

Halton Borough Council

Private Rented Sector Offer Toolkit

Contents

Introduction	p3
Policy Note	p4
Procedural Instructions	p16
Process Chart	p26
Paperwork Templates	p28

Introduction

This suite of materials has been developed to enable the Local Authority to take advantage of powers available to them under sections 148 and 149, Chapter 20, Part 7 of Localism Act 2011.

The powers allow the local authority to make an offer of suitable private rented sector accommodation to persons who are in priority need and not intentionally homeless to be made.

This toolkit has been developed to utilise the powers safely and effectively, the following documents are included:

- **Policy** – setting-out how the powers available to local authorities can be exercised
- **Procedure** - explaining what, when and how each action needs to be undertaken to use the powers
- **Process** – a flow diagram showing how the powers can be put into action
- **Paperwork** – a series of templates such as forms and letters

Policy for making a Private Rented Sector Offer to statutorily homeless households

Purpose

This policy explains how Halton Borough Council intends to use powers arising from the Localism Act 2011 to bring the main housing duty to an end by making a suitable offer of private rented sector accommodation (PRSO Policy).

This procedure explains how the policy will be administered. This is to ensure that the policy is adhered to in a consistent manner, plus ensure transparency when executing the principles of this policy.

Legal context

The following sections in primary legislation represent the recent history of the new powers arising from the Localism Act 2011:

- **s.197 Housing Act 1996 (repealed)**
- **s.7 Homelessness Act 2002 (amended 6 to 8 of Housing Act 1996 s.193)**
- **s.148 Localism Act 2011 (S193(7F))**

On 9 November 2012, the Localism Act 2011 (Commencement No. 2 and Transitional Provisions) (England) Order 2012 SI 2012/2599 brought into force the provisions in the Localism Act 2011, that allow local authorities to end the main housing duty to a homeless applicant by means of a 'private rented sector offer', i.e. a fixed-term assured shorthold tenancy for a **minimum of 12 months**.

A person provided with accommodation in the private rented sector as final discharge of a homelessness duty will have no 'reasonable preference' for an allocation of permanent housing by reason of homelessness.

The change does not apply to people who have applied as homeless before 9 November 2012 and who were, on that date, owed interim accommodation pending a decision on their application.

Any accommodation secured by a local authority under Part 7 of the Housing Act 1996 must be suitable for an applicant. From 9 November 2012, the Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601) requires local authorities to take into account the location of accommodation offered when determining its suitability. The Order also sets out the minimum standards that must be met if a 'private rented sector offer' is to be treated as suitable, including that the landlord is accredited and that the property meets a number of standard condition requirements.

From 9 November 2012, if an applicant makes a further homelessness application within two years of the acceptance of a 'private rented sector (PRS) offer', s/he will automatically be treated as being in priority need. If the local authority decides s/he is homeless, eligible for assistance and not intentionally homeless, the main housing duty is revived and the applicant can be referred back to the authority which made the original PRS offer (except where there is a risk of domestic violence).

The Government published on 9 November 2012 supplementary guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012.

The policy will comply with the following legal instruments:

- **The Housing Act 1996**, as amended by the Homelessness Act 2002
- **The Localism Act 2011**
- **Equality Act 2010**
- **Supplementary Guidance** on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012
- **Suitability of Accommodation Order 2012**
- **Homelessness Code of Guidance 2006**

The policy will appropriately reflect the priorities and rules shown in the following local documents:

- **Housing allocations policy**
- **Homelessness strategy 2013 - 2018**
- **Tenancy strategy**

Policy Options

Three policy options were identified to be available to the Council:

1. Not to adopt the power to end the duty for any accepted cases;
2. To adopt the power to end the duty for some accepted cases; or
3. To adopt the power to end the duty for all accepted cases.

These options have been considered in-depth via workshops attended by the Council's Housing Solutions team. Additionally, various good practice publications have also been consulted.

When considering which policy option to select it was considered important to ensure the Council was able to properly and safely comply with its statutory duties. It was concluded that housing market pressures on affordability, demand and supply of housing across tenure types made it necessary for the Council to be able to take advantage of the new powers available.

Furthermore, it was determined that the Council will be able to reduce the length of stay for households in temporary accommodation and the costs associated with temporary accommodation provision. Additionally, it will help the Council to avoid using bed & breakfast accommodation for homeless households with dependent children and/or pregnant household members.

The Council is satisfied there is a range of safeguards embedded within the Localism Act provisions, and further safeguards through secondary legislation that accompany the main changes, to ensure that Private Rented Sector Offers afford households suitable and settled accommodation.

When considering the policy options available to the Council, weight was given to the fact that the local Homelessness Strategy which already promotes the use of private rented accommodation to prevent homelessness. The Housing Solutions Team have successfully helped numerous households who may be threatened with homelessness to obtain accommodation from a private landlord, sometimes with the assistance of various incentives, such as rent-in-advance, BOND guarantee, Homeless Prevention Grant and Discretionary Housing Payments.

Policy Position

The Council has decided to adopt the power to end the duty for some accepted cases. The adoption of this approach will involve a combination of factors that will be specifically assessed to ensure the Council can suitably fulfil each household's housing needs including:

- The location required
- The number of bedrooms required
- The type of property required
- The rental costs that can be afforded

The Homelessness (Suitability of Accommodation) (England) Order 2012 deals with suitability of location of private rented sector offers and sets out circumstances in which accommodation offered under section 193(7F) is not to be regarded as suitable for a person for the purposes of a private rented sector offer. The Order requires that a property must fulfil certain criteria. Statutory guidance on suitability contained in the Code of Guidance will also continue to apply in conjunction with this policy document.

The issue of location will be properly considered along with relevant matters that affect the sustainability of a household's accommodation including:

- **Individual factors** – e.g. special educational needs or factors (e.g. sitting exams), ill health (mental or physical), disability (physical/sensory)
- **Interpersonal factors** – e.g. being a former/present victim of crime, distance to essential local community facilities
- **Environmental factors** – e.g. availability of transport links, type/source of heating
- **Economic** – e.g. distance to employment/training opportunities

This policy will be applied on the basis of ensuring best use of housing stock in the local authority area. Whenever a household's housing needs are able to be satisfactorily sustained in either social rented housing or private rented sector housing, the Council will consider the following factors:

- Welfare reform impacts on specific household types, particularly in high cost housing market areas and on affordability for larger families; and
- Where there is low availability of social housing stock, both in terms of overall number of units and the frequency of them becoming available to re-let.

Even if a household has successfully bid, they may still be made an offer of suitable private rented sector accommodation. This will occur when the length of time to wait for a social housing unit to become ready to re-let is in excess of the time it will take a comparable private rented property to become available to re-let. This will ensure that households do not have to spend an excessive amount of time living in temporary accommodation.

The level of PRS supply will determine the number of cases that have the duty ended with a PRSO. For some it may continue as the reasonable preference granted under Part 6 may lead to being housed before a PRSO can be made. In some areas social housing supply

pressures will mean that the PRSO may be more likely to become available before a Part 6 offer. In areas of lower demand and/or higher supply of social housing, customers may seek to bid successfully for social housing before a PRSO is made.

There will be no households exempt to these rules. To ensure that households are not exposed to any threat, a risk assessment will be undertaken prior to making an offer and each household will also be secured appropriate support to be able to live independently.

Whenever possible, households will be offered a tenancy within the Council's own boundary. When there is an occasion that a move to another area will be necessary to ensure a suitable property can be offered the Council will adhere to what the law, under s.208 of Housing Act 1996, stipulates about out of borough placements.

Procedural requirements

Allocation of available properties will be at the Council's discretion. Each case will be assessed on individual circumstances and in line with the terms of this policy. Where the property is being let directly by a private landlord or letting agency, the landlord of the property will have the final decision on who will be accepted into the property.

Households will be afforded an opportunity to view any property they are offered in discharge of the s.193 duty prior to any expectation that they should sign a tenancy agreement.

Statutory homeless households are entitled to one reasonable offer of accommodation. The Council will consider its homelessness duty discharged if a suitable offer (known as a "final" offer) is refused. The private rented sector offer must be an offer of an assured shorthold tenancy, with a minimum fixed term of one year. Under these circumstances, this will be considered the household's one offer of suitable accommodation and will therefore discharge the statutory homelessness duty. If the household refuses the offer of

accommodation, the Council can end its statutory homelessness duty. Once the offer has been formally made, the household's homelessness application will be closed. Should the household wish to remain on the housing register, their application will be dealt with in line with the Council's allocations policy.

If a statutory homeless household refuses or fails to respond to a suitable offer of accommodation in the private or social sector, the Council can end its statutory duty to provide accommodation. The Council will explain the household's right to a review of the suitability of the offer of accommodation. The Council will also explain to the household that they may lose their right to temporary accommodation. A household, whose statutory homelessness duty has ended as a result of their refusal or failure to respond, will have their housing register application dealt with in line with the Council's allocations policy.

If a household becomes unintentionally homeless from their private rented sector tenancy within two years, the statutory homelessness duty owed to them by the Council who made the private rented sector offer will automatically revive. This is called the re-application duty. However, this duty will only revive once; there will be no duty owed by the Council in continuation of the original duty if the applicant again became homeless. If the household becomes homeless for a second time within two years of accepting a private rented sector offer, they must make a fresh homelessness application. In cases where the duty revives and the applicant applies to a different local authority, the applicant can be referred back to this Council if it made the original decision, 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.

