

**INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE -
20 NOVEMBER 2018**

PART I - DELEGATED

**10. PRIVATE RENTED SECTOR OFFER POLICY UPDATE
(DCES)**

1 Summary

1.1 Following the introduction of the Localism Act 2011 the Council introduced a policy regarding discharging the main homelessness duty into the private rented sector. This was previously agreed at Sustainable Environment Policy and Scrutiny Committee in September 2013 and approved by the Executive Committee in October 2013 (EX46/13).

1.2 The Homelessness Reduction Act 2017 came into force in April 2018. This has changed the duties owed by the Council so a review of the policy is necessary.

2 Details

2.1 From April 2018 additional duties were introduced by the Homelessness Reduction Act 2017, intended to enhance the prevention of homelessness. They include a requirement to provide more extensive housing advice and, where someone is actually homeless or threatened with homelessness, duties to 'prevent' or 'relieve' homelessness.

2.2 Where prevention or relief activity has failed, a decision will be made as to the extent of any advice, assistance and / or accommodation duty owed to the applicant. Where an applicant is eligible, has a priority need, is unintentionally homeless and has a local connection with Three Rivers, the 'main housing duty' to make available suitable accommodation will be owed. The main housing duty will continue until one of the events specified in the Housing Act 1996 (as amended by Homelessness Act 2002, Localism Act 2011 and Homelessness Reduction Act 2017) brings it to an end.

2.3 The Act makes provision to use private rented sector accommodation as one way in which to discharge the prevention, relief and main housing duties. Accommodation must be suitable in all cases where the Council has secured it or helped to secure it and, in certain circumstances, must meet additional suitability requirements set out in the Homelessness (Suitability of Accommodation) (England) Order 2012.

2.4 The Private Rented Sector Offer Policy sets out when the Council will make a private rented offer to a homeless applicant.

2.5 When such an offer is made the policy also describes what factors the Council will take into account when assessing its suitability and what steps an applicant can take if they do not agree with the Council's decision.

3 Options and Reasons for Recommendations

3.1 It is recommended the Committee agree the updated policy to ensure Council compliance with relevant legislation.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets.
- 4.2 The recommendations in this report relate to the achievement of the following performance indicators.
- 4.2.1 HN06 - Promote access to private sector lettings through Rent Deposit Guarantee Scheme (RDGS)

5 Financial, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website

5.1 None specific.

6 Legal Implications

- 6.1 It is recommended the Committee agree the updated policy to ensure Council compliance with relevant legislation.
- 6.2 Officers from the Council's legal department have reviewed the policy and confirmed their agreement with its content.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes / No
Did the relevance test conclude a full impact assessment was required?	Yes / No

7.2 The relevance test showed that a full impact assessment was not required as sufficient provision is made within the policy to address relevant points.

8 Risk Management and Health & Safety Implications

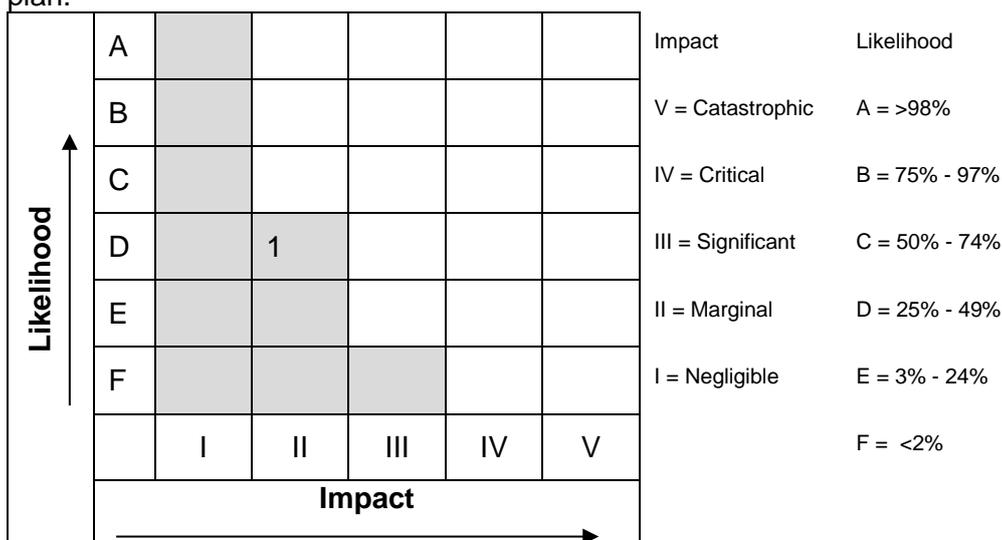
- 8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 8.2 Any risks resulting from this report will be included in the risk register and, if necessary, managed within the Housing Services service plan.
- 8.3 There are no risks to the Council in agreeing the recommendation.
- 8.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk	Impact	Likelihood
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1	Inability of the Council to offer private rented sector offers to homeless applicants in accordance with relevant legislation	II	D
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8.5 Of the risks detailed above none is already managed within a service plan.

8.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



8.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

9 Recommendation

9.1 That Committee agree the updated policy to ensure Council compliance with relevant legislation.

Report prepared by: Kimberley Grout, Head of Housing Services

Data Quality

Data sources: relevant legislation

Data checked by: Kimberley Grout, Head of Housing Services

Data rating:

1	Poor	
2	Sufficient	X
3	High	

Background Papers - none

APPENDICES / ATTACHMENTS
Appendix One – Private Rented Sector Offer Policy