



PRIVATE RENTED SECTOR TOOLKIT

PART 3

NOVEMBER 2016

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Introduction

Local authorities should seek to support all client groups; both the statutory and the non-statutory homeless. Colleagues should be mindful that the PRS is an open market and highly responsive to changes in supply and demand. It is crucial that services are designed to deliver assistance to *all* clients who are genuinely homeless or threatened with homelessness through statutory and/or voluntary sector partners.

Changes applied to support one client group will have a potentially negative impact on the availability of housing for another - and on the overall success of homelessness prevention in the local area. Services should be strategically aligned to ensure a coherent and effective local approach to working with the PRS. They should not concern themselves solely with households owed a statutory duty.

For ease of reference, this toolkit has been split into 5 distinct parts:

Part 1: The Localism Act 2011 changes & The Homelessness (Suitability of Accommodation) (England) Order 2012

Part 2: Maintaining the Prevention Focus

Part 3: Working with the Private Rented Sector

Part 4: Developing a Private Rented Sector Offer Policy

Part 5: Annexe Pack

The overall value of the toolkit derives from the sum of its parts. It is therefore recommended that colleagues consider it as a complete package. This part focuses on working with the Private Rented Sector, and gives detailed suggestions, advice and support for local authorities that want to improve their working relationship with local PRS landlords and agents. It includes focus on preventing tenancies failing, sustaining and improving access to the PRS, and considerations relating to matching customers to vacancies and providing accommodation out of borough.

Working with the PRS

The relationship between the local authority and local PRS landlords and their agents is absolutely critical - not only in exercising the new power to discharge the main homelessness duty into the PRS, but more fundamentally - to prevent homelessness locally (and across all client groups, whether they fulfil the statutory homelessness criteria or not).

No matter how good the local PRSO policy is, without a developed (*and in the current climate - developing*) relationship with the PRS, the local authority will be unable to effectively adopt the new power, even if the policy decision has been taken to permit its use.

Without a working relationship with, and coherent offer for, the local PRS, the local authority will become increasingly less successful at meeting local housing needs, preventing homelessness and rough sleeping, and minimising the use of temporary accommodation (and all the associated costs of homelessness). Unless the relationship with the PRS is managed effectively, the use of PRS accommodation could increase incidences of revolving door homelessness for households accommodated in this sector.

When undertaking a review of local service delivery, it is important to consider existing services in the area to avoid reinventing the wheel and to build on where there may be existing networks of landlords. This is often easier than setting up a new service. The Crisis Private Rented Sector website includes a database of existing PRS access schemes which could contribute to local service mapping. The relevant pages of the website can be viewed using the link below:

www.privaterentedsector.org.uk/PRS_schemes.asp

The following points provide a number of suggestions that local authorities may wish to consider with regard to joint working with the local PRS. These considerations are relevant in the generic sense of securing accommodation in the PRS for people in housing need, but will also support the development of the PRSO approach locally.

Consulting Landlords and Letting Agents

Local authorities should ensure there is an open channel of communication with their local PRS partners and that landlords are involved in developing new policies and approaches that affect them or that are being developed to attract them to work with the Council. Local authorities could consider adopting the following (where they do not already have them set up):

- *Regular local Private Sector Landlord's Forum that provides advice, support and information on a range of issues relevant to the local PRS (the forum should include representatives from the HB team and local Job Centre plus staff along with representatives from other Council services and local partner agencies)*
- *Regular 'Private Sector Landlord's Steering Group' that is chaired by the local authority housing service. The Steering Group could be used to consult with representatives of the local PRS on relevant issues such as local demand versus supply, support and incentives, local (and national) policy developments, and how local services could be improved*
- *Regular 'Landlord's Newsletter' that is available electronically and disseminated through a range of means (including Housing Benefit mail shots)*
- *Undertake regular satisfaction surveys of those landlords who are working with local services to provide access to PRS accommodation for vulnerable households and people who are homeless or at risk of homelessness*
- *Develop other feedback mechanisms such as an electronic 'suggestions' box or email address (e.g. landlordsuggestions@anyborough.gov.uk) and provide regular updates where practicable regarding 'you said, we did' style feedback*
- *Develop web pages specifically for private landlords on the local authority website Housing Options pages*
- *Provide a named member of staff for landlord enquiries*

The role of the PRS is crucial. PRS landlords could be involved in supporting development of the local Preventing Homelessness Strategy and other housing strategies that will inform future delivery of services locally.