The Council will always attempt to make an offer of accommodation that is situated within its own boundary. When this is not reasonably practicable, the Council shall give in writing to the local housing authority in whose district the accommodation is situated the following information:

- The name of the applicant
- The number and description of other persons who normally reside with him as a member of his family or might reasonably be expected to reside with him

- The address of the accommodation
- The date on which the accommodation was made available to him, and which function under this Part the authority was discharging in securing that the accommodation is available for his occupation.

The notification will be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

As part of the offer process and in accordance with each the Council's policies and procedures, households will be advised of their right to request a review on the suitability of the accommodation offered. Households will also be informed of advice services available that may be able to assist them to make a request for a review and throughout the duration of the review.

Households can request a review within 21 days of the Council telling them that they consider an offer to be suitable and that it has discharged its duty under homelessness legislation. A representative on behalf of a household can make the review request, which can be made in writing or verbally to the Council. The Council will advise the household of the full procedure and process for completing a review of the suitability of the accommodation offered. The Council will consider review requests received after 21 days, but they are not obliged to agree to carry out the review. Once a review request has been received, the Council will write to the household to acknowledge the request and provide details of the review procedure. The Council will need to complete the review within 56 days of receiving the household's original review request (unless a longer period is agreed). A senior officer at the Council will carry out the review. This officer must not have been involved in the original decision.

The review outcome can be:

- **Unsuccessful** – in this situation the Council's original decision will stand; or
- **Successful** – in this situation the Council will amend their original decision.

Once the review has been completed, the Council will write to the household informing them of the review decision. The letter will be sent to the household or will be available for collection from the local authority offices. The outcome letter will explain the following:

- The review decision;
- How the local authority reached this decision; and
- The right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect.

An appeal must be made within 21 days of being notified of the review decision.

During the review process, the Council is not legally obliged to provide the applicant with temporary accommodation. Households will be advised to accept the final offer of accommodation whilst the review is being considered where the landlord has confirmed they are happy to release the household from the tenancy if the review request is successful. This is because:

- The household will have somewhere to stay during the review process; and
- There is no guarantee of a further offer of accommodation following the outcome of the review.

During the review process, the property originally offered may, at the landlord's discretion, be held open whilst the review is considered. If the review is unsuccessful and the property is still available, the household may be offered the property again. The local authority will consider its homelessness duty discharged.

A household can appeal to the County Court on any point of law for one of the following reasons if they feel the review decision is legally incorrect or if the Council has not met the time limit to complete the review process. All appeals must be

made to the County Court within 21 days of the review decision. Households considering an appeal to the County Court will be advised of advice services that may be able to assist them to make a request for an appeal and throughout the duration of the appeal. The Council is not legally obliged to provide the applicant with accommodation during an appeal process.

If a household is not satisfied with a review decision, they can complain to the Local Government Ombudsman. The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings. The Ombudsman will consider a complaint if a household believes they have been treated unfairly as a result of maladministration. Examples include:

- Delayed taking action without good reason
- Taken into account irrelevant considerations or ignored relevant considerations
- Not followed rules (legal or local procedures)
- Given the wrong decision
- Not reached a decision in the correct way

Contact details for the Local Government Ombudsman are:

The Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Telephone: 0300 061 0614

Website: www.lgo.uk

Future Revisions

Both this policy and procedure will be reviewed in line with any significant change in legislation, guidance issued by the Department for Communities & Local Government or significant case law. Separate to this it should be reviewed every two years.

Checks and balances will be put in place to monitor and support delivery of this policy and procedure and reports will be made available for scrutiny going forward post-implementation. Customer feedback will be continuously collected to inform delivery across the service subsequent to the introduction of this policy and procedure.

Procedure for making a private rented sector offer (PRSO) to statutorily homeless households

This procedure applies to applicants who have been identified as being owed the main homelessness duty by Halton Borough Council and how the Council intends to bring that duty to an end by making a suitable offer of private rented sector accommodation. [***This procedure is in accordance with the Council's policy for making a private rented sector offer to statutorily homeless households.***] Throughout this procedure, whenever a document is to be completed or issued, a copy should be retained on the file.

1. Assess the applicant's housing needs and budget

Once an applicant has been identified as being owed the main homelessness duty, the housing solutions adviser should establish the applicant's housing needs and budget by completing the Housing Needs and Affordability Assessment at **Appendix 1**.

2. Locate a property

The housing solutions adviser should use available records, databases and contacts to locate a property within the Council's own district which meets the applicant's requirements as set out in the Housing Needs and Affordability Assessment. Where appropriate, the housing officer should try to secure a property that is as close as possible to where the applicant was previously living. The housing solutions adviser will only consider properties in other areas if:

- a. There is a specific reason to do so, such as the applicant being at risk of violence in the Council's own district; or
- b. If it is not reasonably practicable to find a property that meets the applicant's requirements and is suitable within the Council's own district.

3. Assess the suitability of the property for the applicant

The housing solutions adviser must not approve a PRSO unless satisfied that the property being offered is suitable. The housing solutions adviser should assess whether

the property is suitable for the applicant and all members of the applicant's household by completing the Suitability Calculation at **Appendix 2**. If the Suitability Calculation indicates that the property is not suitable, the housing solutions adviser must find an alternative property.

4. Carry out a risk assessment for the offer

A risk assessment must be undertaken prior to any PRSO being approved and the housing solutions adviser should use the Risk Assessment at **Appendix 3** which also enables the housing solutions adviser to consider whether any additional support needs to be secured for the applicant to enable the applicant to live independently. If the property is not safe for the applicant, the housing solutions adviser must locate another property.

5. Confirm that the landlord is fit and proper

The housing solutions adviser must be satisfied that the landlord is accredited and a fit and proper person to act as a landlord, having considered all relevant factors, including whether or not the landlord has:

- a. Committed any offence involving fraud, dishonesty, violence, illegal drugs or any sexual offence;
- b. Practised unlawful discrimination on the grounds of sex, race, age, disability, marriage or civil partnership, pregnancy or maternity, religion or belief, sexual orientation, gender identity or gender reassignment in connection with any business;
- c. Contravened any housing law, including landlord and tenant law and prosecutions for harassment and illegal eviction; or
- d. Not acted in accordance with any applicable code of practice for the management of a house in multiple occupation.

The housing solutions adviser should search available records and databases to establish if the landlord is fit and proper. The searches should include carrying out an online search of the Individual Insolvency Register and contacting the environmental health team, the finance team and the Department for Work and Pensions to confirm whether they are aware of any disputes with or actions against the landlord. If the property is not within the Council's own district, the housing solutions adviser should carry out equivalent searches with the authority for the area the property is in.

The housing solutions adviser must keep a record on the file of all searches carried out and should consider all the search results equally when determining whether the landlord is fit and proper. If after carrying out all necessary investigations the housing solutions adviser is not sufficiently satisfied that the landlord is fit and proper, the housing solutions adviser should discuss the matter with a senior officer. The housing solutions adviser and the senior officer should consider whether to require the landlord to undergo a Criminal Records Bureau check, although this should not be necessary in every case.

6. Inspect the property

The Council must be satisfied that the property is in a reasonable physical condition and meets safety requirements, such as containing appropriate fire safety equipment. An inspecting officer must therefore carry out an inspection of the property using the Inspection Report at **Appendix 4**. The landlord will be required to provide a number of documents to prove that the property meets the requirements. These are referred to in the Inspection Report, but may not be available at the inspection. The housing solutions adviser should ensure that copies of each of the documents are collected following the inspection and before the PRSO is made. If the property fails the inspection and the failures cannot be remedied within a reasonable period, the housing officer should find an alternative property.

7. Check the assured shorthold tenancy agreement (AST)

Once the housing solutions adviser has established that the property is suitable, they should request a copy of the AST which the landlord proposes to offer the applicant. The initial fixed term of the tenancy must be at least 12 months. The housing solutions adviser must be satisfied that the AST is adequate and should review it against the Tenancy Agreement Checklist at **Appendix 5**. If the housing solutions adviser does not consider the tenancy to be adequate, they should contact the landlord and request an alternative agreement. If no alternative is provided or the alternative is still deficient, the housing solutions adviser should warn the applicant of the deficiencies in the Offer Letter at **Appendix 6**.

8. Check that the applicant is able to accept the offer

Although this will have been checked as part of the Housing Needs and Affordability Assessment, the housing solutions adviser should confirm immediately before the PRSO is made that the applicant is not under any contractual or other obligations in respect of the applicant's existing accommodation which the applicant cannot bring to an end before being required to take up the offer. If any such obligations exist, they must be resolved before the offer can be made. The housing solutions adviser should also confirm immediately before the PRSO is made that there has been no material change in circumstances that might affect the suitability of the property.

9. Make the offer

The offer must be of an AST of the property made with the approval of the Council pursuant to arrangements between the Council and the landlord designed to bring the Council's main homelessness duty to an end. The housing solutions adviser should make the offer to the applicant in the form of the Offer Letter at **Appendix 6** which explains to the applicant:

- a. The possible consequences of refusal or acceptance of the offer;
- b. The applicant's right to request a review of the suitability of the property and the advice services that may be able to assist the applicant in relation to any review; and
- c. The effect of a further application within 2 years of acceptance of the offer (if the application is not a restricted case).

10. Allow the applicant to inspect the property

The housing solutions adviser should liaise with the landlord to ensure that the applicant is given an opportunity to inspect the property before being expected to accept or refuse the offer.

