



**Cabinet  
27 July 2015**

**Report from the Strategic Director of  
Regeneration and Growth**

Wards affected:  
ALL

**Housing Supply and Demand – Homelessness, Allocations,  
and Social Lettings**

**1. Summary**

- 1.1 This report provides an analysis of housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards. A number of recommendations are made in order to manage these challenges.
- 1.2 The report recommends that the allocation of 80% of social housing lettings to homeless households is continued in 2015/16 and seeks approval of a revised placement policy for homeless households.
- 1.3 The report also seeks approval for BHP to establish a lettings agency to assist the council in securing access to private rented properties to discharge its duties to homeless households and authority to award a contract to BHP for the continued management of the BDL temporary accommodation provision.

**2 Recommendations**

That Cabinet:

- 2.1 Note the analysis of affordable housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards.

- 2.2 Agree the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) as set out in Appendix D to this report.
- 2.3 Agree that Brent Housing Partnership set up an ethical lettings agency as set out in paragraphs 4.23 to 4.26 of this report.
- 2.4 Agree that the Council award the contract to Brent Housing Partnership to continue to operate The Brent Direct Leasing Scheme (BDL) subject to consent being provided by the Secretary of State under section 27 of the Housing Act 1985
- 2.5 To approve an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value contracts, to allow the award of the contract referred to in Recommendation 2.4 above to Brent Housing Partnership for the good financial / operational reasons set out in paragraphs 5.20 and 5.25 of the report.
- 2.6 Agree the target proportion of social lettings for 2015-16 for homeless, housing register and transfer applicants as set out in paragraph 6.12 in the main body of this report.

### **3 Introduction**

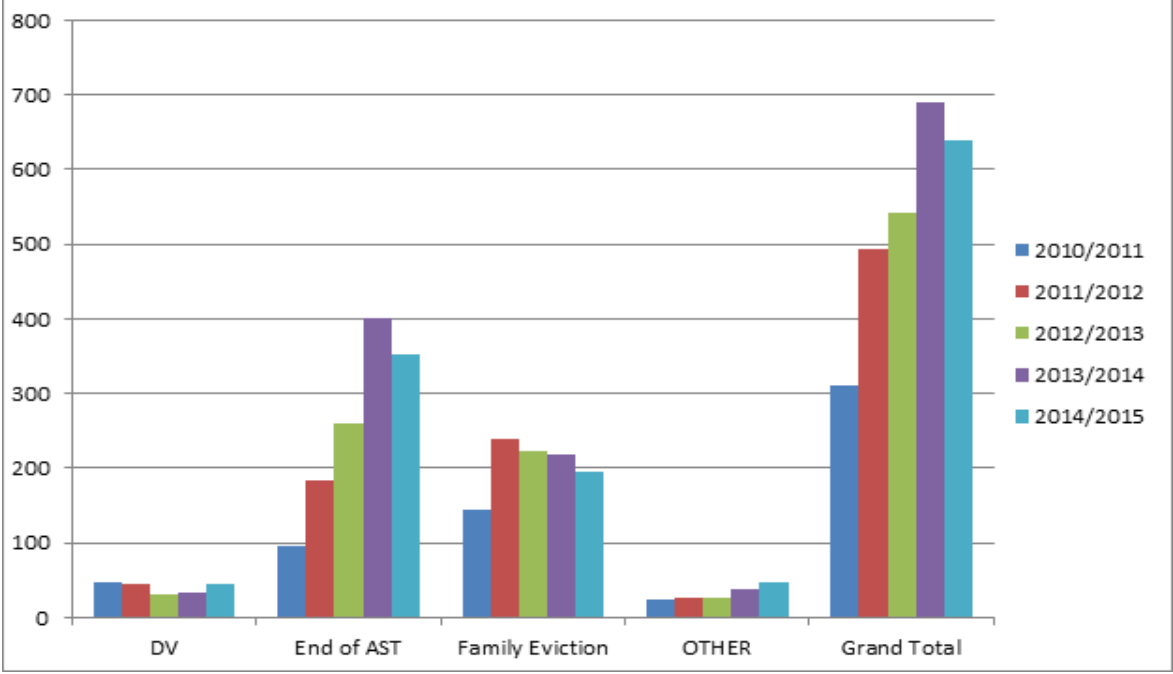
- 3.1 The body of this report is divided into the following sections:
  - 1. Homelessness
  - 2. Temporary Accommodation
  - 3. Social Lettings

### **4 Homelessness**

- 4.1 The shortage of supply of both social housing and affordable private rented accommodation in Brent continues to lead to high demand on the Housing Needs Service. Homelessness demand is being driven by a lack of access to affordable housing. The supply of this accommodation in the private rented sector has been significantly impacted in Brent by Welfare Reform, specifically the changes to the Local Housing Allowance (LHA) and the introduction of the Overall Benefit Cap (OBC). The reduction in the Overall Benefit Cap is likely to worsen the position and the nature and extent of further welfare reforms is not known at the time of this report.
- 4.2 The effect of the OBC and the LHA caps in Brent led to a 300% increase in the number of households who were accepted as homeless due to being evicted from the private rented sector, increasing from just under 100 households in 2010/11 to 400 households in 2013/14. This figure has decreased in 2014/15 to 353, however it still accounts for 55% of all homelessness acceptances in Brent.

4.3 The other main reasons for homelessness in Brent during 2014/15 were Family Evictions (30%) and Domestic Violence (7%). The “Other” reasons for homelessness (8%) are a combination of properties being unreasonable to continue to occupy, non violent breakdown in relationship, and other evictions.

Figure 1 – Reason for Homelessness of Accepted Applications by Financial Year.



4.4 When a household approaches the council in housing need, the Housing Options team will try to prevent homelessness. As 85% of all homelessness acceptances are due to either an eviction from the private rented sector or a family eviction, this is usually achieved through negotiation with either the landlord or the parent/family member who is evicting the household. However as the majority of evictions from the private rented sector have been due to affordability issues, driven by the LHA and OBC caps, it is often not possible for the Housing Options team to prevent the homelessness as the Council are unable to make up the shortfall between the LHA rate and the market rate.

4.5 The Housing Options Team provide advice and assistance to all households who approach in housing need. Financial assistance may be provided to statutory homeless households to assist them to secure accommodation in the private rented sector, before they become actually “roofless”.

4.6 Due to the gap between the LHA rate and the market rate for private sector accommodation in Brent (see figure 2 below), the majority of households are not able to find affordable accommodation in Brent before they are “roofless”. Households are made aware of the shortage of affordable accommodation that is available in Brent, and are given advice about looking in cheaper areas, where affordable accommodation is more readily

available. However, because their support networks and connections are predominately in Brent most households do not pursue this option.

Figure 1 – LHA rates and Private Rented Sector market rates in Brent.