Reviewing Options across Partnerships

There may be existing PRS access schemes in the local area that provide services to landlords and specific client groups, in addition to local authority schemes. Local authorities should consider meeting with these agencies and forging closer working relationships with them to develop a coherent and coordinated local approach to PRS access and homelessness prevention. This could include harmonising local incentive schemes across traditional local authority boundaries. The same approach may be sensible between local authority housing teams where shared housing markets frequently result in placements across traditional boundaries.

The “*Pan London Agreement on Inter-Borough Accommodation Placements*” has been included at Annexe 8. It relates to the provision of PRS accommodation to meet homelessness temporary accommodation duties. It is an example of an agreement across different Boroughs that sets out four key principles partner authorities have signed up to with regard to making out of borough placements. The principles include:

- **Not to “out-bid”** - *all boroughs agree not to offer a landlord or supplier more than the host borough offers for a property in its area*
- **Presumption to inform** - *All boroughs placing a household in another borough will inform the host borough of the placement*
- **Safeguard vulnerable households** - *Boroughs will avoid placing the most vulnerable households in other boroughs.*
- **Host borough - first choice** – *Registered Providers procuring Housing Association Leasing Schemes (HALS) and Housing Association Leasing Direct (HALD) will offer these properties to the host borough in the first instance.*

The pan-London agreement provides an example of an approach that local authorities outside the capital may wish to consider when reviewing options across partnerships, particularly where there are shared housing market pressures and out of area placements (prevention, temporary accommodation or PRSOs) may be necessary for some households presenting for assistance.

Working jointly with local voluntary sector PRS access schemes should also contribute to local services developing in a way that is complementary to overarching strategic aims, reducing duplication and building positive relationships that prevent homelessness. There are existing voluntary sector schemes, such as those receiving Crisis Private Rented Sector Access Development funding, already working across traditional local authority boundaries. For example, Porchlight

delivers a PRS access scheme for single non-priority clients across Sevenoaks, Tunbridge Wells, Tonbridge and Malling, Canterbury, Shepway, Thanet, Dartford and Gravesham Boroughs.

Developing Communications

Local authorities and their partners should seek to disseminate easily accessible, reliable and accurate information for landlords, as well as to customers and those in the community who may be at risk of homelessness. It may be appropriate to devise and implement a local communications strategy specifically targeting local PRS landlords and their agents.

Local communications strategies should seek to engage PRS landlords in preventing homelessness and meeting local housing need by highlighting the issues - and contributing to landlord's developing a positive understanding of tenants receiving Local Housing Allowance and Universal Credit or who become homeless. Improving landlord perception of these specific client groups should contribute to local PRS access for housing options and homelessness services.

Local partnerships taking charge of the message that reaches PRS landlords could contribute to increasingly positive partnership working between statutory and voluntary services, and the PRS.

Get the Right People Doing the Right Things at the Right Time

Local services seeking to develop effective PRS access schemes may wish to consider the following points:

- **Recruitment** - *When recruiting to PRS access / liaison posts - what person specification requirements are stipulated? Demonstrable years of work experience within local authority or other homelessness roles may not necessarily mean someone is the best person for the job. Positive mindset, confidence, engaging interpersonal abilities, clear communication skills and a good understanding of likely concerns and aspirations of local landlords and how to meet them may be more appropriately specified as essential attributes for someone who will represent the forefront of an organisation's PRS work.*
- **Housing Benefit** - *Ensuring the Housing Benefit Department communicates in an appropriate, effective and timely manner with local landlords concerning the stoppage of LHA claims and overpayments can improve landlord confidence and engage them in the longer term to consider offering tenancies to people who are homeless or at risk of homelessness.*