11. If the offer is accepted

If the applicant accepts the PRSO and the parties enter into the tenancy, the Council's main homelessness duty comes to an end and the housing solutions adviser should notify the applicant using the Acceptance Letter at **Appendix 7**. The housing solutions adviser should also remind the landlord of its responsibilities to place the applicant's deposit in a tenancy deposit protection scheme using the Landlord's Notice at **Appendix 8**.

If the property is not within the Council's own district, the housing solutions adviser must notify the authority in whose area the property is situated **within 14 days** of the property becoming available to the applicant using the Local Authority Notice at **Appendix 9**.

In light of the re-application duty explained below, the housing solutions adviser should diarise to contact the applicant **10 months** from the start of the tenancy to review the situation and determine whether any support needs to be provided to prevent the tenancy coming to an end at the expiry of the initial 12 months.

12. If the applicant makes a further application

An applicant is automatically treated as being in priority need if the applicant:

- a. Makes a further homelessness application within 2 years of accepting a PRSO (regardless of whether or not the applicant secured their own accommodation between the expiry of the initial 12 month assured shorthold tenancy and becoming homeless again);
- b. Is eligible for assistance; and
- c. Has become homeless or is threatened with homelessness unintentionally.

This re-application duty only applies once so will not apply if the applicant becomes homeless for a second time within 2 years of accepting a PRSO. It also does not apply in restricted cases where the Council has only accepted the main homelessness duty because of a restricted person being in the applicant's household. A restricted person is not eligible for assistance with homelessness, is subject to immigration control and either

does not have leave to enter or remain in the UK or such leave is subject to that person maintaining and accommodating themselves and any dependants without using public funds.

On receiving any application, the housing solutions adviser must carry out necessary investigations to establish whether or not the re-application duty applies, even if another authority arranged the original PRSO. If there is reason to believe that the re-application duty may apply, the Council is under a duty to secure accommodation for the applicant pending a decision as to the duty owed. If the housing solutions adviser concludes that the re-application duty applies, they should notify the applicant using the Re-application Duty Letter at **Appendix 10** and should work through this procedure again from the beginning.

Once the initial investigations have confirmed that the re-application duty applies, the applicant can be referred back to the authority which made the original PRSO if it was not the Council. However, the applicant cannot be referred if:

- a. there is an identified risk of domestic violence in that area to the applicant or anyone who might reasonably be expected to be a member of the applicant's household; or
- b. the applicant, or anyone who might reasonably be expected to reside with the applicant, has suffered violence or threats of violence which are likely to be carried out in that area and returning to that area will probably lead to further violence.

The housing solutions adviser should carefully assess whether any of these risks apply, but no enquiries should be made with the perpetrators of violence. When assessing the likelihood of threats of violence being carried out, the housing solutions adviser should only consider the probability of violence rather than actions which the applicant could take, such as injunctions. If no risks apply and the housing solutions adviser decides it would be reasonable to refer the applicant to the authority which made the original PRSO, the housing solutions adviser should notify the applicant of the referral as part of the Re-application Duty Letter. The housing solutions adviser should also notify the authority that made the original PRSO by telephone and confirm this in writing using the Referral Notice at **Appendix 11**. If contact cannot be made by telephone, the housing solutions adviser should send the Referral Notice by fax or email as well as by post.

The two authorities shall agree whether or not the conditions for referral are satisfied in

accordance with the statutory guidance in the Homelessness Code of Guidance for Local Authorities. If they cannot agree, the decision shall be made by a person appointed by the authorities or by the Chairman of the Local Government Association from a panel if the authorities cannot agree on an appointment. Once it has been decided whether or not the conditions for referral are met, the housing solutions adviser shall notify the applicant of the decision using the Referral Decision Letter at **Appendix 12**. If the conditions have been met, the authority which made the original PRSO will take over the application. If the conditions have not been met, the housing solutions adviser should deal with the application using this procedure.

If the housing solutions adviser receives a referral from another authority, they should assess whether the conditions for referral are satisfied. The other authority will already have established that the applicant is eligible for assistance and has become homeless or is threatened with homelessness unintentionally, so this cannot be reconsidered. The housing solutions adviser should reply to the other authority **within 10 days** of receipt of the notification of referral to confirm whether or not it is agreed that the conditions for referral have been met. If the conditions have been met, the housing solutions adviser should deal with the application using this procedure. If the housing solutions adviser does not accept that the conditions have been met, they should include in the response full reasons for that opinion and the two authorities should resolve the matter in accordance with the statutory guidance in the Homelessness Code of Guidance for Local Authorities.

13. If the offer is refused

If the offer is not accepted within a reasonable period depending on the circumstances, the housing solutions adviser is to use reasonable efforts to contact the applicant to confirm that the offer has been received. If possible, the housing solutions adviser is to use an alternative method of communication to contact the applicant, such as telephoning or texting the applicant. If the applicant still does not respond after a reasonable period, the applicant will be treated as having refused the offer. If the housing solutions adviser is in any doubt as to what is a reasonable period in the circumstances, the housing solutions adviser should discuss the matter with a senior officer.

If a suitable offer is refused, the Council's duty should be discharged and the housing solutions adviser should notify the applicant using the Refusal Letter at **Appendix 13**. If the applicant does not request a review within 21 days, the housing solutions adviser can

close the homelessness application and any continuing housing register application should be dealt with in line with the Council's [*allocations policy*].

14. If the applicant requests a review

The applicant or a representative for the applicant can request a review of any decision of the Council as to the duty owed, the suitability of the property or a referral to another authority within 21 days of being notified of the relevant decision, although the Council will at its discretion consider review requests received after 21 days.

On receipt of a verbal or written request for a review, the housing solutions adviser must acknowledge receipt of the request and provide details of the review procedure using the Review Acknowledgment Letter at **Appendix 14**.

During the review process, the Council is not obliged to provide the applicant with accommodation so the housing solutions adviser should advise the applicant to accept the PRSO whilst the review is being considered so long as the landlord has confirmed it will release the applicant from the tenancy if the review is successful. If the applicant does not accept the PRSO, the landlord may agree to keep the property available so that the applicant can be offered the property again if the review is unsuccessful.

As soon as the Review Acknowledgment Letter has been sent, the housing solutions adviser should refer the request and the file to a senior officer who was not involved in the original decision. The senior officer will carry out the review, including considering any representations made by the applicant, within **56 days** of receiving the review request (unless a longer period is agreed in writing with the applicant). If the reviewer concludes that there was a deficiency or irregularity in the original decision or in the manner in which it was made, but is minded to make a decision against the interests of the applicant anyway, the reviewer shall notify the applicant of the reviewer's intentions and the reasons for them. The applicant, or someone acting on the applicant's behalf, may then within a reasonable period make oral and/or written representations to the reviewer.

Once the review has been completed, the senior officer will inform the applicant of the outcome using the Review Decision Notice at **Appendix 15**.

15. If the applicant appeals

If the applicant is dissatisfied with the review decision or the Council has not met the time limit to complete the review process, the applicant **can appeal to the County Court within 21 days** of being notified of the review decision on any point of law arising from the decision.

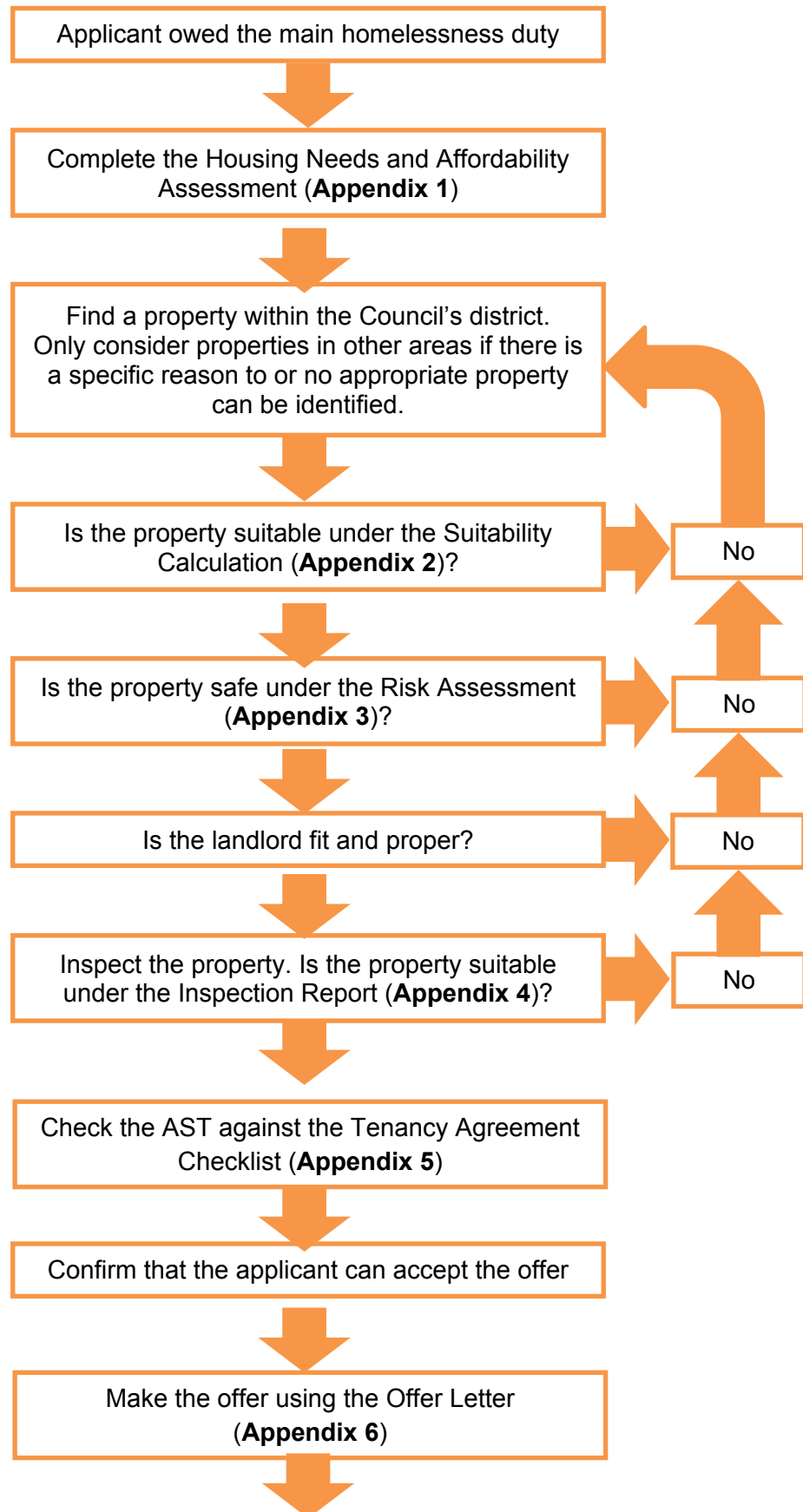
The Council is not obliged to provide the applicant with accommodation during an appeal so if the PRSO is still available and the landlord has confirmed it will release the applicant from the tenancy if the appeal is successful, the housing solutions adviser should advise the applicant to accept the PRSO whilst the appeal is being considered. If the applicant does not accept the PRSO, the property may, at the landlord's discretion, be held open whilst the appeal is considered and re-offered to the applicant if the appeal is unsuccessful. If the applicant is not provided with interim accommodation whilst an appeal is being determined, the applicant can also appeal this decision and the County Court can order the Council to secure accommodation for the applicant during this period. The County Court can only make such an order for the period until determination of the main appeal and if it is satisfied that the failure to provide accommodation will substantially prejudice the applicant's ability to pursue the main appeal.