Brent (South)	1 Bed	2 Bed	3 Bed	4 Bed
LHA Rate (per week)	£258	£299	£351	£413
Market Rate (per week)	£315	£395	£575	£850

- 4.7 The Housing Options team makes a formal assessment against a number of criteria as prescribed in homelessness legislation. If it is not possible to prevent homelessness, and the household has met the legislative criteria, there is a statutory duty to rehouse a homeless household.
- 4.8 This duty to provide accommodation for accepted homeless households may be discharged by the council providing a property in the private rented sector for all households who were accepted as homeless on or after 9 November 2012. .
- 4.9 Duties owed to homeless households who were accepted as homeless before that date are discharged by providing social housing. However due to the lack of supply of social housing, these households are accommodated in Temporary Accommodation (TA), often for a period of many years, while they wait for an allocation of social housing.
- 4.9 When an offer of Temporary Accommodation is made, or when the homelessness duty is met by making an offer of accommodation in the private rented sector, the Council seeks to accommodate households in Brent and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However in recent years, due to the acute shortage of affordable housing locally, and rising rental costs, an increasing number of households have been placed outside the borough.
- 4.10 The Council has a policy for the placement of households in temporary accommodation that details how households will be prioritised for housing in Brent, and outside of London. This policy has recently been updated for the Cabinet’s approval to include the placement of households in the private rented sector, and to take account of the directions provided by the Supreme Court in the *Nzolameso v Westminster CC* case, where Westminster placed a homeless family in Temporary Accommodation outside of London.
- 4.11 The Supreme Court has held that where local housing authorities offer accommodation outside of their own district in discharge of their duties

under homelessness legislation, they must explain, ideally by reference to published policies, the choices that have been made.

4.12 The revised placement policy states that accommodation offered outside of London will only be used to discharge housing duties when suitable, affordable accommodation is not available locally. Priority for in-borough accommodation, whether temporary accommodation or affordable accommodation for discharge of housing duties will be given to certain households whose circumstances indicate that they would best be housed locally. These include:

- Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Brent.
- Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well being.
- Households with children registered on the Child Protection register in Brent, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare.
- Households containing a child with special educational needs who is receiving education or educational support in Brent, where change would be detrimental to their well-being.
- Applicants who have a longstanding arrangement to provide care and support to another family member in Brent who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- Any other special circumstance will also be taken into account

Priority for placements in Greater London will be given to:

- Applicants who have been continuously employed in Greater London for a period of six months, and for 24 hours or more per week. Women who are on maternity leave from employment and meet the above criteria would also be prioritised for placements in Greater London.
- Applicants who have as part of their household, a child or children who are enrolled in public examination courses in Brent, with exams to be taken within the next six months. Wherever practicable we will seek to place such households within 60 minutes travelling distance of their school or college.

- Wherever practicable, any applicant who works for more than 24 hours per week and has been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.

4.13 It is recommended that Cabinet agree the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) which is attached at Appendix D to this report.

#### **Homelessness Challenges for 2015/16**

4.14 Although there was a 6% decrease in the number of households that the council accepted a duty to accommodate last year, the demand for affordable housing still outstrips the supply of accommodation that is available. The unsatisfactory nature of some of the temporary accommodation provided, particularly the emergency bed and breakfast accommodation, and the associated high costs of this form of accommodation mean that it is not a sustainable model of meeting homelessness demand.

4.15 There are two key areas of focus for 2015/16 to reduce both the volume and cost of the temporary accommodation portfolio:

#### **Increasing access to affordable accommodation in the Private Rented Sector**

The housing needs team secure accommodation in the private rented sector to offer to homeless households to prevent homelessness before a statutory duty is accepted, or to discharge that duty.

4.16 Due to the over heated market in London, it has not been possible to procure the volume of affordable accommodation in Brent that is required to meet the demand from homeless households both to prevent homelessness and discharge the homeless duty. The housing needs team are actively procuring the most suitable and affordable private rented accommodation available, but this is most likely to be outside of the borough and to a significant extent outside of London.

4.17 If a sufficient supply of private sector accommodation is not available to meet demand, the council will not be able to prevent homelessness nor discharge its homelessness duties. This will mean that the statutory duty to provide accommodation will have to be met by providing expensive bed and breakfast and other forms of temporary accommodation that may also be outside of the borough due to the lack of supply of this form of accommodation.

## **Self Service Project**

- 4.18 Households approaching the Council for assistance are most likely to have come from the private rented sector, and are very likely to receive an offer of private rented accommodation as the resolution to their homelessness. As the council is unable to procure the volume of affordable accommodation that is required to meet the demand from homeless households a new project has begun to develop a new service model to help households take responsibility by providing a self-serve approach to enable them to find their own property in the private rented sector, with support and financial assistance, rather than waiting to receive an offer of accommodation from the Council.
- 4.19 Utilising the window of time before the household loses their current accommodation, the project team will engage with households to provide assistance about their options that will be tailored to their individual needs. This ongoing support will be provided to the household while they are still residing in the accommodation that they are being evicted from. Lessons learnt from the Welfare Reform Mitigation Team's work with households affected by the Overall Benefit Cap will be used to assist households to look for their next accommodation before the eviction date.
- 4.20 The benefits of the household finding their own accommodation before they become actually homeless is that the household will avoid having to be placed in emergency bed and breakfast accommodation and be able to move to a sustainable tenancy in the private rented sector, that they have chosen for themselves.
- 4.21 This approach will also lead to a reduction in the rate of refusals of accommodation offered, as the household will have selected the property for themselves. If they are unsuccessful in finding accommodation in Brent, they will be given advice and assistance about areas outside of Brent where affordable accommodation is more readily available. This approach will empower the household to choose the location of the alternative property, rather than the council making the offer in an area where the household has had no choice.
- 4.22 If the household is not successful at finding their own accommodation, and the Council accepts the full homelessness duty to rehouse, this duty will be met by providing a private rented sector property, whether temporary or a discharge of the housing duty, before the household loses their current accommodation and therefore avoid a move into emergency bed and breakfast accommodation.

## **Brent Housing Partnership (BHP) Ethical Lettings Agency**

- 4.23 To help increase access to the limited supply of affordable private sector accommodation that is available in Brent, it is proposed that BHP set up and operate a lettings agency to secure affordable rented accommodation

which will be offered to the Housing Needs service to nominate a homeless household. This will not involve BHP or the Council having to set up a separate company.

