

Policy & Procedure	Sourcing accommodation in the private sector for households who are homeless or threatened with homelessness
Team	Housing Advice Service
Department	Customer & Community Services
Date	June 2018
Reviews	After the first year of operation, then bi-annually

1	Background
1.1	The Community Services Scrutiny Committee approved a policy of discharging the full housing duty to homelessness households, by way of a private rented sector offer, in June 2013. This decision was taken in response to the Localism Act 2011, which introduced the power to discharge into the private rented sector (PRS), without the need for the applicant to agree to the offer.
1.2	In the ensuing 5 years, the Housing Advice Service has been able to achieve this in only 3 cases. This is mainly due to the inability of many homeless households to afford private rents in the relatively restricted geographical area defined by the policy (Cambridge and Huntingdon Broad Market Rental Areas only).
1.3	From 3 rd April 2018, all local housing authorities were subject to new statutory duties, to help with the prevention and relief of homelessness. These duties are owed to all applicants who are threatened with homelessness within 56 days, or who are already homeless. The duty exists, regardless of priority need, and regardless of any behaviour which may have led to the homelessness. It is expected that many households will have their homelessness prevented or relieved at an earlier stage, thus reducing the number of cases where a 'traditional' full housing duty is owed.
1.4	The relief duty, introduced by the Homelessness Reduction Act 2017 requires that the local housing authority agrees 'reasonable steps' to ensure that new accommodation is found for all households who are homeless. Where a household is threatened with homelessness within 56 days, and the current accommodation cannot be sustained, the authority must take reasonable steps to assist the household into fresh accommodation during the 56-day prevention period.
1.5	The requirement will be to source accommodation of various sizes, as there will be increasing numbers of single people who need help in preventing or relieving their homelessness (although not necessarily in priority need).
1.6	The Homelessness Reduction Act 2017 imposes a duty on certain public bodies to refer households that they believe to be threatened with homelessness to the local housing authority of the household's choosing. Although not all referrals will result in a homeless application being required (or a prevention/relief duty owed), a much wider range of solutions will be needed.

1.7	There cannot be an immediate or significant increase in the availability of social housing in the City. Therefore, even if Housing Advisors work with applicants to try and maximise their position on the social housing register, there will be insufficient stock to meet the increased demand. Central Government expects local councils to assist applicants into private rented property, wherever possible.
1.8	With regards to the development of Personalised Housing Plans, which outline the reasonable steps to prevent or relieve homelessness, the draft Homeless Code of Guidance says: “a plan which limited the search for accommodation to a small geographic area where the applicant would like to live would be unlikely to be reasonable if there was little prospect of finding housing there that they could afford. The plan might instead enable the applicant to review accommodation prices in their preferred areas as well as extending their home search to more affordable areas and property types.”
1.9	Although the prevention and relief duties are owed regardless of priority need, if a household does fall within a priority need group, any accommodation secured for them must meet ‘enhanced’ suitability standards (as if the property was being offered in discharge of the full housing duty).
1.10	The Homelessness (Suitability of Accommodation) (England) Order 2012 , as amended by The Homelessness Reduction Act 2017, specifies what constitutes suitable accommodation in this context. In summary, we must consider: <ul style="list-style-type: none"> a) distance from the City; b) disruption to household members’ employment, caring responsibilities or education; c) proximity to medical facilities and essential support; d) proximity to transport and amenities.
1.11	There are other factors which must be considered, including the physical condition of the property & electrical, fire, gas and carbon monoxide safety. The landlord must be an appropriate person, who has not been involved in certain offences nor has practised discrimination. The tenant must be given an acceptable tenancy agreement.
1.12	Chapter 17 of the Homelessness Code of Guidance 2018 has further guidance on suitability of accommodation, and the authority will have regard to this guidance at all times.
1.13	The Homelessness Reduction Act 2017 also amends S193 of Housing Act 1996, so that a private rented sector offer, made in discharge of the full housing duty, can be for 6 months duration (rather than a minimum of 12 months). However, most private sector tenancies continue beyond the initial period and an authority continues to have a duty for two years after a private sector discharge.
1.14	In order to increase the potential for finding affordable private rented accommodation which is of an acceptable standard, it is necessary to widen the geographical search area, whilst always being mindful of the impact on affected households.