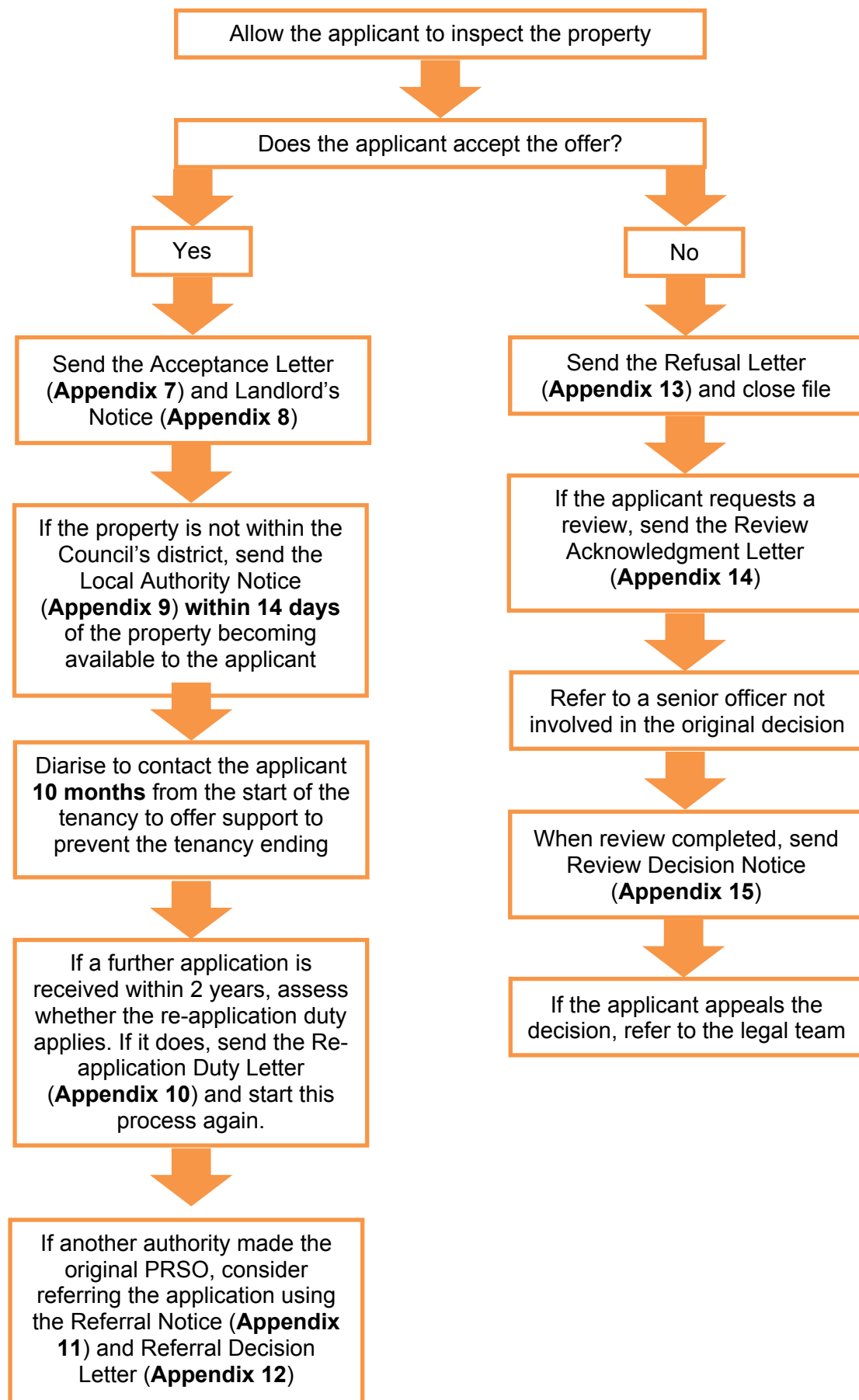
If the housing solutions adviser becomes aware that the applicant intends to appeal the review decision or receives notice that an appeal has been commenced, the housing solutions adviser should immediately pass the file to the council legal team.

This procedure will be reviewed in line with any significant change in [***the Council's policy for making a private rented sector offer to statutorily homeless households***], legislation, guidance issued by the DCLG or significant case law. Separate to this it should be reviewed every two years.

Checks and balances will be put in place to monitor and support delivery of this procedure and reports will be made available for scrutiny going forward post-implementation. Officer and customer feedback will be continuously collected to inform delivery across the service subsequent to the introduction of this procedure.

Process chart for making a private rented sector offer (PRSO) to
statutorily homeless households





Paperwork Templates

1. Housing Needs and Affordability Assessment	p29
2. Suitability Calculation	p38
3. Risk Assessment	p48
4. Inspection Report	p53
5. Tenancy Agreement Checklist	p72
6. Offer Letter	p75
7. Acceptance Letter	p80
8. Landlord's Notice	p83
9. Local Authority Notice	p86
10. Re-application Duty Letter	p89
11. Referral Notice	p93
12. Referral Decision Letter	p96
13. Refusal Letter	p100
14. Review Acknowledgment Letter	p104
15. Review Decision Notice	p107

Appendix 1

Housing Needs and Affordability Assessment

Housing needs:

Number of bedrooms:	
Number of reception rooms:	
Specific requirements as to type of property (<i>eg ground floor accommodation for health reasons</i>):	
Specific requirements as to the facilities of the property (<i>eg outdoor space for children and pets</i>):	
Applicant's preference for type of property:	
Applicant's preference for location of property:	
Reasons for a particular location:	
Reasons against a particular location:	
Contractual or other obligations in respect of the applicant's current accommodation:	

Affordability

1. Savings and other assets

Type of asset (<i>eg saving, premium bonds, shares</i>)	Where asset is held (<i>eg name of bank</i>)	Amount
TOTAL SAVINGS/ASSETS		

2. Debts

Debt/arrears (eg rent arrears, loans, Magistrates' fines)	Who is owed the debt/arrears	Amount
TOTAL DEBTS		

3. One-off expenses on moving in

Expense (eg rent deposit)	When payable	Amount
TOTAL ONE-OFF EXPENSES		

4. Income

Income	Monthly amount	Weekly amount
Applicant's wages (after tax)		
Applicant's partner's wages (after tax)		
Income Support		
Working Tax Credit		
Applicant's state pension		
Applicant's partner's state pension		
Applicant's personal pension		
Applicant's partner's personal pension		
Pension Credit		
Jobseeker's Allowance		
Employment and Support Allowance		
Child Benefit		
Child Tax Credit		
Bereavement Allowance		
Carer's Allowance		
Other state benefits (<i>specify</i>)		
Maintenance		
Contributions from other household members (or the amount which might reasonably be expected to be contributed by other household members)		
Local Housing Allowances		

Council Tax Benefit		
Student loan/grant		
Financial assistance by any other authority, body or voluntary organisation		
Insurance payments		
Income from savings and other assets		
Any other income (<i>specify</i>)		
TOTAL INCOME		

5. Expenses

Expenditure	Monthly amount	Weekly amount
Rent		
Licence or occupation fees		
Council Tax		
Buildings/contents insurance		
Home/garden upkeep		
Water		
Electricity		
Gas		
Other fuel or heating costs		
Service charge		

Maintenance		
Pension payments		
Life/critical illness insurance		
Income protection insurance		
Loan and debt repayments (<i>specify</i>)		
Savings		
Finance repayments (<i>specify</i>)		
Food		
School meals and meals at work		
Take-aways/meals out		
Alcohol at home		
Cigarettes/tobacco		
Newspapers/magazines		
Toiletries		
Household goods		
Toys		
Clothing and shoes		
Laundry		
Eye care costs		
Dental care costs		
Medical costs		
Fuel		
Vehicle maintenance		

Car insurance		
Road tax		
Breakdown cover		
Parking		
Bus/train fares		
Taxis		
TV licence		
Satellite/digital TV		
Home phone		
Internet/broadband		
Mobile phone		
Childcare		
Pocket money		
Pet costs		
Costs of social life		
Special occasions (<i>eg birthdays</i>)		
Holidays		
Other leisure (<i>eg kids clubs, gym, trips out</i>)		
Any other expenses (<i>specify</i>)		
TOTAL EXPENSES		

Date:	
Officer's name:	
Officer's signature:	
Applicant's name:	
Applicant's signature:	

Appendix 2

Suitability Calculation

Appendix 2
Suitability Calculation

Applicant's name:	
Applicant's date of birth:	
Address of property:	

The property is affordable because the rent of £..... per week/month is no more than:

(a) the local housing allowance of £..... per week/month for a property of this size in the local area of the property; and

(b) the applicant's income of £..... per week/month set out in the Housing Needs and Affordability Assessment,

and there are no unusual or excessive charges in respect of the property (*eg excessive service charge or non-conventional fuel system*).