- 4.24 The term 'ethical' is used because the lettings agency main focus will be on securing properties from private landlords for tenants who are homeless or threatened with homelessness, and who have been nominated by the Housing Needs Team. Additionally BHP staff will assist the tenants with financial advice and offer support where possible with training and employment opportunities from their social value programme to help sustain tenancies. As mentioned, whilst the main focus will be on securing properties from private landlords for tenants nominated by the Council's Housing Needs Team, BHP lettings will also manage accommodation which is let to private tenants. The reasons for this is that it spreads risk, increases income and could allow the landlord in time to accept nominated tenants from Brent.
- 4.25 Due to the overheated market conditions, BHP Lettings offer needs to be attractive to landlords to secure their properties. The Housing Needs currently makes incentive payments to a number of private lettings agencies and landlords to secure access to affordable private rented accommodation, and this approach will be taken in respect of BHP's lettings agency. It is intended that the council will pay financial incentives to BHP of a maximum of £5,200 per new property secured to assist them in securing access to private landlords properties for homeless households. This level of incentive payment will be reviewed on a monthly basis at the pre agreed monthly monitoring meetings between the Council and BHP. The financial incentives will not in themselves bridge the gap between LHA levels and open market levels. The amount of the incentive payments, both generally and in respect of the arrangement with BHP, will be set by the council and will be periodically reviewed to reflect changing market circumstances.
- 4.26 Additional benefits will also be offered to attract landlords to use BHP Lettings. As not all Landlords want the same range of services BHP Lettings will offer a selection of services that is tailored to individual landlords needs. . This will typically include acting as the managing agent for the property and may additionally include providing a guarantee of the rent payments to the landlord and could extend to the provision of repairs and related services. The intention is that BHP will tailor their service offering to meet the individual needs of each landlord. This service offering could include such benefits as undertaking repairs, rent guarantee, reduced management fee compared to high street lettings agents, free inventory, cleaning service, and British Gas 5 star homecare agreement provision. However, whilst the benefits could prove attractive, BHP intend to ensure they offer a first class management service to landlords which then becomes the main attraction to using the service than financial incentives
- 4.27 The increased supply of affordable accommodation that is generated by BHP Lettings will complement the Self-service project to enable more



homeless households to move to alternative private sector accommodation in Brent and avoid having to be placed into temporary accommodation.

- 4.28 It is recommended that Cabinet agree that BHP set up and operate an ethical lettings agency to help meet housing demand from homeless households.

## **5 Temporary Accommodation**

- 5.1 At the end of March 2015 there were a total of 3,161 households living in temporary accommodation, (TA) a 5% decrease during 2014/15 (180 households). While representing progress Brent Council still has the largest number of households in temporary accommodation in England and Wales.
- 5.2 Temporary accommodation is used by the council to accommodate households who have been accepted under homelessness legislation until either social housing or private sector accommodation can be secured to discharge homelessness duties.
- 5.3 Often the initial form of temporary accommodation that is provided is emergency bed and breakfast accommodation (1<sup>st</sup> stage TA) where a household will remain while the council assesses their statutory homeless application. If a homelessness duty is accepted the household will either be offered private rented accommodation to end the duty, or be accommodated in temporary accommodation leased through a housing association, or managing agent (2<sup>nd</sup> stage TA) pending the offer of private rented or social housing accommodation as appropriate.

### **Temporary Accommodation Challenges for 2015/16**

- 5.4 Although the council is able to meet the main homelessness duty for newly accepted households by making an offer of suitable accommodation in the private rented sector, there will always be cohort of households who are unable to move into the private rented sector due to social, welfare or employment issues and will therefore require Temporary Accommodation while they wait for an allocation of social housing.
- 5.5 There is also a backlog of historic cases, where the homelessness duty was accepted before the 9 November 2012, and therefore cannot be made an offer of private sector accommodation to end the duty, without their explicit consent to do so. The number of households in this category is 2,100.
- 5.6 Therefore the council needs to sustain a supply of temporary accommodation to meet the housing needs of these households. The current portfolio of temporary accommodation needs to be reduced and reconfigured to improve the quality of the units and to reduce the cost. This needs to be achieved for both 1<sup>st</sup> Stage and 2<sup>nd</sup> Stage temporary accommodation.

## **Temporary Accommodation Reform Project**

- 5.7 A number of initiatives have been identified that will achieve this reduction in cost and improvement in the quality of the Temporary Accommodation portfolio.

### 1<sup>st</sup> Stage Temporary Accommodation

- 5.8 This type of temporary accommodation should only be used during the assessment period of a homelessness application, to accommodate a homeless household while the Housing Options team determine what statutory rehousing duties may be owed by the council.
- 5.9 Once a decision on the case has been made the household should move out of this accommodation, either because no duty to rehouse was accepted, or to move onto more suitable 2<sup>nd</sup> Stage Temporary Accommodation or the private rented sector to end the duty. However the lack of move-on accommodation in both Temporary Accommodation schemes and the private rented sector has led to a silting up of accepted homeless households who are still living in 1<sup>st</sup> Stage TA.

### Permanent Homelessness Hostel

- 5.10 In April 2013 the Council's Executive approved the conversion of a former residential care home at Knowles House, Harlesden to 1<sup>st</sup> Stage Temporary Accommodation for homeless households, for a period of two years with the option to extend for a further two years. The scheme provides 42 units which is not enough to meet the demand from homeless households. This has resulted in the majority of 1st Stage Temporary Accommodation being provided by the use of emergency bed and breakfast accommodation, which is both inferior in quality and expensive.
- 5.11 The Housing Needs service is therefore working with colleagues in Property and Planning to examine the feasibility of redeveloping Knowles House as a permanent resource to increase the capacity to meet the demand for 1<sup>st</sup> Stage Temporary Accommodation. If the Knowles House site cannot be secured for this purpose, an alternative site will be identified.

### Modular Housing

- 5.12 A Temporary Modular Housing Scheme is being developed for use as 1<sup>st</sup> Stage Temporary Accommodation. A potential site for this scheme has been identified at the Dennis Jackson Centre, which was decommissioned in 2011.
- 5.13 The scheme will provide approximately 20 - 30 units of two bedroom 1<sup>st</sup> Stage TA. The scheme will be designed to allow for conjoined units to be opened out into one large single unit. This will enable the scheme to house

larger households, who are the most expensive to accommodate in emergency bed & breakfast accommodation

- 5.14 It is planned that the combination of the initiatives to increase the supply of private sector accommodation to meet demand from homeless households and securing a permanent homelessness hostel and modular housing with enough capacity to meet the demand for 1<sup>st</sup> Stage Temporary Accommodation will result in the Housing Needs service no longer having to use emergency bed and breakfast accommodation.

#### 2<sup>nd</sup> Stage Temporary Accommodation

##### Housing Association Leased Scheme (HALS)

- 5.15 The majority of 2nd Stage Temporary Accommodation is provided by accommodation leased from the private sector by Housing Associations. This is good quality, well managed stock and is a comparatively cheap form of temporary accommodation to provide. The scheme was retendered in February 2015, however the volume of units provided through this scheme has been steadily declining due to a combination of the Housing Associations not being able to attract new landlords and current landlords not renewing the lease, due to market conditions in the private sector. The Housing Needs service are therefore developing other models for the provision of 2nd Stage Temporary Accommodation

##### Dynamic Purchasing System (DPS)

- 5.16 In June 2015, Cabinet approved the appointment of the contractors onto the Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation.
- 5.17 The DPS will procure affordable, cost effective and good quality 2<sup>nd</sup> Stage Temporary Accommodation, both within and outside the M25, and has the flexibility of adding new suppliers throughout its period of operation. This potentially increases the supply base for the provision of the service.