- **Universal Credit** - Local authorities will need to carefully plan for the introduction of universal credit and the transition from locally administered housing benefit, to centrally administered universal credit with a housing payment. Authorities will need to plan for additional budgeting support that households will require once direct payments of housing costs to landlords ceases.
- **Digital Inclusion** - Local authorities should consider adopting a digital inclusion policy for tenants living in the PRS in light of Universal Credit, so that they can access the new DWP systems through which to claim financial support and update existing claims with changes in circumstances.
- **Best Practice (Bailiff Warrants)** - Recognising (across all local advice agencies) that insisting or encouraging that customers remain in situ until the landlord has been through the full court process in all cases does not represent best practice and will damage the local relationship between the PRS and the advice sector.
- This point may be particularly relevant in local authority areas where housing services do not provide temporary accommodation for priority homeless households until the day the Bailiff's Warrant is due to be executed. This approach results in costs incurred by the household, contributes to poor reputational issues for local PRS access and prevention schemes and conflicts with previously issued statutory guidance (Paragraph 8.32 of the Local Authorities Homelessness Code of Guidance 2006)

Develop the Local 'Offer' – to the Landlord

It is vital that there is a coherent local 'offer' for PRS landlords. The local offer should be developed with regard to PRS landlord feedback and the local context - whilst mindful of not 'over-incentivising'. Local authorities may wish to carefully consider the level of support they are able to offer partner PRS landlords, and how this could attract landlords without the need to resort to expensive cash incentives or other arrangements that are costly to the public purse. Anecdotal feedback suggests that it is the *support* that local authorities and third sector PRS access schemes can offer landlords that forms one of the key incentives for landlord engagement.

Please see below a menu of potential options that could be considered for landlords. The list is not exhaustive nor is it prescriptive, but may provide some ideas that are useful - or prompt new ideas and innovations for existing services:

Communication, Consultation and Involvement

- *Landlord forum to include voluntary sector partners*
- *Landlord Steering Group - Opportunity to influence local scheme delivery through local landlord's forum consultations and landlord steering groups*
- *Ongoing email updates for landlords*
- *Service standards – phone, email, letter, visits*
- *Dedicated website area – for landlord updates / alerts*
- *Landlord newsletters*
- *Landlord pack including help or information on EPCs, buildings insurance, HSSRS minimum requirements, Gas Safety checks, Carbon Monoxide monitors, fire alarms*
- *Dedicated member of staff for landlord enquiries*

Effective Systems and Business Incentives

- *Choice Based Lettings – advertise properties, tenant matching et cetera*
- *Property client match – choice of tenants and investigative vetting process*
- *Guarantee reduced void times and reduced void costs*
- *Pet bond scheme – guarantee to do a deep clean at the end of each tenancy*
- *Rent bond scheme – this could include 6 months bond if necessary or paying 4 weeks in advance to landlord and clawing this back from the first housing benefit payment (to ensure continued recycling of rent deposit funds)*
- *Direct contact for housing benefits – including fast tracking applications – possibly linked to landlord hot line (the contact should ideally have the same relationship with DWP once Universal Credit is introduced, if possible)*
- *Housing Benefit applications completed by an officer of the Council with the tenant (and in future appropriate support for customers to apply for financial support through Universal Credit)*
- *Access to Job Centre plus services and digital inclusion for tenants*
- *Links into local Credit Unions to support rental payment under Universal Credit through 'jam jar' accounts*
- *Access to Discretionary Housing Payment where appropriate*
- *Link to appropriate grants – Disabled Facilities Grants, empty homes funding, Home Energy Conservation Association*
- *Local authority housing team includes Private Rented Sector Enforcement Officer – one message across the service*
- *Partnership work with EHOs around management and development of Shared accommodation and HMOs which may be used for discharge of duty for single people*

- *Direct referrals for support – mental health, drugs, alcohol, training, Children’s Services, probation, education, employment – one standard referral sheet that all can use*
- *No administration fee(s) – this may be something to introduce once the scheme is successful to ensure it is self-funding*
- *Fast track money and debt advice referrals for tenants when arrears begin to accrue*
- *‘Good tenant passport’ scheme for applicants seeking accommodation - to operate alongside a corresponding ‘supported tenancy’ scheme to ensure more vulnerable applicants can access PRS accommodation*
- *Ability to offer testimony/reference for tenants from current accommodation – TA, supported accommodation, night shelter, registered providers*
- *Direct links to Community Relations Officer / ASB Officer post, EHO and Harassment and Eviction Officer*
- *Tenants who have undertaken a pre-tenancy training course*
- *Accreditation (that offers landlords something they want) – linked to a requirement to notify LA when serving notice*
- *Private Sector Leasing arrangements where necessary / appropriate*
- *Local letting agency models where necessary / appropriate*
- *When placing households through PRSOs consider high costs of temporary accommodation and whether any additional financial incentive could be developed for landlords using savings from B&B budget and other ongoing temporary accommodation costs – but only where necessary / appropriate*
- *Financial incentive to offer longer tenancies – but only where necessary / appropriate*