Suitability factor	State any issues	State what can be done about each issue (<i>eg additional support that can be provided</i>)	State whether or not the property can still be considered suitable and why
<p>1. If the property is outside the area of [Weatherfield District] Borough Council ("Council"), the distance of the property from that area.</p> <p>Relevant factors may include:</p> <p>(a) any specific reasons why the applicant should not be placed in the Council's district (<i>eg risk of</i></p>			

<p><i>violence</i>);</p> <p>(b) the likelihood of the applicant losing links with relatives, friends and existing networks; and</p> <p>(c) the likelihood of other suitable properties being available nearer to the Council's district.</p>			
<p>2. The significance of any disruption caused by the location of the property to the employment of the applicant or any member of the applicant's household.</p> <p>Relevant factors may include:</p> <p>(a) the ability of the relevant person to reasonably continue in the existing employment;</p> <p>(b) the travel time and distance and the method of transport that could be used;</p> <p>(c) the cost of travel;</p> <p>(d) the likely impact of increased travel time on other responsibilities (<i>eg taking children to school</i>);</p> <p>(e) the working hours of the job;</p> <p>(f) any additional child care costs (<i>eg to replace informal childcare arrangements from relatives</i>);</p> <p>(g) the nature of the employment;</p> <p>(h) whether similar employment is available near the property and whether any transfer is possible;</p>			

<p>(i) whether any member of the household is on maternity leave, but intending to return to work; and</p> <p>(j) whether there are any advantages of being able to access employment opportunities outside the Council's own district.</p>			
<p>3. The significance of any disruption caused by the location of the property to the education of the applicant or any member of the applicant's household.</p> <p>Relevant factors may include:</p> <p>(a) whether children can remain in existing schools;</p> <p>(b) the likely impact of increased travel time on other responsibilities (<i>eg work</i>);</p> <p>(c) journey times and how journeys can be done, considering the age and number of children;</p> <p>(d) whether there will be any other support to take children to school from the property;</p> <p>(e) the cost of travel;</p> <p>(f) if children are changing school, whether there are delays in arranging school places in the area;</p> <p>(g) whether any children are at key stages in terms of examinations (<i>eg in the run up to GCSEs or part way through an exam module course where the</i></p>			

<p><i>move would require a change of exam boards);</i></p> <p>(h) whether any children are receiving special needs education support and whether any children would have to be removed from any close bond built up through one-to-one special needs support; and</p> <p>(i) the potential loss of friendship ties, particularly if a child is vulnerable or has special needs.</p>			
<p>4. The significance of any disruption caused by the location of the property to the caring responsibilities of the applicant or any member of the applicant's household.</p> <p>Relevant factors may include:</p> <p>(a) the type, frequency and importance of the care;</p> <p>(b) the likely impact of withdrawal and the cost implications where an existing care arrangement becomes unsustainable due to a change of location;</p> <p>(c) whether there are any exceptional reasons why the household has to remain in a specific area to enable family/friends to provide care (<i>eg the applicant is vulnerable and needs close emotional support and practical help</i>);</p> <p>(d) whether any caring responsibilities for a disabled child or elderly or disabled relative are being</p>			

<p>provided by the applicant, statutory services or extended family and the impact on this; and</p> <p>(e) whether the caring responsibilities can be maintained by public transport.</p>			
<p>5. The proximity and accessibility of medical facilities and other support which are used by or provided to the applicant or members of the applicant's household and which are essential to the well-being of that person.</p> <p>Relevant factors may include:</p> <p>(a) whether the household should be given priority for accommodation within the Council's own district because of a need for social services support or to maintain links with other essential services (<i>eg specialist medical services or special schools</i>);</p> <p>(b) whether the applicant or any member of the applicant's household has a mental illness, learning disability or addiction problem and has a particular need to remain in a specific area (<i>eg to maintain links with health professionals and/or existing informal support networks</i>), as such people may be less able to adapt to being placed in another area;</p> <p>(c) the potential impact on the health and well-being of</p>			

<p>the applicant or any person in the applicant's household were such support removed or medical facilities no longer accessible;</p> <p>(d) whether the facilities or support can be maintained with additional travel and the time and cost implications of this;</p> <p>(e) whether similar facilities are accessible near the property and whether there would be any specific difficulties in using those facilities;</p> <p>(f) whether any care package cannot be transferred or replicated in the new location;</p> <p>(g) whether the applicant or any member of the applicant's household is attending hospital treatment that is only available in one location, including how frequent the visits are and the cost implications of travel from the property; and</p> <p>(h) how long existing support has been provided.</p>			
<p>6. The proximity and accessibility of local services, amenities and transport.</p> <p>Relevant factors may include:</p> <p>(a) whether established links with schools, doctors, social workers and other key services and support can be maintained; and</p>			

(b) whether the property is in an isolated location.			
<p>7. The type and features of the property and whether it is suitable for the physical requirements of the applicant or any member of the applicant's household.</p> <p>Relevant factors may include:</p> <p>(a) the location of the property in the building (<i>eg top floor flat with limited access</i>);</p> <p>(b) whether access to the property is suitable for disabled people or people with children (<i>eg are there sufficient regularly functioning lifts</i>); and</p> <p>(c) whether there is potential to install modifications for disabled people.</p>			
<p>8. Whether the size of the property meets the applicant's housing needs and means that the property would not be overcrowded under the:</p> <p>(a) space standard; and</p> <p>(b) room standard.</p>			
<p>9. Any other factor which may affect suitability or has been raised by the applicant.</p> <p>Relevant factors may be:</p> <p>(a) whether the property is vacant and, if not, whether it</p>			

<p>can be vacant by the time the offer is made;</p> <p>(b) whether the applicant has a fear of crime (rational or irrational) in relation to the location of the property;</p> <p>and</p> <p>(c) unusual features of the property (<i>eg oil heating system</i>).</p>			
---	--	--	--

Date:	
Officer's name:	
Officer's signature:	

Appendix 3

Risk Assessment

Risk Assessment

Address of property:	
Applicant's name:	
Applicant's date of birth:	
Applicant's gender:	
Applicant's ethnicity:	

Guidance notes for conducting the risk assessment

1. Identify the risk

Identify and state each potential risk in relation to placing the applicant in the property as opposed to personal risks to the applicant and the applicant's general support needs. Each risk needs to be assessed separately in the table. When identifying risks, consider what is likely to occur rather than obscure or unrealistic outcomes.

2. Obtain evidence of the risk

State the evidence for each risk identified, including the date, source and nature of the evidence. No enquiries should be made with perpetrators of violence, but you may want to seek information from friends and relatives of the applicant, social services and the police. Remember that the applicant may find such enquiries distressing so an officer trained in dealing with these circumstances should conduct any interview with the applicant and the applicant should be given the option of being interviewed by an officer of the same sex.

3. Calculate the severity of the risk

Calculating the severity of the risk will help you identify priorities for action and enable you to determine whether a risk can be properly dealt with by controls. Use the table below for each risk. 1 is very low impact/very unlikely and 5 is very high impact/very likely. Consider the likely

impact rather than just the “worst case” scenario. Also consider that an event is less likely to occur when there are several factors that need to occur simultaneously. The table will give you a severity figure and indicates with colours the seriousness of the severity figure.

Impact	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
	Likelihood					

4. Identify any existing controls

Identify the existing controls in place for each risk and state what they are, who provides them and the frequency of provision.

5. Evaluate whether each risk can be managed with appropriate controls

Consider the adequacy and effect of the existing controls. State whether or not each risk can be managed given existing controls and any potential further controls and support. If any risk cannot be suitably managed, an alternative property will have to be located.

6. Identify any further controls or support

State any further controls or support necessary to manage the risk or enable the applicant to live independently.