1.15	This Policy and Procedure lays down a framework for achieving that aim. The policy and related procedure is effective in line with the introduction of the Homelessness Reduction Act 2017.
2	Policy Overview
2.1	This document relates to the policy and procedural arrangements for: <ul style="list-style-type: none"> a) taking reasonable steps to help an applicant to secure that suitable private rented accommodation becomes available for the applicant's occupation for at least 6 months; b) discharging statutory homeless duties into the private rented sector.
2.2	The policy will comply with: <ul style="list-style-type: none"> • Homelessness Reduction Act 2017; • Housing Act 1996 Part 7, as amended by the Homelessness Reduction Act and other earlier legislation; • Equality Act 2010 (including compliance with the public sector equality duty) • Homelessness (Suitability of Accommodation (England) Order 2012 (as amended by the Homelessness Reduction Act 2017) • Case law around suitability of out-of-borough accommodation • Cambridge City Council's Lettings Policy
2.3	The policy outlines what must be taken into account by the Housing Advice Service before the following actions can be taken: <ul style="list-style-type: none"> • Recommending to a homeless or potentially homeless individual or household that they seek a private rented sector housing solution; • Securing a private rented property for occupation by a homeless household (as a 'relief' option); • Discharging a full homeless duty (owed to an unintentionally homeless household in priority need), into a private rented sector property.
2.4	The location of the accommodation will be an overriding consideration in determining the suitability of the property as an option for the household.
3	Policy Aims and Objectives
3.1	The policy aims to ensure that: <ul style="list-style-type: none"> • Homelessness is prevented or relieved in the maximum number of instances; • Solutions recommended to, or sought on behalf of homeless applicants are sustainable for them, and maintain or improve their quality of life; • Scarce social housing resources remain targeted at those whose housing choices are the most limited; • There is sufficient flexibility to meet a range of needs and aspirations; • Applicants are encouraged to explore suitable options that they may not have previously considered, but meets their needs; • There is a consistent approach to creating Personal Housing Plans across the Service; • When households require temporary accommodation, this is for shortest

	possible period of time, and they are able to move on quickly into a more permanent solution.
4	Key policy considerations
4.1	The Homelessness Reduction Act 2017 heralds a new approach to combatting homelessness. Central Government wishes to see housing advisors becoming 'negotiators' rather than 'assessors'. Housing advisors will work collaboratively with applicants to find acceptable solutions, rather than imposing solutions upon applicants. However, this will require a more flexible and innovative approach.
4.2	At the prevention and relief stages, the Council is committed to taking 'reasonable steps' to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation (or to help the applicant to secure fresh accommodation). The applicant has a right of review of whether the steps in their Personal Housing Plan (PHP) are 'reasonable'. Although flexibility is needed in each individual case, it is also important to have a basic framework for what might be considered to be reasonable in the district (bearing in mind the prevailing housing market and the shortage of affordable housing).
4.3	The Homelessness Reduction Act 2017 includes provisions which allow the local housing authority to bring their prevention or relief duty to an end, if the applicant deliberately and unreasonably fails to co-operate with attempts to assist them.
4.4	Although the 'enhanced suitability test' need only be applied where an offer is being made to relieve homelessness for a household in priority need, it should be an aspiration that all accommodation sourced on behalf of applicants is of a suitable quality and value for money. The Council will therefore make location, standard and cost the overriding considerations in assessing the suitability of any accommodation that can be found.
4.5.1	Location: People in a position to purchase property often have to travel some distance in order to be able to afford to buy, and the private rental market is similar. In the spirit of the Act, Housing Advisors will work collaboratively with applicants to help them to find solutions in the areas the applicant would like to live in. However, if the affordability of the preferred areas is going to be an issue, advisors will open up a discussion with them about settlements in better value areas.
4.5.2	As mentioned, our present policy restricts a private sector discharge of duty to locations within the Cambridge and Huntingdon BRMAs. There are, however, relatively affordable locations outside of these BRMAs with better transport links to the City than within the Cambridge and Huntingdon BRMAs, for example, certain locations in North Hertfordshire and West Suffolk. Rather than restrict ourselves to geographical boundaries, it seems more sensible to take a more practical 'travel time' approach, bringing these additional locations into consideration. Accordingly, it is proposed that for those needing to return to the City, a travel time of up to one hour in normal conditions is the practical limit, and that no such household will be