Support

- *Provide training to landlords on rights and responsibilities of being a landlord (useful for small and non-professional lords) (e.g.: updates regarding new regulation - see Redress Scheme changes below)*
- *Hand holding – support for landlords and tenants including floating support and ‘soft management’*
- *One named contact within the Council housing team who can access and liaise with all other departments (and should ideally develop the same relationship with DWP once Universal Credit is introduced, if practicably possible)*
- *This could extend to a named contact for the landlord and a named contact to provide support for the tenant*
- *Regular visits to the tenant throughout the tenancy to provide support and prevent risks to the tenancy – followed up by written or verbal report to the landlord after each visit*

- *Landlord hotline – direct phone and email address and if possible named officer/s to report concerns/issues - or when landlords are increasing property portfolios locally*
- *Independent advice and support for landlords and tenants*
- *Free mediation service to help tenant and landlord resolve problems before they escalate (where safe/appropriate)*
- *Full confidential disclosure on client (client's signed agreement is essential – an example of a consent form being used by a local authority is included at Annexe 9)*
- *Where there are potential issues with the client's previous tenancy history – tailored support package in place prior to sign-up to mitigate landlord's exposure to risk*
- *Support to set up arrangements with tenants to clear arrears (or where relevant any former tenancy debts)*
- *Direct link to pathways, supported accommodation and Choice Based Lettings*
- *Out of hours number – linked to central control for emergencies that would fit the homelessness criteria (i.e. natural disaster) and noise nuisance (EHO)*
- *Family member support hotline including reference / testimony where appropriate*

Housing Management Services

- *Template documents e.g. ASTs including guidance on AST requirements in shared accommodation (Annexe 10 provides an example AST agreement courtesy of Crisis)*
- *Inspections*
- *Inventory (including photographs)*
- *EPC's (see Deregulation Act changes and duty to provide prescribed information, below)*
- *Visits – throughout the tenancy including standard letters and questionnaires*
- *Accompanied viewings*
- *Disrepair – minor repairs through landlord services (or through arrangements with LSVT repairs service)*
- *Acceptable Behaviour Contract agreement for tenant to cover any risk issues (if appropriate)*
- *Training for all tenants – tenant's rights and responsibilities, money management, basic maintenance / minor repairs – how to put up shelves / changing light bulbs / checking fire and carbon alarms*
- *Free training for landlords – basic training on renting your own home, rights and responsibilities as a landlord, understanding housing benefit and LHA and what will happen under Universal Credit.*

- *Introducing tenant to landlord prior to sign up – encourage landlord to take tenant around property and introduce to the area i.e. where local services are, Doctors, Dentist, transport, shops et cetera*
- *Furniture packs where appropriate*
- *White goods provision*
- *Window dressing where appropriate*
- *Link to Credit Union – this can include facilitating direct payments, savings for long term deposit et cetera*
- *Conducting income and expenditure assessments to ensure tenant will be able to afford to meet the cost of the rent, and linking in to money advice where there are debt / financial issues*
- *Benefit and money advice check on every tenant*
- *Utilities account set up for each tenant - induction checklist could include utilities, visual display for meters/stop cock, local services, bin day et cetera*
- *Fire brigade check on property – smoke detectors, carbon monoxide et cetera – colleagues are advised to check local services offered*

This list is not exhaustive...

Please see below a list of potential aspects of the local authority 'offer' for tenants through the local PRS access scheme. As above, this list is not exhaustive nor is it prescriptive, but may provide some ideas that are useful or prompt new ideas for existing services.