Risk	Evidence of risk (source and date)	Risk severity	Existing controls (what, whom, frequency)	Can risk be managed with appropriate controls?	Further controls or support required
From self <i>(e.g. self harm, neglect)</i>					
From others <i>(e.g. violence, abuse)</i>					
To others <i>(e.g. violence, abuse)</i>					
To materials <i>(e.g. damage, destruction)</i>					

Date:	
Officer's name:	
Officer's signature:	
Applicant's name:	
Applicant's signature:	

Appendix 4

Inspection Report

Task	Is there an issue?		Location of the issue	Severity of the issue			Is remedial action required?		Briefly state the remedial action required	Deadline for completion of the remedial action
	No	Yes		Low	Medium	High	No	Yes		
storage (internally and externally)										

Documents the landlord is required to provide	Document provided at the inspection or not applicable	State the deadline for providing the document
1. A valid energy performance certificate		
2. A valid gas safety certificate		
3. If the property is a house in multiple occupation subject to licensing under section 55 of the Housing Act 2004, a copy of the licence		
4. If the property is a house in multiple occupation subject to additional licensing under section 56 of the Housing Act 2004, a copy of the additional licence		

Option 1

Having inspected the property, I am satisfied that the property is in a reasonable physical condition and the landlord has provided all required documents

Signature of inspecting officer Date

OR

Option 2

Having inspected the property, I am not satisfied that the property is in a reasonable physical condition [and the landlord has not provided all required documents]. The landlord has been informed to complete the following work [and provide the following documents] to enable the property to meet the standard required.

State the number and name of the issue or document (eg 2A risk of falling objects)	State the deadline for remedial action or providing the document noted above	State the date when the document is provided or when evidence is provided to show that the issue has been remedied*

***To be completed by the countersigning officer when all remedial action completed and documents provided**

Signature of inspecting officer Date

Having checked the property inspection form and been provided with evidence that the landlord has completed all required work [and provided all required documents], I am satisfied that the property is in a reasonable physical condition.

Name of countersigning officer

Signature of countersigning officer Date

Appendix 5

Tenancy Agreement Checklist

Tenancy Agreement Checklist

Address of property:	
Name of landlord:	
Name of officer:	
Date:	

This checklist is to assist you in determining whether the assured shorthold tenancy agreement provided by the landlord is adequate. You should review the agreement against this checklist and confirm that the following provisions are in the agreement. This is not intended to be a comprehensive list of the provisions in a tenancy agreement, but rather guidance as to what really should be present in these circumstances. As explained in the Offer Letter, you should make it clear to the applicant that you are not legally qualified to advise on the terms of the agreement and if the applicant does not understand anything in the agreement, the applicant should consult a solicitor or Citizens Advice.

<u>Provision</u>	<u>Tick to confirm</u>
1. The property is clearly identified	
2. If the property forms part of a larger building, there are rights of access and passage of utility services through the building	
3. The initial fixed term is at least 12 months and there is no landlord's break clause during the initial 12 months	
4. The lease clearly states the rent	
5. It is clear when the rent is payable	
6. The lease clearly states the deposit	
7. The deposit is no more than 2 months' rent (<i>unless there are special circumstances justifying more</i>)	
8. The lease states that the deposit will be held in a tenancy deposit scheme	
9. The landlord has confirmed that either: (a) the tenancy deposit scheme the landlord is using does not require any set wording to be included in the lease; or (b) the lease contains all set wording required to be incorporated by the relevant scheme	
10. No guarantor is required (<i>unless no deposit is being taken or there</i>	

<i>are special circumstances justifying a deposit and a guarantor)</i>	
11. It is clear what other costs the tenant will be responsible for, including utility costs and council tax	
12. Any additional fees to be paid by the tenant are reasonable	
13. The tenant is permitted to use the property for residential purposes	
14. The tenant is only responsible for keeping the interior of the property and contents in good repair (fair wear and tear excepted)	
15. The tenant is permitted to assign the whole of the property with the landlord's consent	
16. The landlord is obliged to allow the tenant quiet enjoyment of the property without interruption	
17. The landlord can only exercise a right to enter the property after giving at least 24 hours' notice (except in emergency)	
18. The landlord is responsible for repairing the structure and exterior of the property and installations in the property for the supply of water, gas, electricity, space heating, heating water and sanitation (<i>this could be worded as an obligation to comply with section 11 of the Landlord and Tenant Act 1985</i>)	
19. The landlord insures the property	
20. The landlord is to repair any damage caused by insured risks, unless the damage was caused by the tenant	
21. The lease states that no rent will be payable for any period when the property is unfit for occupation and use due to damage by an insured risk, unless the damage was caused by the tenant	
22. The landlord can only forfeit the lease/re-enter the property if the rent is at least 14 days late, the tenant is declared bankrupt or the tenant breaches the agreement	
23. There are no other lease terms which appear unreasonable in the circumstances	

Appendix 6

Offer Letter

. One copy should be posted and another made available at Halton Borough Council office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear [Insert the applicant's name]

Re; PRIVATE RENTED SECTOR OFFER OF [Insert address]

I wrote to you on [Insert date] to confirm that Halton Borough Council has accepted that it owes you the full homelessness duty to secure suitable accommodation for you under section 193(2) of the Housing Act 1996.

The Council intends to discharge that duty by using the power introduced by section 148 of the Localism Act 2011 and arranging for a private landlord to make you an offer of an assured shorthold tenancy for a period of at least 12 months. This decision has been taken after full consideration of your circumstances so the Council is satisfied that it is appropriate to discharge its duty to you in this way.

Offer

I am now pleased to offer you accommodation at [Insert address] ("Property"). The Property comprises [Insert details eg a two bedroom terrace house].

Having considered your circumstances, legislation, statutory guidance and caselaw, I consider that the Property is suitable for you.

The Council considers that this is a suitable offer of private rented sector accommodation to you which will discharge the Council's duty to you whether you accept or refuse the offer.

Inspection

You will be given an opportunity to inspect the Property before deciding whether or not to accept this offer. The landlord has confirmed that you will be able to inspect the Property on *[Insert date and time]* **OR** You should contact the landlord, *[Insert landlord's name]*, on *[Insert landlord's telephone number]* as soon as possible to agree a suitable time for an inspection.]

Tenancy agreement

I enclose a copy of the tenancy agreement which the landlord is offering you. This is the legally binding document under which you will occupy the Property which sets out your rights and obligations and the landlord's rights and obligations. The tenancy is for a fixed period of at least 12 months.

I have reviewed the agreement and [I am satisfied that the agreement is adequate **OR** there are the following deficiencies with the agreement: *Insert the deficiencies eg there is no obligation on the landlord to repair the structure of the building*]. However, I am not legally qualified to confirm that the terms of the agreement are appropriate and I cannot provide you with any advice about the terms of the agreement. **You should read it carefully to ensure that it contains everything you want to form part of the agreement and nothing that you are not prepared to agree to. If you do not understand anything in the agreement, I strongly suggest that you ask the landlord to explain it to you before you sign and you consider consulting a solicitor or Citizens Advice.**

The landlord should also provide you with the energy performance certificate for the Property which shows the energy efficiency of the Property. If you do not receive a copy at the inspection, you should ask the landlord for this.

If you accept this offer

If you accept this offer, you will have to enter into the tenancy agreement with the landlord so that you will be entitled to occupy the Property for the duration of the agreement. The Council's duty to you will have been discharged in accordance with section 193(7AA) of the Housing Act 1996 (as amended by section 148 of the Localism Act 2011).

[Include if the application is not a restricted case which is one where the applicant would not be owed the main homelessness duty without the Council having to have regard to a restricted person. A restricted person is a person who is not eligible for assistance with homelessness, who is subject to immigration control and either who does not have leave to enter or remain in the UK or whose leave to enter or remain is subject to a condition to maintain and accommodate himself and any dependants without recourse to public funds:

If you become homeless again within 2 years of accepting this offer, you can make a further homelessness application to the Council or any other English local authority. If at the time of making that application, you are eligible for assistance and have become homeless unintentionally, you will be owed a new duty to accommodate you under section 193(2) of the Housing Act 1996, regardless of whether or not you still have a priority need in accordance with section 195A of the Housing Act 1996 (as inserted by section 149 of the Localism Act 2011). This is known as the re-application duty and only applies once within 2 years of you accepting this offer.]

If you refuse this offer

If you refuse this offer, or do not respond to it within a reasonable period, the Council's duty to you will still have been discharged in accordance with section 193(7AA) of the Housing Act 1996 (as amended by section 148 of the Localism Act 2011) and the Council will not be subject to any further duty to you under homelessness legislation, including any duty to provide temporary accommodation.

Review

In either case, you have the right to request a review of the suitability of the Property. If you would like to request a review, you must make your request within 21 days of being notified of this offer.

If you request a review, your file will be passed to a senior officer who was not involved in the original offer. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make written representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [I enclose a leaflet which contains further information

about the review process.] The following advice services may be able to assist you in relation to any review: *[Insert details]*.

[Check with the landlord and if the landlord has confirmed it will release the applicant from the tenancy if the review finds in favour of the applicant insert: Even if you think you would like to request a review, I recommend that you protect your position and ensure that you have somewhere to live by accepting this offer. If the review finds in your favour, the Council will still be under a duty to provide you with an offer of suitable accommodation. However, if you do not accept the offer and the review does not find in your favour, the Council's duty to you will have been discharged and the Property may no longer be available for you.]

Please let me know as soon as possible and in any event by no later than *[Insert a date after a reasonable period]* whether or not you would like to accept this offer. You can contact me on *[Insert telephone number and email address]*. This offer cannot be held open for very long and if you do not respond within a reasonable period, the Council will assume that you have refused the offer.

Yours sincerely

[Insert contact name]

Encs.

A copy of the tenancy agreement

[Leaflet on the review process]

Appendix 7

Acceptance Letter

One copy should be posted and another made available at Halton Borough Council office for collection by the applicant or someone on the applicant's behalf.]