	located more than 50 miles from the City unless a further distant location is their choice. However, not everyone who moves outside of the City will need to return to it on a daily basis, but there will be those who will (see 4.5.4 below).
4.5.3	The cost of transport will be factored into the assessment of affordability.
4.5.4	When considering the changes, it needs to be emphasised that applicants and advisors will be working together to find the most suitable solution according to the needs of the individual household. It is fully appreciated that there will be households that need to be accommodated within, or close to, the City in order to access professional and other support or services. It is these households which will likely trigger the 'enhanced test of suitability' referred to at 1.9 above. However, for that group of households without these needs (which the new Act will bring our way in larger number) it is reasonable to assume that new arrangements with nurseries, schools, child minders, GPs and other services can be made in new location if this is necessary in order to secure appropriate, affordable accommodation.
4.5.5	It is also recognised that certain educational stages are critical and must be considered in the test of suitability. Key stages 4 and 5 – effectively the period when a child will follow GCSE and 'A' Level courses - are pivotal to a child's education. Disruption to education will be a key consideration when households contain a child who is within, or approaching, these stages.
4.6.1	<p>Affordability:</p> <p>The strategy to find appropriate affordable accommodation will be used in conjunction with other tools to improve affordability. Examples are:</p> <ul style="list-style-type: none"> • 'Access Scheme' (rent deposit guarantee scheme); • Discretionary Housing Payments (DHPs); • 'HB Plus' and 'HB Family Plus'. These tools provide cash top-ups to Housing Benefit for limited periods to individuals or families who are committed to improving their work prospects. More information about HB+ is here. • Homeless Prevention fund <p>However, officers must consider the duration of these solutions – for example, DHPs can be made for a limited time, and cannot be seen as a means for discharging the full housing duty into the private sector, without there being a plan for ensuring the longer-term stability of the tenancy.</p>
4.6.2	Appendix 3 provides a table of median private rents in some of the local authority areas surrounding the City (effective January 2018), for guidance and comparison.
4.6.3	The affordability assessment used is based on housing costs being no more than 40% of household income. Housing Advisors must take into account any regular, unavoidable commitments, when calculating available income. For example, loan repayments, childcare costs and child support payments may reduce the amount available to pay rent.
4.6.4	This being said, applicants will be expected to prioritise their housing costs above non-essential items. If necessary, Housing Advisors should refer the household for

	specialist support with budgeting.
5	Equalities
5.1	From April 3 rd 2018, duties are owed to homeless or potentially homeless people who are not necessarily in priority need groups. This means there will be greater opportunity to help secure accommodation for people who are not in any way vulnerable, or who may not have any dependents. However, particular account will be taken of the impact of this policy on those households who do have a member or members with one or more Protected Characteristic (as defined in the Equalities Act 2010). A full equalities impact assessment is attached as Appendix 2.
5.2	The Council will arrange an OT assessment, whenever there is at least one household member with a physical disability (and where an OT assessment is not already available). The advice of the OT will be taken into account in assisting the household into accommodation. Where adaptations are required, the practicality of arranging these during a fixed term private sector tenancy will be considered. Equally, mental health issues or learning difficulties/disabilities may give rise to specific considerations around the type and location of the private rented sector offer.
5.3	The Council will consider the potential risk of violence or harassment of individuals in particular locations. In particular, account will be taken of the risks posed to those who are: <ul style="list-style-type: none"> • Transgender, or due to undergo gender reassignment; • Gay, bisexual or lesbian; • From ethnic minority backgrounds; • Of a particular faith, religion or belief; • Practising an alternative lifestyle.
5.4	For applicants who are already victims of violence, harassment, or hate crime, or at greater risk of becoming so, the council will take into account the location of accommodation, in relation to perpetrator(s) who may pose a current risk.
6	Procedure
6.1	This procedure covers applications received after 3 rd April 2018. Applications received before that date will be subject to the previous policy for discharging the full housing duty into the private rented sector (dated 1 st September 2013).
6.2	The Homelessness Reduction Act 2017 S189A(2) requires authorities to assess every eligible household's housing needs, if they are homeless or threatened with homelessness within 56 days. This Needs Assessment must cover what accommodation would be suitable for the applicant, their household and anybody who might reasonably be expected to live with them. The assessment will be carried out by the applicant's Housing Advisor, as soon as possible after the Housing Advisor has satisfied him or herself of the applicant's eligibility and (threatened) homelessness, but within 10 days at the most.