Develop the Local 'Offer' – to the Tenant

Support to Access PRS Housing Options and Home-making

- *No admin (or other) fees to set up the tenancy (or renew it)*
- *Financial support to access a tenancy - providing assistance through a Bond Scheme (money or paper – paper recommended where possible / appropriate) – or a cash deposit scheme where necessary*
- *Assistance with setting up tenancy, tenancy agreement, notice on previous tenancy, matching with landlords or agents*
- *Support to access health and other statutory services if new to the area*
- *'Good tenant passport' and 'supported tenancy' schemes to facilitate access to accommodation and appropriate support*
- *Choice of properties/areas – taking into account access to work, school, family or other support networks*
- *Soft furnishings or home starter packs – where appropriate – (ensure relevant fire and other safety checks have been carried out)*
- *White goods provision where appropriate (ensure PAT tested)*
- *Starter / store cupboard food packs – where appropriate – can be accessed via local charities*
- *Welcome pack giving vital information on local services, emergency contacts for landlord / support officers, local transport, advice on "bin days" and other basic housekeeping information*
- *Fire brigade check – check with local support offered*
- *Assistance with removals / address change – where appropriate*
- *Floating support for assistance with setting up utilities (including intensive support to set up the tenancy and ongoing support where required to ensure the tenancy is a success)*
- *Links back to family support / previous tenancies – testimonial, Acceptable Behaviour Contract, references*
- *Referrals for support – mental health, drugs, alcohol, Children's Services, probation, Youth Offending Team, specialist money advice, Citizen's Advice Bureau, mediation – using one standard form for all*
- *Data sharing information form – so that the applicant does not have to divulge information to all agencies and support is set up directly from housing options*
- *Confirmation of advice approach to support applicant to share details and not repeat themselves to a range of agencies (see template and guidance advice and assistance letter at Annexe 11)*

Matching Service

- *Sharing tenants – matching services – questionnaire on likes and dislikes – smoker, children, working, other applicant led questions et cetera*
- *Coffee morning for PRS tenants – peer support and sustainability*

Self Development, Budgeting and Support

- *Tenancy Training including certificates – money advice, benefit maximisation, new tenant training, et cetera*
- *Basic decorating and skills courses*
- *Income versus expenditure check – including prioritising debts and setting up payment plans on previous rent arrears*
- *Setting up a Credit Union account if the applicant does not have a bank account (including a savings scheme for a future deposit and direct payments to landlord if appropriate) – this may become more of a priority under Universal Credit so it may be sensible for local authorities to review the options now...*
- *A household budget health check to support tenants to manage their money effectively*

Direct Support to Access Benefits and Services

- *Local Housing Allowance application support and fast-track processing*
- *In future, support with claiming financial assistance through Universal Credit including digital access*
- *Discretionary Housing Payment application support*
- *Benefit maximisation check including 'better off in work' calculations where appropriate (this could be provided through Job Centre Plus or local Citizens Advice Bureau)*
- *Support to access Social Fund payments where necessary*
- *Support to access other charitable funds e.g. SSFA or other local providers*
- *Access to volunteer led support services e.g. 'Homemaker', Carers Forums et cetera*
- *Enabling internet access via library or internet café to support online claims*

Ongoing Tenancy Support

- *Fast track access to money and debt advice where necessary (ensure access to this advice can be provided either face to face or via the telephone to meet*

household preference, especially if the tenant is working or has caring commitments it is important to provide a choice of access)

- *General advice and assistance throughout the tenancy on a range of issues - and in partnership with other statutory and third sector partners*
- *Inventory and home visits (could be done with the landlord as part of introduction to facilitate improved confidence levels and develop the relationship between landlord and tenant on the right footing)*
- *Dedicated officer for support - including email and phone number*
- *Out of hours number for emergencies – see landlord offer above*
- *Dedicated web page providing updates for PRS tenants*
- *Coffee morning for PRS tenants – peer support and sustainability*

Service Standards

- *Service standards – email, phone and letter response rates/call handling commitments*
- *Ongoing relationship with Housing Services to provide advice, support and assistance*
- *Level of assurance regarding the quality and standard of accommodation, landlord management history and property size – through accreditation or other procedural checks and balances*

Move-on Support

- *Potential to move on through the scheme to alternative accommodation as household circumstances change – recommended this option is only made available where tenant has met contractual obligations associated with the tenancy and the PRS access scheme parameters, and behaviour has been satisfactory*

As above, this list is not exhaustive...

Prevent Tenancies Failing

To assist with putting the above information into a sensible order and to support local authorities to actively work to ensure tenancies do not end due to ‘negative’ reasons, the table below outlines some of the primary ‘negative’ reasons for tenancy failure and eviction. It also considers how the customer journey could be tailored to prevent homelessness resulting from some of the most common reasons tenancies fail.