[*Insert the applicant's address*]

Date:

Dear [*Insert the applicant's name*]

Re; ACCEPTANCE OF PRIVATE RENTED SECTOR OFFER

I wrote to you on [*Insert date*] to confirm a suitable private rented sector offer to you of accommodation at [*Insert address*] ("Property"). I am pleased to note that you have accepted the offer and entered into an assured shorthold tenancy agreement of the Property with a term commencement date of [*Insert term commencement date*].

The duty to secure suitable accommodation owed to you by Halton Borough Council under section 193(2) of the Housing Act 1996 has now been discharged in accordance with section 193(7AA) of the Housing Act 1996 (as amended by section 148 of the Localism Act 2011).

[Include if the application was not a restricted case which is one where the applicant would not be owed the main homelessness duty without the Council having to have regard to a restricted person. A restricted person is a person who is not eligible for assistance with homelessness, who is subject to immigration control and either who does not have leave to enter or remain in the UK or whose leave to enter or remain is subject to a condition to maintain and accommodate himself and any dependants without recourse to public funds: As explained previously, if you become homeless again within 2 years of accepting the offer, you can make a further homelessness application to the Council or any other English local authority. If at the time of making that application, you are eligible for assistance and have become homeless unintentionally, you will be owed a new duty to accommodate you under section 193(2) of the Housing Act 1996, regardless of whether or not you still have a priority need in accordance with section 195A of the Housing Act 1996 (as inserted by section 149 of the Localism Act 2011). This is known as the re-application duty and only applies once within 2 years of you accepting the offer.]

I would also like to remind you of your right to request a review of the suitability of the Property and/or the decision that the Council's duty to you has been discharged. Any request for a review must be made within 21 days of you being notified of the relevant decision. If you request a review, your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make written representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [Please refer to the enclosed leaflet for further information about the review process.] The following advice services may be able to assist you in relation to any review: *[Insert details]*.

[Include if the applicant is in temporary accommodation:

As a result of you accepting the offer and the Council's duty to you being discharged, you will be required to leave your current temporary accommodation at *[Insert address]* by no later than *[Insert date]*. [This letter formally terminates your licence of the temporary accommodation **OR** I enclose a formal notice to terminate your tenancy of the temporary accommodation **OR** I have instructed the Housing Association/landlord that manage/s your temporary accommodation to terminate your licence/tenancy by no later than *[Insert date]*.]

[Finally, I enclose the booklet "A guide for tenants within the private rented sector" which you may find useful.]

I trust the above information is of assistance, however, if you have any queries, please don't hesitate to contact me on *[Insert telephone number and email address]*.

Yours sincerely

[Insert contact name]

Encs.

[Leaflet on review process]

[Notice to terminate tenancy of the temporary accommodation]

["Guide to tenants within the private rented sector" booklet]

]

Appendix 8

Landlord's Notice

[To be typed on [HBC letter-headed paper and sent as soon as possible after the assured shorthold tenancy agreement is entered into]

[Insert the landlord's address]

Date:

Dear *[Insert the landlord's name]*

Re; NOTIFICATION OF DEPOSIT REQUIREMENTS

I am pleased to note that *[Insert the applicant's name]* has accepted the private rented sector offer of *[Insert address]* ("Property").

Following completion of the assured shorthold tenancy agreement of the Property, I am writing to remind you of your responsibilities in respect of the deposit which the tenant has paid.

You must join a tenancy deposit scheme to deal with the deposit. The tenancy deposit scheme can be either insurance based or custodial.

Within **30 days** of receiving the deposit, you must give the tenant (and any person who paid the deposit on behalf of the tenant) the following information:

1. your name and contact details (or your agent's name and contact details if you have one);
2. the amount of the deposit paid and the address of the Property;
3. the name and contact details of any third party that paid the deposit;
4. details of the type of tenancy deposit scheme you are using;
5. the name and contact details of the tenancy deposit scheme being used and its dispute resolution service;
6. an explanation of the purpose of the deposit and why you would keep some or all of it;
7. how to apply to get the deposit back at the end of the tenancy;
8. what to do if the tenant cannot contact you at the end of the tenancy; and
9. what to do if there is a dispute over the deposit.

Failure to protect the deposit has serious consequences for you. You will not be permitted to serve a valid notice under section 21 of the Housing Act 1988 to gain possession of the Property and you may be required to pay a penalty to the tenant of up to three times the amount of the deposit.

If you do not understand anything in this letter or your obligations in respect of the deposit, I strongly suggest that you consider consulting a solicitor or Citizens Advice.

Yours sincerely

[Insert contact name]

Appendix 9

Local Authority Notice

[To be typed on HBC letter-headed paper and sent within 14 days of the property becoming available to the applicant]

[Insert the address of the authority in whose area the property is situated]

Date:

Dear *[Insert the relevant contact name]*

Re; NOTIFICATION OF PLACEMENT IN YOUR AREA

Halton Borough Council has recently discharged the main homelessness duty under section 193(2) of the Housing Act 1996 in respect of the applicant named below by arranging for a private rented sector offer to be made to the applicant using the power introduced by section 148 of the Localism Act 2011. The offer was made in respect of the property detailed below which is in the area of your authority.

The applicant has accepted the offer so in accordance with section 208(2) of the Housing Act 1996, I hereby give you notice as follows:

Property address:	
Start date of applicant's occupation:	
Applicant's name:	
Applicant's date of birth:	

Applicant's family members:

Name	Relationship	Date of Birth

If you have any queries in relation to this notice, please contact me on [*Insert telephone number and email address*].

Yours sincerely

[*Insert contact name*]

Appendix 10

Re-application Duty Letter

[To be typed on HBC letter-headed paper. One copy should be posted and another made available at HDL office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear *[Insert the applicant's name]*

Re; **DECISION OF RE-APPLICATION DUTY**

I am writing to you in response to your application for assistance with homelessness made on *[Insert date]*.

I have carried out investigations and have established that:

1. you are homeless or threatened with homelessness;
2. you are eligible for assistance;
3. you are not intentionally homeless or threatened with homelessness intentionally;
4. you have, in the last 2 years, accepted an offer of private rented sector accommodation in satisfaction of the main homelessness duty which was owed to you; and
5. you have not made any other application for assistance with homelessness since accepting that offer.

In accordance with my findings, I am satisfied that you are owed the re-application duty under section 195A of the Housing Act 1996 (as inserted by section 149 of the Localism Act 2011) which means that you are owed a new duty to provide suitable accommodation under section 193(2) of the Housing Act 1996, regardless of whether or not you have a priority need.

Option 1

Halton Borough Council accepts that it owes you a legal duty to ensure that suitable accommodation is available for your occupation. I will contact you separately to explain how the Council is going to discharge this duty.

OR

Option 2

In accordance with section 198(2ZA) of the Housing Act 1996, I believe that the conditions for referral of your application to *[Insert the relevant authority's name]* are met because:

1. you have in the last 2 years accepted a private rented sector offer from *[Insert the relevant authority's name]*; and
2. I am satisfied as a result of my enquiries that neither you nor any person who might reasonably be expected to reside with you would run the risk of domestic violence or face a probability of violence in the area of *[Insert the relevant authority's name]*.

I have notified *[Insert the relevant authority's name]* of the proposed referral and will let you know as soon as a decision has been made about whether or not your application will be referred.

If your application is referred, Halton Borough Council **will not owe** you any duty to provide suitable accommodation for your occupation.

If either option is used

Please note that you have the right to request a review of the decision as to the duty owed to you [and/or the decision to refer your application]. Any request for a review must be made within 21 days of you being notified of the decision. If you request a review, your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make written representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [Please refer to the enclosed leaflet for further information about the review process.] The following advice services may be able to assist you in relation to any review: *[Insert details]*.

If you have any queries in relation to this letter, please contact me on *[Insert telephone number and email address]*.

Yours sincerely

[Insert contact name]

[Encs. Leaflet on review process]

Appendix 11

Referral Notice

[To be typed on HBC letter-headed paper and sent as soon as possible after the telephone call in which the housing officer has notified the other authority of the referral]

[Insert the address of the authority to which the referral is being made]

Date:

Dear *[Insert the relevant contact name]*

Re; NOTIFICATION OF REFERRAL

Halton Borough Council has received a homelessness application from the applicant named below. I have carried out investigations and have established that the applicant is eligible for assistance and has become homeless or threatened with homelessness unintentionally.

In accordance with section 198(2ZA) of the Housing Act 1996, I believe that the conditions for referral of the application are met because the applicant has within the last 2 years accepted a private rented sector offer from your authority under section 193(7AA) of the Housing Act 1996 (as amended by section 148 of the Localism Act 2011) and is therefore owed the re-application duty under section 195A of the Housing Act 1996 (as inserted by section 149 of the Localism Act 2011).

I hereby give you notice of the referral as follows:

Applicant's name:	
Applicant's date of birth:	
Applicant's current address:	
Date on which the applicant accepted the PRSO:	

Applicant's family members:

Name	Relationship	Date of Birth

Applicant's previous known addresses (in the last 5 years):

Address	Dates	Tenure

Applicant's present and previous employment details:

Job	Employer	Dates	Employer's contact details

I confirm that, in accordance with section 198 of the Housing Act 1996, Halton Borough Council considers that neither the applicant nor any person who might reasonably be expected to reside with the applicant would run the risk of domestic violence or face a probability of violence in the district of your authority if this referral is made.

I should be grateful if you would please contact me on [*Insert telephone number and email address*] as soon as possible to confirm whether or not you agree that the conditions for referral have been met.