6.3	This Needs Assessment must address any information that might affect the suitability of any private sector options explored with the applicant. This must be recorded promptly in the relevant case management system, and a written copy provided to the applicant.
6.4	The Housing Advisor must develop a Personal Housing Plan (PHP) based on the identified needs, taking into account the steps that both the applicant and the authority should take, in order to prevent or relieve homelessness. The Housing Advisor must provide this to the applicant in writing.
6.5	The steps must be 'reasonable', and must take into account all of the factors discussed in the policy above. For example, if an applicant is wholly dependent on daily support services that are available within Cambridge City and nowhere else, and has no transport of their own, it would not be reasonable to ask the applicant to pursue private rented sector solutions at a distance to the City, even if this would be the only way that private rent would be affordable to them.
6.6	Unless identified as being 'suggested' steps, the applicant will be expected to follow the agreed steps outlined in the plan. Failure to do so without good reason may result in the prevention or relief duty being brought to an end under Housing Act 1996 sections 193B or 193C.
6.7	If the Housing Advisor fails to reach agreement with the applicant about the reasonableness of the steps, based on the application of the policy, the Housing Advisor should use the 'Suitability Assessment Tool' to review their assessment (see Appendix 4).
6.8	If the Housing Advisor remains satisfied that the steps are reasonable, they must record the reasons for disagreement on the case management system, and notify the applicant of their right of review.
6.9	When homelessness is not successfully prevented or relieved (despite co-operation with the PHP steps), if the household falls into a priority need group, and the homelessness is not intentional, a full housing duty will be owed under Housing Act S193.
6.10	Meeting the full housing duty can be achieved through a private rented sector offer. However, the following needs to be considered: <ul style="list-style-type: none"> • The requirement for any private rented sector offer to meet 'enhanced suitability standards' (see 1.9 -1.13 above); • Any particular factors which confer priority need on the household, and the possibility that those factors would make a private rented sector offer unsuitable; • Any other reason why it has not been possible to prevent or relieve homelessness into the private rent sector thus far, in this case.
7	Reviews
7.1	All applicants have a right of review of decisions made by Housing Advisors. This now includes decisions about the suitability of accommodation secured in order to

	prevent or relieve homelessness (if the duty is due to be ended as a result).
7.2	If an applicant makes such a review request, a Senior Housing Advisor will use the Suitability Assessment Tool mentioned in 6.7, to decide whether he or she considers the offer to be suitable, or whether it should be withdrawn, and the prevention or relief duty continued.
7.3	If the Senior Housing Advisor concludes that the property was not suitable, it will be as if the offer has not been made, and the offer will not feature in any future considerations of deliberate non-co-operation by the applicant.

Appendix 2 – Main settlement journey times

Settlement	Distance from CB1	Journey time by road (minutes)	Return cost by road @ 20p per mile	Fastest public transport to Cambridge City Centre (mins)
Aldreth	20.8	36	£8.32	48
Babraham	5.3	9	£2.12	31
Balsham	8	14	£3.20	58
Beck Row	26.4	36	£10.56	62
Bedford	37.6	55	£15.04	81
Biggleswade	22.6	44	£9.04	90
Bishop's Stortford	29.4	37	£11.76	76
Bourn	18.8	27	£7.52	41
Braintree	41	47	£16.40	95
Brandon	33.5	41	£13.40	62
Bury St Edmunds	28.2	38	£11.28	39
Cambourne	18.5	26	£7.40	25
Chatteris	23.5	44	£9.40	100
Chittering	13.6	23	£5.44	41
Cottenham	12.6	23	£5.04	37
Downham Market	39.3	60	£15.72	70
Earith	22.9	37	£9.16	62
Ely	21	35	£8.40	57
Exning	14.7	21	£5.88	58
Fen Ditton	3.2	11	£1.28	19
Fordham	16.8	25	£6.72	58
Fornham All Saints	27.2	33	£10.88	70
Fulbourn	6.5	24	£2.60	21
Girton	6.3	24	£2.52	22
Great Abington	6.8	12	£2.72	31
Harston	6.1	18	£2.44	39
Haslingfield	7.7	22	£3.08	20
Haverhill	16.9	27	£6.76	69
Henlow	25.9	49	£10.36	81
Hinxton	9.9	16	£3.96	54
Lakenheath	27.8	37	£11.12	59
Letchworth Garden City	26.2	48	£10.48	54
Little Ouse	31.6	47	£12.64	NONE
Little Thetford	18.8	31	£7.52	47
Littleport	26.3	43	£10.52	23
Longstanton	16.3	25	£6.52	24
Luton	39.1	60	£15.64	101
Melbourn	11	26	£4.40	32
Meldreth	12.2	29	£4.88	16