##### 5.18 Brent Direct Leasing Scheme

The Brent Direct Leasing Scheme (BDL) is used to provide 2nd Stage Temporary Accommodation for homeless families. As with the HALS scheme the volume of units has been steadily decreasing due to the private sector market conditions. However there are still currently 165 BDL units in use. Furthermore, BHP also manage 105 properties at South Kilburn under BDL arrangements which are part of the regeneration programme and awaiting demolition

- 5.19 The existing contract, which involves the delegation of the Council's housing management functions in respect of the provision of temporary accommodation, was awarded to Brent Housing Partnership on the 1st September 2010 for 2 years with provision to extend for a further 1 year.

The contract was duly extended until the 1st September 2013 and therefore needs to be renewed.

- 5.20 The provision of the service by BHP has been advantageous in that it has enabled close and effective working between the housing needs service and BHP and allowed for flexibility as the portfolio of available properties has changed in optimising their use. To maintain these benefits and to enable continuity it is recommended that the Council awards a contract for the provision of housing management for temporary accommodation for homeless families to Brent Housing Partnership without undertaking an EU procurement exercise. This is allowed under the Public Procurement Regulations 2015 under the in-house exemption as BHP is a wholly owned subsidiary of the Council, in which there is no direct outside capital invested. Also more than 80% of BHP's activities are carried out in the performance of tasks for the Council. However, this is subject to the Secretary of State giving permission for the Council to delegate its housing management functions in this manner pursuant to section 27 of the Housing Act 1985 and in practice, the consent application will be considered by the Homes and Communities Agency on behalf of the Secretary of State.
- 5.21 The proposed duration of the contract with BHP is to be to 1 April 2020, with the option for either party to terminate the contract giving no less than six months notice.
- 5.22 The past management fee charged by BHP for the service has been reviewed in light of tendered prices for other temporary accommodation management services. In Spring 2014, the London Council's Director's Group and Director's Nightly Rates Sub-Group commissioned a study on Leasing Schemes and Incentives. It was found that the average weekly management fee for Councils in North and West London was £40 per week. Appendix E. Based on the management of 165 units, the proposed management fee of £30 per week provides value for money when compared to similar leasing schemes in North and West London.
- 5.23 BHP proposes to move responsibility of the management and operation of the merge the current resources used to operate the BDL scheme into the new, with the BHP Lettings Agency. This will offer a degree of flexibility to prospective landlords who would have a choice of either a temporary accommodation or a private sector scheme. The scheme also generates a small profit that would be used to cross-subsidise the lettings agency.
- 5.24 A further benefit of using BHP to operate the BDL scheme is that there is a seamless management operation at South Kilburn (and possibly new areas in the future) between preparing the voids for occupation and managing the units. For example, when buildings are vacated as part of the regeneration programme, BHP Voids Team decommission, secure the buildings, and prepare the voids for letting. Having this operation under one roof makes the process more efficient.

- 5.25 It is recommended that Cabinet agree to award the BDL contract to BHP for the reasons set out in the previous paragraphs.

## **6 Social Lettings**

- 6.1 All social housing in Brent is allocated through the Housing Register, which is a register of housing need in the borough. Because the demand for housing exceeds supply the Housing Register is a record of demand, broken down into priority bands as defined within the Housing Allocations Scheme to prioritise those households that are in greatest need and have been waiting the longest for an allocation of Housing.

- 6.2 The Housing Allocations Scheme covers:

- Allocation of local authority housing to new tenants
- Transfers requested by local authority tenants
- Allocation of local authority housing to current tenants of Registered Providers
- Nominations that the Council makes to Registered Providers

Demand from homeless households, council tenants seeking a transfer and applicants on the Housing Register are mapped against expected future trends and supply levels

- 6.3 There are currently 4,358 households in the Priority bands A to C, which provides one indicator of unmet need. Including households in band D would give a level of unmet demand for social housing within the Borough of 16,566 households.

### **Housing Register and Transfers Demand**

- 6.4 Of the 4,358 households in 'active' bands on Brent's housing Register, 20% are in Bands A or B and 80% are in Band C. Homeless households in Bands A to C make up 80% of the register. A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix A.

- 6.5 In 2015/16 there will be a projected 589 lettings into social housing tenancies (Council and housing association) which will meet around 14% of the current total demand from Bands A to C.

### **2014/15 social lettings**

- 6.6 At the beginning of each financial year, Cabinet are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance for 2014/15 against original projections.

Table 6 – Lettings Variance from Targets – 2014/15

		Targets 2014/15	Actuals 2014/15	% Variance	%age of lettings
Target Group	Homeless	520	368	-29	67
	Register	65	125	+92	23
	Transfer	87	54	-17	10
	Total	673	549	-18	100

- 6.7 There was an overall shortfall of 18% in the number of lettings that were achieved compared to the forecast for 2014/15. This was in part due to the low number of transfers of existing council tenants – as these moves in turn generate another vacancy. The original forecast of Housing Association units that would be available for letting during 2014/15 was 360, however the actual number of units that were available was 331 (an 8% reduction). The reason for the decrease in the number of Housing Association units that were available was due to some slippage in the delivery of new build units, and these units will now be available in 2015/16.
- 6.8 Lettings to Brent Housing Partnership units during 2014/15 were 218 against a forecast of 313 (a 30% reduction). This in part reflects the low level of transfers but also results from the trend of reduction in void and re-let rates that has been seen in recent years, which reflects the lack of options available to tenants who wish to move on from social housing.
- 6.9 There was a target of 80% of lettings to homeless households in 2014/15. In practice 66% of lettings were made to this group. This was in part due to the fact that the increase in the target from 60% to 80% was only agreed and applied from September 2014. A detailed breakdown of lettings made in 2014/15, with a breakdown of beds needed and demand groups are provided in Appendix B.

### **Lettings Projections 2015/16**

- 6.10 The majority of the 589 lettings of social housing expected to be made during 2015/16 will become available through re-lets within existing social housing stock, including those arising from the transfer of existing tenants. However the Council expects a total of 153 additional properties to be delivered through the new build programme. Furthermore due to slippage from last year, another 77 properties will be delivered this financial year that had originally been forecast to be delivered in 2014/15, so the total of new build units for this year is 230. A level of contingency has been assumed to allow for slippage of delivery into 2016/17. Appendix A provides a table of anticipated supply. Table 7 summarises the distribution of these lettings by property size.

Table 7 – Brent and Housing Association Projected Lettings - 2015/16

	1 bed	2 bed	3 bed	4 bed +	Total
Brent	101	74	25	18	218
RSL	105	145	85	36	371
Total	206	219	110	54	589

### Priority Groups

6.11 The Allocations scheme will continue to give specific priority to certain key groups.

### 6.12 Homeless Households

It is recommended to maintain the number of lettings that are targeted for homeless households at 80%. This percentage is the same as last year and is equal to the percentage of those on the housing register who are homeless. This target is also necessary to help mitigate the impact of the Overall Benefit Cap on the households currently living in temporary accommodation that is no longer affordable and to reduce the number of households in temporary accommodation generally (Table 8). The anticipated overall distribution of lets to different groups for different bed-sizes is shown in the table below.