Yours sincerely

[*Insert contact name*]

Appendix 12

Referral Decision Letter

[To be typed on HBC letter-headed paper. One copy should be posted as soon as possible after the referral decision is made and another made available at HDL office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear *[Insert the applicant's name]*

Re; **NOTIFICATION OF REFERRAL DECISION**

I wrote to you on *[Insert date]* to confirm that you are owed the re-application duty under section 195A of the Housing Act 1996 (as inserted by section 149 of the Localism Act 2011) and that I believed that the conditions for referral of your application under section 198(2ZA) of the Housing Act 1996 to *[Insert the relevant authority's name]* were met.

Option 1

Halton Borough Council and *[Insert the relevant authority's name]* have agreed that the conditions for referral of your application are met because:

1. you have in the last 2 years accepted a private rented sector offer from *[Insert the relevant authority's name]*; and
2. both authorities are satisfied that neither you nor any person who might reasonably be expected to reside with you would run the risk of domestic violence or face a probability of violence in the area of *[Insert the relevant authority's name]*.

[Insert the relevant authority's name] will now be taking over your application and will contact you shortly about this. The Council does not owe you any duty to provide accommodation.

[Include if the applicant is in temporary accommodation: As a result of this decision, you will be required to leave your current temporary accommodation at *[Insert address]* by no later than *[Insert the date agreed with the other authority for that authority to take over the obligation to provide temporary accommodation]*. *[This letter formally terminates your licence of the temporary accommodation* **OR** *I enclose a formal notice to terminate your tenancy of the temporary accommodation* **OR** *I have instructed the Housing Association/landlord that*

manage/s your temporary accommodation to terminate your licence/tenancy by no later than [Insert date].]

OR

Option 2

Halton Borough Council and [Insert the relevant authority's name] have agreed that the conditions for referral of your application are not met because [Insert full reasons].

The Council therefore owes you a legal duty to ensure that suitable accommodation is available for your occupation and I will contact you separately to explain how the Council is going to discharge this duty.

If either option is used

I would like to remind you that you have the right to request a review of the decision to refer your application. Your request for a review must be made within 21 days of you being notified of this decision.

If you request a review, your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make written representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [Please refer to the enclosed leaflet for further information about the review process.] The following advice services may be able to assist you in relation to any review: [Insert details].

If you have any queries in relation to this letter, please contact me on [Insert telephone number and email address].

Yours sincerely

[Insert contact name]

Encs. [Leaflet on review process]

[Notice to terminate tenancy of the temporary accommodation]

Appendix 13

Refusal Letter

[To be typed on HBC letter-headed paper. One copy should be posted and another made available at HDL office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear *[Insert the applicant's name]*

Re; REFUSAL OF PRIVATE RENTED SECTOR OFFER

I wrote to you on *[Insert date]* to confirm a private rented sector offer to you of accommodation at *[Insert address]* ("Property") using the power introduced by section 148 of the Localism Act 2011. As explained in that letter, Halton Borough Council considers that was a suitable offer of private rented sector accommodation which would discharge the Council's duty to you whether you accepted or refused the offer.

Option 1

You refused the offer of accommodation on *[Insert date]* and gave the following reasons for refusing the offer: *[Insert reasons given]*.

I have carefully considered the reasons given by you for refusing the offer, but I am satisfied that the Property and the offer remain suitable for you for the following reasons: *[Insert reasons including specific responses to the reasons raised by the applicant]*

In reaching my decision, I have considered your circumstances, legislation, statutory guidance and caselaw and I am satisfied that the facts of your case support my decision.

OR

Option 2

You have not responded to the offer within a reasonable period, despite my attempts to contact you about this on *[Insert dates and method of communication eg 1 January 2013 (with a follow-up letter) and 8 January 2013 (by telephone)]*. I am therefore going to treat you as having refused the offer.]

If either option is used

In light of the above, the duty to secure suitable accommodation owed to you by the Council under section 193(2) of the Housing Act 1996 has now been discharged in accordance with section 193(7AA) of the Housing Act 1996 (as amended by section 148 of the Localism Act 2011).

I would like to remind you of your right to request a review of the suitability of the Property and/or the decision that the Council's duty to you has been discharged. Any request for a review must be made within 21 days of you being notified of the relevant decision. If you request a review, your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make written representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [Please refer to the enclosed leaflet for further information about the review process.] The following advice services may be able to assist you in relation to any review: *[Insert details]*.

[Include if the applicant is in temporary accommodation and is being removed following discharge of the Council's duty: As a result of you refusing the offer and the Council's duty to you being discharged, you will be required to leave your current temporary accommodation at *[Insert address]* by no later than *[Insert date]*. [This letter formally terminates your licence of the temporary accommodation **OR** I enclose a formal notice to terminate your tenancy of the temporary accommodation **OR** I have instructed the Housing Association/landlord that manage/s your temporary accommodation to terminate your licence/tenancy by no later than *[Insert date]*.]

If you have any queries in relation to this letter, please contact me on *[Insert telephone number and email address]*.

Yours sincerely

[Insert contact name]

Encs.

[Leaflet on review process]

[Notice to terminate tenancy of the temporary accommodation]

Appendix 14

Review Acknowledgment Letter

[To be typed on HBC letter-headed paper. One copy should be posted as soon as possible after a review request is received and another made available at HDL office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear *[Insert the applicant's name]*

Re; ACKNOWLEDGEMENT OF REVIEW REQUEST

I wrote to you on *[Insert date]* with an offer of accommodation at *[Insert address]* ("Property") which was a private rented sector offer to discharge the main homelessness duty Halton Borough Council owes to you using the power introduced by section 148 of the Localism Act 2011.

You requested a review *[in your letter of [Insert date] **OR** during our conversation on [Insert date]]* of the *[suitability of the accommodation offered **OR** the decision to [Insert details of the relevant decision]]*.

In accordance with your request, I am now arranging for a review to be carried out. The procedure for a review is that your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. The senior officer will notify you of the review decision as soon as the review is completed. *[Please refer to the enclosed leaflet for further information about the review process.]* The following advice services may be able to assist you in relation to the review: *[Insert details]*.

Please note that you or someone acting on your behalf may make written representations in connection with the review. If you would like to do this, please let me know as soon as possible so that I can notify the senior officer. Please then provide your representations as soon as possible and in any event by no later than *[Insert a reasonable date such as four weeks]*.

[If the landlord has confirmed it will release the applicant from the tenancy if the review finds in favour of the applicant insert: As suggested in the offer letter, whilst the review is being carried out I recommend that you accept the offer to protect your position and ensure that you have somewhere to live. If the review finds in your favour, the Council will still be under a duty to provide you with an offer of suitable accommodation. However, if you do not accept the offer and the review does not find in your favour, the Council's duty will have been discharged and the Property may no longer be available for your occupation.]

If you have any queries in relation to this letter, please contact me on *[Insert telephone number and email address]*.

Yours sincerely

[Insert contact name]

Appendix 15

Review Decision Notice

[To be typed on HBC letter-headed paper. One copy should be posted within 56 days of receiving the review request and another made available at HDL office for collection by the applicant or someone on the applicant's behalf.]

[Insert the applicant's address]

Date:

Dear *[Insert the applicant's name]*

Re; NOTIFICATION OF REVIEW DECISION

I wrote to you on *[Insert date]* to acknowledge receipt of your request for a review dated *[Insert date]*. You requested a review of the [suitability of the accommodation offered **OR** the decision to *[Insert details of the relevant decision]*].

I have reviewed the file and the original decision and have considered all of the facts, your circumstances and any relevant legislation, statutory guidance and caselaw. I have also considered any information relevant to the period before the original decision (even if that information was only obtained after the original decision was made) and any new relevant information obtained since the original decision.

In carrying out my review, I have made the following conclusions in relation to the question in issue: *[Insert details of any relevant findings of fact]*.

In accordance with my findings, I have decided *[Insert the review decision]* for the following reasons: *[Explain clearly and fully the reasons for the decision]*.

[If there are to be any further actions as a result of the decision, insert full details and any relevant timescales]

*[Include if the applicant is in temporary accommodation and required to leave as a result of the decision: As a result of this decision, you will be required to leave your current temporary accommodation at *[Insert address]* by no later than *[Insert date]*. [This letter formally terminates your licence of the temporary accommodation **OR** I enclose a formal notice to terminate your tenancy of the temporary accommodation **OR** I have instructed the Housing*

Association/landlord that manage/s your temporary accommodation to terminate your licence/tenancy by no later than *[Insert date].]*

If you believe that this decision is legally incorrect, you have the right to appeal this decision to the County Court. Any appeal must be brought within 21 days of you being notified of this decision.

If you decide to make an appeal, Halton Borough Council is not obliged to provide you with accommodation during the appeal, but *[If the original property is still available and the landlord has confirmed it will release the applicant from the tenancy if the appeal is successful insert: the private rented sector offer originally made on [Insert date] is still available and so I recommend that you protect your position by accepting the offer as soon as possible. If the appeal is successful, the Council will still be under a duty to provide you with an offer of suitable accommodation. However, if you do not accept the offer and the appeal is unsuccessful, the Council's duty will have been discharged and the offer may no longer be available OR the Council may decide to provide you with interim accommodation whilst the appeal is being determined and so you should notify me as soon as possible if you decide to make an appeal.]*

The following advice services may be able to assist you in relation to any appeal you decide to make: *[Insert details].*

If you have any queries in relation to this letter, please contact me on *[Insert telephone number and email address].*

Yours sincerely

[Insert contact name]

Encs.

[Leaflet on review process]

[Notice to terminate tenancy of the temporary accommodation]