It is worthwhile emphasising that some of the reasons for tenancy failure are rooted in customers’ past history and, where accommodation has been provided by the local authority, in the way in which the client has been matched with their accommodation. Local authorities should ensure they carefully assess and address the causes of homelessness and client individual support needs and ensure support is made available to meet these in the longer term.

Housing teams may wish to undertake an exercise together to consider how to proactively mitigate the potential for tenancies to fail as a result of the basic reasons included below.

Part of this exercise could include reviewing where in the customer journey the ‘negative’ reason may have been most ‘preventable’ and what could have been done to avoid the termination of the AST in the first instance.

The customer journey reflects the very first approach (to the Council or to a partner agency), through initial interaction with a service (in person, on the phone or online) - through to the time of potential tenancy failure. Positive intervention at the earliest identifiable point in the customer journey will improve the chances that intervention will result in a positive outcome for the landlord, the tenant, and by association - the PRS access scheme. (Some very basic suggestions for improving the customer journey and supporting tenancy sustainment have been included in the table):

Negative reasons for terminating an AST	Customer Journey
<i>Abandonment</i>	Assessment/identify any needs and or support – link to practical solutions
<i>Rent arrears</i>	Pre-tenancy affordability checks, named contact within HB department, links to money advice and support
<i>Antisocial Behaviour</i>	Tenancy Support, Family Intervention, joint working with the police, schools and other statutory services

<i>Recall to custody</i>	Tenancy Set Up and advice on existing tenancies where appropriate, advice re lodgers/subletting and access to benefits
<i>Relationship Breakdown – including DV</i>	Post Tenancy/schemes/housing options for DV perpetrator/mediation if appropriate. Sanctuary schemes, neighbourhood watch support, working with police and support services.
<i>Support needs not addressed</i>	Crisis intervention followed by support plan – may involve range of agencies e.g. mental health, substance misuse, family support
<i>Poor property condition</i>	Exit the scheme, access to improvement grants, community service support
<i>Change in financial circumstances</i>	Money advice and budgeting/move on options where accommodation becomes unaffordable. Income maximisation
<i>Area becomes inappropriate</i>	Move into new tenancy - might be same landlord and a simple property swap

When considering the ‘reapplication’ provision for households who lose accommodation provided by way of a PRSO unintentionally within 2 years, and the need for local services to be increasingly effective in their tenancy sustainment work, local authorities may wish to consider undertaking a similar exercise with their housing options teams to determine what could be put in place during the customer journey to mitigate ‘unintentional’ loss of PRS tenancies created through the local PRS access scheme (and/or as a result of discharging duty through a Private Rented Sector Offer).

Part 2 of the toolkit, “*Maintaining the Prevention Focus*”, considered the role of prevention and tenancy sustainment and provided some basic suggestions for local authorities to consider - these could contribute to this exercise.

Meet Suitability Requirements across PRS Lets

In light of the Localism Act changes, local authorities may want to consider adopting the relevant standards and safeguards applicable for Private Rented Sector Offers across all PRS lets (prevention offers and PRSOs).

By offering a higher standard of PRS accommodation with greater security of tenure through the PRSO, there may be a risk that achieving the s.193 duty will be the most attractive option for applicants approaching the service. Adopting a common standard that meets the new suitability requirements would greatly reduce this potential incentive to pursue the main homelessness duty. This is considered further in the “Policy Options” section in Part 4 of this toolkit.

Local authorities should consider now how they will achieve this, in consultation with local landlords and with reference to all other sections included in the toolkit.

Meeting the Deregulation Act 2015 Requirements across PRS Lets

The Deregulation Act 2015 received royal assent on 26th March 2015, and came into force in stages, via a series of commencement orders. It contains a number of changes to the law that will impact on residential landlords, so local authorities should ensure that local landlords they are engaged with are fully briefed on the changes and are aware of how to administer them.

In brief, the main changes that will impact on residential landlords are contained in the following sections:

- *requirements for a landlord to provide prescribed information (s.39)*
- *updated prescribed form of a s.21 notice (s.37)*
- *restrictions on the use of s.21 notices (s.36)*
- *deposit protection regulations (ss.30 – 32), and*
- *how to end an AST (s.40)*

Requirement for a landlord to provide prescribed information (s.39)

s.39 of the Deregulation Act amended s.21 Housing Act 1988 to include the provision for a landlord to provide prescribed information (as s.21(b)). Landlords or agents are now required to provide information about the rights and responsibilities of a landlord and a tenant under an AST in England.