Table 8 – Anticipated distribution of lets by property size to demand groups

	1 bed	2 bed	3 bed	4bed+	Total	%
Housing Register - Homeless	164	175	89	43	471	80
Housing Register - Other	10	11	7	2	30	5
Transfers	32	33	14	9	89	15
Total	206	219	110	54	589	100

## **7 Financial Implications**

- 7.1 The total agreed Temporary Accommodation budget for 2015/16 is £2.4m, and this includes a reduction of £1.3m when compared to the 2014/15 budget to reflect the management of cost pressures and service demands.
- 7.2 Based on current forecasts, officers are reporting an overspend against the Temporary Accommodation budget of £652k for this financial year, as a result of the pressures outlined in this report. However, this will continue to be monitored during the year with a view to reducing the projected overspend.
- 7.3 There are several initiatives that are being explored to bring the budget back in line. Some of these have already commenced while others will be progressed during the year to ensure a successful outcome.
- 7.4 The business case for the Self Service Project referred to in paragraphs 4.18 to 4.22 highlights a potential savings target of £628k on the TA budget in 2015-16. Once the Project is up and running, the exact savings from this Project will be determined and will assist in reducing the current projected overspend mentioned above.
- 7.5 Paragraph 4.3 of the report proposes to set up an ethical letting agency. This proposal will assist in securing increased affordable properties from private landlords which the Council will use to nominate tenants from the housing waiting list.  
This will enable more homeless households to move to more cost effective private sector accommodation rather than expensive bed and breakfast and other forms of costly temporary accommodation. This initiative will assist in reducing the financial pressure on the Temporary accommodation budget.
- 7.6 The placement policy for Temporary accommodation and Private rented Accommodation will result in some homeless households being accommodated out of borough compared to in borough accommodation. The average cost for out of borough placements is cheaper than in borough and may result to additional savings to assist in reducing the pressure on the temporary accommodation budget.
- 7.7 The award of the contract to BHP to continue to operate the Brent Direct Leasing Scheme (BDL) equates to a savings of approximately £85K in 2015-16 for the management of 165 units. As mentioned in paragraph 5.22 of the report, the proposed management fee of £30 per week agreed with BHP in comparison to an average management fee of £40 per week for Councils in North and West London provides value for money. This is a potential savings of £10 per week per property managed by BHP.
- 7.8 The recommendation in paragraph 6.12 to maintain the number of lettings that are targeted to homeless households equates to about 470 lettings in



2015-16 compared to actual lettings of 368 units in 2014-15. If this target is achieved, this is approximately additional 100 lettings compared to the previous year with a potential savings of approximately £150k if these households remained in TA and could potentially be more if those households are housed in expensive hotel accommodation.

- 7.9 It is important to emphasise that there continues to be significant risks attached to the Council's ability to control demand led pressures relating to this particular service whilst ensuring that statutory duties are met.

## **8 Legal Implications**

### *Housing Register / Allocations Scheme*

- 8.1 The primary legislation that governs the allocation of new tenancies is set out in Part VI of the Housing Act 1996 ("the 1996 Act"), as amended by the Homelessness Act 2002 "the 2002 Act") and the Localism Act 2011. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 166A of the 1996 Act as amended by the Localism Act 2011 and includes homeless households and persons living in overcrowded conditions and persons who need to move on medical or welfare grounds), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act must be made in accordance with the Council's own allocation policy (cf. section 166A (14) of the 1996 Act). Allocation of temporary accommodation pursuant to the Council's homelessness duties under Part VII of the Housing Act 1996 is not governed by Part VI of the 1996 Act.
- 8.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.

### *Homelessness legislation and case law*

- 8.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.

- 8.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) following the changes made by the Localism Act 2011, if the homeless person accepts an offer of private rented accommodation where there is a fixed term of at least 12 months.
- 8.5 The Localism Act 2011 has enabled Local Authorities to fully discharge the full housing duty to homeless applicants by making a Private Rented Sector Offer (PRSO) (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.
- 8.6 The Homelessness (Suitability of Accommodation)(England) Order 2012 sets out what matters are to be taken into account in determining whether accommodation is suitable for a person and also sets out circumstances where accommodation, which is being provided to an applicant for the purpose of a private rented sector offer under section 193(7F) of the 1996 Act, is not to be regarded as suitable.
- 8.7 In the recent judgment in the Supreme Court case of *Nzolemeso v Westminster City Council*, Lady Hale gives guidance to local authorities when making decisions to house homeless families outside their own area which is as follows: “Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away.” Consequently The Council has revised its placement policy for the provision of temporary accommodation and private rented sector accommodation and this is set out in Appendix D to this report.
- 8.8 Another impact of the judgment in the case of *Nzolemeso v Westminster City Council* is that the exercise of the Council’s housing and homelessness functions under the Housing Act 1996 Act, which includes providing

temporary accommodation to homeless families within and outside the borough, is subject to section 11(2) of the Children Act 2004, which requires the Council to have regard to the need to safeguard and promote the welfare of children.

### Brent Direct Leasing Scheme

- 8.9 As set out in paragraph 5.20 above, with regard to the delegation of housing management functions in managing temporary accommodation of behalf of the Council, consent from the Secretary of State for Department of Communities and Local Government is required under section 27 of the Housing Act 1985 before the Council enters into the Brent Direct Leasing contract with BHP.
- 8.10 Where offers of temporary accommodation are made to homeless applicants where the Council is the landlord, the applicants are granted non-secure tenancies under paragraph 4 of Schedule 1 of the Housing Act 1985 where the provision of the accommodation is done pursuant to the Council's homelessness functions under Part VII of the Housing Act 1996.
- 8.11 Recommendation 2.4 seeks authority to award a contract to operate the BDL Scheme to BHP. The estimated value of the contract is over the threshold contained in the Public Contracts Regulations 2015 ("PCR 2015") for services contracts of £172,514. As such the contract would ordinarily need to be procured. However, Regulation 12 of the PCR 2015 contains an exemption to the requirement to procure where:

#### Regulation 12 (1)

- (a) the contracting authority exercises over the legal person concerned a control which is similar to that which it exercises over its own departments;
- (b) more than 80% of the activities of the controlled legal person are carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other legal persons controlled by that contracting authority; and
- (c) there is no direct private capital participation in the controlled legal person with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person."

For the purposes of the BDL contract and as detailed in paragraph 5.20, it is considered that BHP meets the requirements of Regulation 12 (1) (a) – (c) and therefore there is no breach of PCR 2015 in awarding such contract directly to BHP.

