to these items when placing a homeless household in accommodation.

9.6 Suitability of private rented sector accommodation

9.7 Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 concerns the suitability of privately rented accommodation offered to certain applicants who are homeless or threatened with homelessness.

9.8 Private rented sector accommodation must meet the requirements of Article 3 if it is to be considered suitable when offered:

- 1) To bring to an end the S193(2) main housing duty (S193(7F)); or
- 2) As a final accommodation offer made in the S189B relief stage (S193A(6) and S193C(9)); or,
- 3) To an applicant who has priority need, in order to prevent or relieve their homelessness.

9.9 A private rented property must **not** be regarded as suitable if the Council is of the view any of the following apply:

- 1) It is not in a reasonable physical condition.
- 2) Electrical equipment supplied with the accommodation does not meet the requirements of Schedule 1 to the Electrical Equipment (Safety)

Regulations 2016.

- 3) The landlord has not taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it.
 - 4) The landlord has not taken reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation.
 - 5) The landlord is not a fit and proper person to act in the capacity of landlord.
 - 6) It is a house in multiple occupation subject to licensing under S55 of the Housing Act 2004 and is not licensed.
 - 7) It is subject to additional licensing under S56 of the Housing Act 2004 and is not licensed.
 - 8) It forms part of residential property which does not have a valid Energy Performance Certificate as required by the Energy Performance of Buildings (England and Wales) Regulations 2012.
 - 9) It is or forms part of relevant premises which do not have a current gas safety record in accordance with regulation 36 of the Gas Safety (Installation and Use) Regulations 1998.
 - 10) The landlord has not provided a written tenancy agreement to the housing authority which the landlord proposes to use for the purposes of a private rented sector offer, and which the housing authority considers to be adequate. (The Council will review the tenancy agreement to ensure that it sets out, in a clear and comprehensible way, the tenant's obligations, for example a clear statement of the rent and other charges, and the responsibilities of the landlord, but does not contain unfair or unreasonable terms, such as call-out charges for repairs or professional cleaning at the end of the tenancy).
- 9.10 To determine whether or not accommodation meets the requirements set out in Article 3 the Council will undertake inspections, paying attention to signs of damp or mould and indications that the property would be cold as well as to a visual check made of electrical installations and equipment (for example; looking for loose wiring, cracked or broken electrical sockets, light switches that do not work and appliances which do not appear to have been safety tested.
- 9.11 The particular requirements of Article 3 do not apply to accommodation secured for households that do not have priority need, or to accommodation that the authority helped the applicant to secure (for example through negotiation, advocacy or through the provision of financial assistance from the Private Rented Sector Access Fund) but which the applicant identified themselves.

- 9.12 However, Council will make reasonable efforts to ensure private rented accommodation secured for applicants who do not have priority need is safe, and in reasonable condition; and that all applicants looking for their own accommodation have sufficient guidance to enable them to consider standards.

10. Review of suitability

- 10.1 Under S202 of the Act, an applicant has the right to request a review of the Council's decision that an accommodation offer made to end the prevention, relief or main housing duty is suitable.
- 10.2 An applicant can request a review of the decision that an accommodation offer is suitable, and that the duty owed to them under the homeless legislation is discharged within 21 days of being notified of the decision. An applicant can accept the accommodation offer and still request a review. Review requests received later than this will only be accepted in exceptional circumstances.
- 10.3 Once a review request is received, the Council will write to the applicant to acknowledge receipt of the request. Regulation 9 of The Homelessness (Review Procedure etc) Regulations 2018 provides information on the period within which the applicant (or the applicant's authorised agent) must be notified of the decision on a review.
- 10.4 The review will be carried out by a senior officer who was not involved in the original decision.
- 10.5 In reviewing the decision, the Council will have regard to any information relevant to the period before the decision was made (even if only obtained afterwards) as well as any new relevant information obtained since the decision.
- 10.6 The review may be unsuccessful (that is, the original decision is upheld) or successful in which case the original decision is amended. The Council will write to the applicant to advise of the decision. The letter will be sent to their address and where this is not known, a copy will be available for collection at the Council's offices. The decision letter will give reasons for any findings. It will also set out the limited right of appeal to the County Court under S204 of the Act.

11. Recording, monitoring and review

- 11.1 How homelessness duties are discharged will be recorded using the Council's case management system, Jigsaw.
- 11.2 This policy is underpinned by a range of working procedures.
- 11.3 This policy will be reviewed annually or sooner if there are any changes to legislation or operational requirements that may impact on this policy and its delivery.
- 11.4 Minor changes to this policy can be agreed by the **INSERT POSITION**. Where there are significant changes or changes to legislation then this will require the appropriate governance.

12. Complaints

- 12.1 North Northamptonshire Council operates a Compliments and Complaints Policy so that everyone is clear about how to compliment, comment and complain about services provided by the Council and what will happen to those comments once they are received. A copy of the Compliments and Complaints Policy can be found on the North Northamptonshire Council website.

13. More information

- 13.1 If you would like further information about this policy please contact North Northamptonshire Council's Housing Options Service:

ENTER CONTACT DETAILS