Mepal	23.9	40	£9.56	62
Mildenhall	23.4	31	£9.36	45
Milton	8.6	16	£3.44	14
Newmarket	13.3	24	£5.32	21
Oakington	14.7	23	£5.88	20
Outwell	38.5	61	£15.40	89
Papworth Everard	20.5	27	£8.20	39
Ramsey	34	55	£13.60	116
Red Lodge	19	25	£7.60	50
Royston	18.1	28	£7.24	15
Saffron Walden	13.8	21	£5.52	90
Sandy	23.2	45	£9.28	64
Sawston	5.9	13	£2.36	39
Sawtry	33.3	43	£13.32	96
Shepreth	9.2	24	£3.68	15
Six Mile Bottom	7.6	13	£3.04	48
Snailwell	15	22	£6.00	51
Soham	19.7	29	£7.88	54
Somersham	25.5	43	£10.20	74
Southery	33.1	51	£13.24	126
St Ives	23.7	37	£9.48	35
St Neots	26.2	36	£10.48	51
Stilton	38.9	48	£15.56	93
Stretham	17.2	28	£6.88	47
Sudbury	33.9	57	£13.56	140
Swaffham Prior	9.5	18	£3.80	33
Swavesey	19.1	30	£7.64	28
Thetford	33.7	43	£13.48	44
Warboys	29.5	47	£11.80	68
Whittlesey	49.2	62	£19.68	53
Wicken	20.6	29	£8.24	59
Wimblington	33.3	53	£13.32	76
Wissington	37.4	57	£14.96	NONE
Witchford	19.7	32	£7.88	46
Woodhurst	26.6	41	£10.64	64
Wyboston	27.8	36	£11.12	45
Yaxley	40	50	£16.00	87

Appendix 3

Monthly median private rents as at December 2017

Source of rent data: Cambridgeshire Insight

Local authority area	1 bedroom	Minimum annual income*	2 bedrooms	Minimum annual income*	3 bedrooms	Minimum annual income*	4 bedrooms	Minimum annual income*
Cambridge	£897.00	£26,910.00	£1,157.00	£34,710.00	£1,347.67	£40,430.00	£1,794.00	£53,820.00
East Cambs	£758.33	£22,750.00	£771.33	£23,140.00	£897.00	£26,910.00	£1,399.67	£41,990.00
South Cambs	£749.67	£22,490.00	£892.67	£26,780.00	£849.33	£25,480.00	£1,399.67	£41,990.00
Forest Heath	£671.67	£20,150.00	£749.67	£22,490.00	£1,096.33	£32,890.00	£1,339.00	£40,170.00
St Edmundsbury	£650.00	£19,500.00	£749.67	£22,490.00	£892.67	£26,780.00	£1,196.00	£35,880.00
Huntingdonshire	£598.00	£17,940.00	£723.67	£21,710.00	£849.33	£25,480.00	£1,148.33	£34,450.00
Fenland	£572.00	£17,160.00	£624.00	£18,720.00	£723.67	£21,710.00	£797.33	£23,920.00
Peterborough	£572.00	£17,160.00	£650.00	£19,500.00	£749.67	£22,490.00	£992.33	£29,770.00

*minimum annual income assumes no abnormal regular commitments (based on housing costs being 40% of income)

Appendix 4 – Suitability Assessment Tool