- 8.12 In addition to the requirements of the PCR 2015 and as detailed in Recommendation 2.5, an exemption from Contract Standing Orders is

sought relating to the usual requirement to tender a contract and instead to award a contract directly to BHP for BDL services. Such an exemption can only be granted pursuant to Contract Standing Order 84(a) where there are good financial / operational reasons for doing so. Members are referred to paragraphs 5.20 and 5.25 and will note the good financial / operational reasons advanced.

### Brent Housing Partnership - Lettings Agency

- 8.13 The general power of competence under section 1 of the Localism Act 2011 gives local authorities a broad range of powers "to do anything that individuals generally may do" subject to limits within other legislation and there are no adverse limits on the proposed scheme under the current legislation. Section 93 of the Local Government Act 2003 gives the power for local authorities and their subsidiaries to charge individuals for services but not to make a profit. As BHP is providing the service, there are no procurement issues that arise for the Council. The decision for BHP to set up and operate a lettings agency requires the approval of the Council's Cabinet
- 8.14 Furthermore, the Council has powers under section 24(1) of the Local Government Act 1988 to provide any person with financial assistance for the purposes of, or in connection with, the acquisition, construction, conversion, rehabilitation, improvement, maintenance or management (whether by that person or by another) of any property which is or is intended to be privately let as housing accommodation. Although this power is subject to consent from the Secretary of State for the purposes of section 25 of the Local Government Act 1988, in 2010 the Secretary issued a general consent under section 25 and that general consent allows, amongst other things, a local authority to provide any person with any financial assistance (other than the disposal of an interest in land or property) : (a) for the purposes of or in connection with the matters mentioned in section 24(1) of the 1988 Act;

## **9 Diversity Implications**

- 9.1 Two Equality Impact Assessments have been completed to consider the impact of allocating 80% of social housing lettings to homeless households and of relocating families out of London as a consequence of the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation.
- 9.2 There are negative impacts to the proposal to allocate 80% of social housing lettings to homeless households, particularly on overcrowded households within the social sector and the Private Rented sector where applicants are predominantly from BAME origins and female headed applications. However, this negative impact is balanced by the positive impact that will be seen on this same protected groups through the increased lettings made to homeless applicants

- 9.3 The main risk of negative impact arises from relocating families out of London. BAME households are negatively impacted but cultural considerations have been taken into account when identifying areas of relocation thus mitigating the impact on this cohort. There is also a negative impact on women, however the increased lets to accepted homeless households neutralises this impact as women are over-represented in the homeless population. The analysis recognises that relocating with a young baby can be stressful and is likely to have an adverse impact on these households. The Council aim to mitigate this impact by setting up links with family support groups and childcare services in areas where the accommodation is sourced.
- 9.4 Through the Dynamic Purchasing System for procurement of temporary accommodation outside of London, pre-selected providers will ensure an on-going supply of privately sourced accommodation. Certain types of properties can be specifically sourced, for example, some BAME households tend to have larger households and require larger properties. Households with certain disabilities require ground floor level access. Properties are to be sourced in areas where there is access to support and resettlement. Consideration will be given to transport links to Brent.
- 9.5 Homeless households, of which BAME households are over represented, will spend less time in emergency accommodation which compromises quality of life, educational attainment, and social inclusion and integration.
- 9.6 Efforts will be made to integrate homeless families into communities and avoid them being stigmatized as homeless households. Accommodation providers were asked to demonstrate how they would deal with harassment/ anti social behaviour in order to be successful and are required to submit performance statistics on monthly basis. The following actions have been identified to ensure that affected groups continue to obtain a fair and equitable service as a result of the policy:
- 9.7 The Council will be directly responsible for nominating applicants to the scheme in line with temporary accommodation policy and procedure and will be able to monitor take up by affected groups. Providers were asked to demonstrate how they would implement equalities and deal with harassment/ anti social behaviour in order to be successful. These requirements form part of the contractual obligations.
- 9.8 The Housing Act 1996 code of Guidance makes reference to criteria in the 'suitability of accommodation' order which takes into account education, welfare and medical needs. These criteria will be used to make decisions about whether to place out of borough. The council's Placement Policy used the criteria above to ensure that certain vulnerable groups remain in borough. There will be continuing monitoring and review of provider's commitment to provide an equitable service to homeless applicants.

## **10 Staffing/Accommodation Implications**

- 10.1 Resources within the housing needs service have been deployed to support the initiatives and approaches set out in this report and this deployment will be adjusted as necessary.

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## Appendix A - Current Live Applications

		Number of Bedrooms Required									Sum:
		1	2	3	4	5	6	7	8	9	
	ELDERLY SHELTERED	190									190
	HOMELESS APPROVED	204	1404	1155	437	154	37	11	2	2	3406
	LEAVING CARE	35	1								36
	MANAGEMENT TRANSFER	3	5	3	4	1					16
	MEDICAL	47	17	36	1	1					102
	MOVE ON QUOTA	15	2	4	2						23
	OVERCROWDING		20	119	72	14	1				226
	PERMANENT DECANTS	79	26	14							119
	SOCIAL HARDSHIP	1	2	8	1						12
	STATUTORY DUTY	1									1
	SUCCESSION (UNDEROCCUPATION)	14	1								15
	UNDEROCCUPATION	85	36	4							125
	UNSATISFACTORY HOUSING	3	1	1							5
	QUALIFYING OFFER	9	26	31	10	6					82
	ARMED FORCES	2									
	Sum:	688	1541	1373	527	176	38	11	2	2	4358

## Appendix B - Lettings Performance BHP and Housing Association - 2014/15

	Bedroom Size					Grand Total
	1	2	3	4	4+	
<b>HOUSING REGISTER</b>						
CHILDREN LEAVING CARE	33	1				34
APPROVED HOMELESS	83	169	78	22	9	361
MEDICAL 25 (HOMELESS)	2	3	1	1		7
OVERCROWDING	4	25	4	1		34
CONTRIBUTION TO MOBILITY (YOUR MOVE)	5	2	1			8
MEDICAL 25 (REGISTER)	2	2	2	1		7
MOVE-ON QUOTA	21					21
ELDERLY SHELTERED	20					20
QUALIFYING OFFER		1				1
<b>Sub Total</b>	<b>170</b>	<b>202</b>	<b>86</b>	<b>25</b>	<b>9</b>	<b>49</b>
<b>TRANSFERS</b>						
<b>UNDER OCCUPATION</b>	16	4	1			21
DECANT	15	2	1			18
SUCCESSION (UNDEROCCUPATION)	9					9
MANAGEMENT TRANSFER	1	2	2			5
<b>Sub Total</b>	<b>41</b>	<b>8</b>	<b>4</b>			
<b>Grand Total</b>	<b>211</b>	<b>210</b>	<b>90</b>	<b>25</b>	<b>9</b>	<b>549</b>



## Appendix C – Lettings Projections 2015/16

### Brent and Registered Provider – Projected Lettings 2015/16

For Brent Council properties, the projection is made based on last year's lets, i.e. Council owned properties that became available to relet.

For Registered Provider properties, the projections are made based on the number of existing properties that became available to let as well as new builds.

The table below shows the number of new build units that will become available during 2015/16. Based on experience from previous years, we are reasonably confident that properties that are due completion by 31 December will actually become available and there will be a slippage for the rest. Additionally, 99 properties (Asra HA units at Park Royal) will be extra care sheltered units and therefore not let through the CBL scheme thus leaving 131 new units, including the 77 units that slipped from 2014/15 becoming available to let this year.

### 2015-16 Forecast Completions

Address	HA	Tenure	Total Units	Comp Due
Linthorpe Avenue (19-29)	Catalyst	AR	9	30-Sep-15
Kilburn Park Road S106 (15/18)	Home Group	AR	23	01-Dec-15
Park Royal Asra C&S	Asra	AR	39	14-Dec-15
Willows Yard, Rucklidge Avenue	Origin	AR	22	14-Dec-15
Park Royal Asra Elderly	Asra	AR	60	21-Dec-15
Willesden Depot (15/18)	NHHT	AR	10	15-Jan-16
Blarney Stone, Blackbird Hill	Catalyst	AR	36	15-Feb-16
61 Craven Park Road (15/18)	Asra	AR	11	21-Mar-16

**210**

Taking the above into account, the predicted number of lets for the 2015/16 financial year is expressed in the table below:

	1 bed	2 bed	3 bed	4 bed +	Total
Brent	101	74	25	18	218
RP	105	145	85	36	371
Total	206	219	110	54	589



# Placement Policy - Temporary Accommodation and Private Rented Accommodation (PRSO)

This document sets out Brent Council’s policy for the placement of households in temporary accommodation and private rented accommodation, both inside and outside the Borough. It covers both *interim* placements made under Section 188 Housing Act 1996 (“HA96”), while homelessness enquiries are undertaken, *longer term* temporary accommodation placements for households accepted as homeless under Section 193 HA 1996 and a private rented sector offer defined by section 193(7AC) with a view to bringing the section 193(2) duty to an end (**Appendix 1**)

### The policy complies with:

- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- Equality Act 2010
- Homelessness (Suitability of Accommodation)(England) orders 1996, 2003 & 2012.
- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness(Suitability of Accommodation)(England)Order 2012
- The Homelessness Code of Guidance
- The Strategic Tenancy Policy 2012
- The Temporary Accommodation placement policy
- The Housing Strategy 2014 - 2019
- The Allocation Scheme
- Children Act 1989 (in particular S.17)
- Children Act 2004 (in particular S.11)

1.1 The policy takes into account the statutory requirements on local authorities in respect of suitability of accommodation as per section 206, including Suitability Orders, Supplementary Guidance on homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation ( (England) Order 2012 , the Homelessness Code of Guidance 2006, the Children Act 2004 S.11 which places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children..

1.2 As per section 208 HA 1996, and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households in Brent and always

considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing locally, and rising rental costs, an increasing number of households are likely to be placed outside the borough, as it will not be reasonably practicable to provide accommodation within Brent. The application of housing benefit caps, LHA rates within the borough (Appendix 2) welfare reform, universal credit, together with restrictions upon overall benefit entitlement, has further restricted the number of properties that will be affordable to homeless households in Brent, and particularly larger families.

1.3 When determining whether it is reasonably practicable to secure accommodation in Brent, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration, matters to be taken into account here would include information provided on the suitability form which is completed by the client, together with paragraph 17.39 of the Homelessness Code of Guidance. The reality is however that the demand for housing greatly exceeds supply, due to this intensive pressures on housing stock in Brent, rent levels remain high and affordability remains a primary obstacle not only in respect to securing PRSO accommodation but also in respect to securing all forms of temporary accommodation within our borough boundaries.

1.4 The scale of demand and the limitations on resources are such that the council and its partners cannot build enough to meet all housing need. Even if resources were available, there is a limit to capacity given that the opportunities for large scale new development in Brent are constrained by land availability and costs.

1.5 The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in. These areas are called Broad Rental Market Areas (BRMA).

1.6 The LB Brent is divided into three Broad Rental Market Areas, which are used to calculate LHA rates in Brent. Inner North London BRMA, North West London BRMA and Inner West London BRMA.

1.7 The tables in Appendix 4 illustrate the LHA rates in some of the regions outside London where accommodation costs are lower, there are costs savings to be made by utilising accommodation in areas outside of the three BRMA's in Brent .

1.8 The policy therefore details how applicants will be prioritised for housing in Brent, and outside of London.

## **2 PRSO and Temporary Accommodation Offers and Refusals**

2.1 Due to the shortage of suitable accommodation in Brent, homeless applicants who are housed under the Council's interim duty to accommodate pursuant to Section 188 HA96 may initially be placed in emergency accommodation, including bed and breakfast and short-term self-contained accommodation, such as annexes, while enquires are carried out. This accommodation may be outside of the borough. If the Council decides it has a duty to house the household, they will be moved to longer-term temporary accommodation or made a PRSO as soon as a suitable property becomes available.

2.2 Wherever possible, the Council will avoid placing: families with dependent children; pregnant women; and, young people aged 16/17 in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to more suitable self-contained accommodation within six weeks.

2.3 Where the Council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave, usually within fourteen days of receiving a homelessness decision letter.

2.4 Applicants will be given one offer of suitable accommodation this may be under an interim duty while enquiries are being carried out, or longer term temporary accommodation where a full housing duty has been accepted or a PRSO, they will be advised to accept this. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 3 of this policy and Council's criteria on in/out of borough placements detailed in section 4.

2.5 If an applicant rejects an offer, they will be asked to provide their reasons for refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188 HA96, as well as those seeking a transfer from existing Temporary Accommodation (TA) or those in TA who are required to move by the Council whom the Council has accepted a rehousing duty towards under Section 193 HA96. The Council will consider the reasons given and undertake further enquiries as necessary. If the Council accepts the reasons for refusal and agree the offer is unsuitable, the offer will be withdrawn and a further offer will be made.

2.6 Where applicants refuse suitable emergency accommodation (which may include out of borough placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96 (although they can apply for judicial review through the courts). For applicants where the Council has accepted a rehousing duty under Section 193 HA96, (s193 duty) there is a right to request a review of the suitability decision, pursuant to Section 202 HA96.

2.7 In cases where the applicant still refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property within 14 days and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation, the current housing provider would be advised that the duty has been discharged.

2.8 Where Applicants, whom the Council has accepted a s193 duty refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

### **3 Suitability of accommodation – factors to consider**

3.1 In offering temporary or private sector accommodation, the Council will consider the suitability of the offer, taking into account the following factors:

3.1.1 **Accommodation available in the borough** – if suitable accommodation is available in the local authority area, applicants will be housed in Brent, allowing them to maintain any established links with

services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the borough, out of borough placements will be used to meet the Council's housing duty (see section 4 on priority for local accommodation below). Given the shortage of accommodation locally, bed and breakfast in/outside of the borough may be considered suitable for short-term interim placements.

**3.1.2 Affordability:** 'Affordability' has been defined in this policy thus: "the household must have its equivalent level of income support or income based jobseeker's allowance (whether claimed or not) available to spend on reasonable living costs after accommodation costs have been deducted from the household's income". Due regard will be paid to s.17.39 of the Code of Guidance 2006 when accessing affordability.

**3.1.3 Size and location of the property and the availability of support networks in the area –** accommodation must provide adequate space and room standards for the household and be fit to inhabit. (To ensure that the property is suitable in terms of space and arrangement in light of the relevant needs, requirements and circumstances of the household. E.g. Health or mobility issues ) In deciding on the fitness of the property, consideration would be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be acceptable reasons for a refusal.

**3.1.4 Health factors –** the Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Brent. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant must submit a medical form with 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, as the problems would persist in any sort of accommodation.

**3.1.5 Education -** attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for in-borough placements (see Section 4).

**3.1.6 Employment –**the Council will consider the need of applicants who are in paid employment to reach their normal workplace from the accommodation that is secured (see Section 4)

**3.1.7 Proximity to schools and Services -** The council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.

**3.1.8 Any special circumstance -** The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.

#### **4 Criteria for prioritising placements inside/outside of Brent**

4.1 As the borough faces pressure to house applicants outside the area, it will increasingly be necessary to make decisions about the suitability of out of London/Greater London placements for individual households and balance these against the type and location of temporary accommodation and private rented accommodation that can be offered. In many cases housing outside of the borough will be more

sustainable for the household in the long-term, with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.

4.2 In placing households in temporary accommodation and private rented accommodation, there will be a general presumption that placements outside of London will be used to discharge housing duties where suitable, where affordable accommodation is not available locally.

Notification arrangements when households are placed outside of London:

We will aim to ensure that information concerning details of placements in temporary accommodation and private rented accommodation outside London is shared as far as possible in a fair and timely manner with the relevant councils in areas where families are moving to.

- A) Notification arrangements – we will notify the receiving authority of any placement (as far as this is possible). The receiving authority should also notify us as to any action they may have taken against a landlord/agent.
- B) Pay a Fair Rent – We will as far as is practical ensure that the rent paid is in accordance with the prevailing LHA rent levels and is not at a level that is likely to encourage inflation of rent levels.
- C) Vulnerable families – So far as is practicable if placing vulnerable families outside of London we will ensure that such families will continue to receive appropriate support.

However, priority for in-borough accommodation will be given to certain households whose circumstances indicate that they would best be housed locally. These include:

4.2.1 Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Brent.

4.2.2 Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred.

4.2.3 Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well being.

4.2.4 Households with children registered on the Child Protection register in Brent, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare.

4.2.5 Households containing a child with special educational needs who is receiving education or educational support in Brent, where change would be detrimental to their well-being.

4.2.6 Applicants who have a longstanding arrangement to provide care and support to another family member in Brent who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.

4.2.7 Any other special circumstance will also be taken into account

**4.3 Priority for placements in Greater London will be given to:**

4.3.1 Applicants who have been continuously employed in Greater London for a period of six months, and for 24 hours or more per week. Women who are on maternity leave from employment and meet the above criteria would also be prioritised for placements in Greater London.

4.3.2 Applicants who have as part of their household, a child or children who are enrolled in public examination courses in Brent, with exams to be taken within the next six months. Wherever practicable we will seek to place such households within 60 minutes travelling distance of their school or college.

4.3.3 Wherever practicable, any applicant who works for more than 24 hours per week and has been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.

4.3.4 Applicants who meet none of the above criteria will be offered properties out of London when no suitable property is available.

4.3.5 Applicants who are victims of domestic violence would be placed outside of Brent or Greater London in an area where the risk of violence does not exist having given consideration to all other factors within this policy.

4.3.6 Applicants who are at risk of violence being perpetrated against them would be placed outside of Brent or Greater London in an area where the risk of violence does not exist having given consideration to all other factors within this policy.

4.3.7 Applicants who indicate a desire to be housed in a particular area outside of Brent or Greater London will be housed in those area(s) so far as reasonably practicable.

4.3.8 Any other special circumstance will be taken into account.

## Appendix E – Rents paid for PSL Schemes - West, North and East London Sub- Regions

	InH/ Agent/ LL/RP	Responsibility			Studio	1 Bed	2 Bed	3 Bed	4 Bed	
		Agent/ LL	HS/ LA	Shared						
West	Ealing	A	Rpr; V	RC	90% of January LHA + £40, also in cases where procurement is difficult pay up to full market value					
	LBHF	InH		RC; V	Rpr	Current LHA + 10%				
	Harrow	InH		RC; V	Rpr	90% of January 2011 LHA rate subject to negotiation				
	Hillingdon	InH		Rpr; RC; V		90% of January LHA 2011 + £40				
	Hillingdon	A	Rpr; RC; V			The lease is around 10 years. Rent is based on arrangement/subsidy of the time. Expires 2014.				
	Hounslow	InH		Rpr; RC; V		90% of January 2011 LHA + £25. For larger bed sizes offer full TA Subsidy + £40				
North	Barnet	InH		RC; Rpr; V	90-95% of current LHA					
	Enfield	InH		RC; Rpr; V	n/a	£680 (TR pre 2000)	£765 (TR pre 2000)	£940 - £1,050 (TR pre 2000)	£1165 (TR pre 2000)	
	Haringey	InH		RC; Rpr; V	90 - 100% of January 2011 LHA					
	Haringey	A	Rpr; V	RC	90% of January 2011 LHA + £25 (based on tendered price)					
	Islington	A	Rpr; V	RC	..	90% of January 2011 LHA + £40				
	Westminster	A	Rpr; V	RC		90% of January 2011 LHA + £40				
East	LBBD	A	Rpr; V	RC	..	90% of January 2011 LHA + £40				
						£180.18	£180.18	£216.51	£258.09	£330.75
	Hackney	A	Rpr	RC	V	90% of January 2011 LHA + £25				
	Newham	A	Rpr	RC	V	£640.25 (TR 2009-12)	£745.33 (TR 2009-12)	£943.58 (TR 2009-12)	£1074.67 (TR 2009-12)	£1230.67 (TR 2009-12)
	Newham	A	Rpr	RC	V	90% of January 2011 LHA + £25 (collaborative tender with Redbridge and Waltham Forest 2012-15)				
	Redbridge	A	Rpr	RC	V	90% of LHA + £15	90% of LHA + £15	90% of LHA + £15-£40	90% of LHA + £15-£40	90% of LHA + £15-£40
						n/a	£363.88	£402.87	£409.36	£422.30
LBTH	A	Rpr	RC	V	The scheme was set up in 2005. Lease requires annual uplift of RPI based on June RPI figure; compound inflation based upon prices negotiated in 2005					
LBWF	A	Rpr	RC	V	90% of January 2011 LHA + £40					