The prescribed information can be found in the DCLG booklet “How to rent: the checklist for renting in England”, and the landlord must also provide a copy of this booklet to the tenant. The current version of this booklet can be found here: www.gov.uk/government/publications/how-to-rent

Landlords should note that this booklet is updated frequently, so they should check the DCLG webpage to ensure they issue the most up to date version of the booklet and the correct prescribed information.

The booklet can be given to a tenant as a hard copy or via email, where the tenant has notified the landlord or agent of an email address where the tenant is prepared to accept service of notices.

Updated prescribed form of a s.21 notice (s.37)

This change came into force from 1st October 2015, and applies only to ASTs granted in England on or after this date.

The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations **2015 SI 2015/1646** provide that a section 21 notice must be in the prescribed Form No. 6A (as set out in **SI 2015/1725**) A copy of the new s.21 form can be found here:

www.legislation.gov.uk/ukxi/2015/1725/pdfs/ukxi_20151725_en.pdf

Section 35 Deregulation Act 2015 removes the requirement for a section 21 notice served on a periodic tenant to expire on the last day of a period of the tenancy

Section 36 Deregulation Act 2015 provides that:

- a. a s.21 notice cannot be served until four months have elapsed from the start of the tenancy;*
- b. possession proceedings must be started within six months of service of the s.21 notice (or within four months of the expiry date of the s.21 notice served on a periodic tenant where the period of the tenancy is greater than two months)*

Restrictions on the use of s.21 notices (s.36)

This change came into force from 1st October 2015, and applies only to ASTs granted in England on or after this date.

Section 36 Deregulation Act 2015 provides that a s.21 notice will be invalid when the landlord has served the notice following

- a) *the service of a relevant notice by the local authority, or*
- b) *a complaint from the tenant about the condition of the property (i.e. a retaliatory eviction) and the specified conditions are met;*

This is often referred to as the 'retaliatory eviction' provision, and is designed to protect tenants against unfair eviction where they have raised a legitimate complaint about the condition of their tenancy(property?). Guidance relating to these provisions can be found here:

www.gov.uk/government/publications/retaliatory-eviction-and-the-deregulation-act-2015-guidance-note

The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations **2015 SI 2015/1646** provide that a landlord cannot serve a section 21 notice where s/he has failed to provide the tenant with a copy of:

- a) *energy performance certificate (EPC)*
- b) *gas safety certificate*
- c) *the DCLG guide 'How to rent: the checklist for renting in England'*

The current version of this guide can be found here:

www.gov.uk/government/publications/how-to-rent

Deposit protection regulations – (ss.30-32)

With effect from 26 March 2015, the provisions affecting the rules on tenancy deposit protection contained in the Deregulation Act 2015 came into force. **Please note that these changes apply retrospectively, so are to be treated as if they came into force from 6th April 2007.**

Ss. 30, 31 and 32 of the Deregulation Act amend ss. 214 and 215 of the Housing Act 2004, and the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 SI 2007/797 to clarify that:

- a) *landlords or agents will no longer need to re-protect the deposit and/or re-serve the prescribed information when an assured shorthold tenancy is renewed or becomes a statutory periodic tenancy;*
- b) *landlords or agents who received a deposit before 6 April 2007 and the tenancy became a statutory periodic tenancy on or after 6 April 2007 have 90 days to protect the deposit and serve the prescribed information. Failure to comply after 90 days means the landlord cannot serve a valid s.21 notice to end the tenancy and can be liable to financial sanctions under s.214. Landlords or agents who received a deposit prior to 6 April 2007 on a tenancy never renewed since are not liable to a s.214 claim/counterclaim but cannot*

serve a valid s.21 notice to terminate the tenancy until they either protect the deposit or return it to the tenant;

- c) *the certificate issued by the chosen deposit protection scheme is valid even if it provides the name and contact details of the 'initial' agent, rather than the landlord's details.*

How to end an AST (s.40)

This change came into force from 1st October 2015, and will apply only to ASTs granted in England on or after this date.

Section 40 Deregulation Act 2015 provides that a tenant who leaves the property following the expiry of a section 21 notice is entitled to a rent repayment from the landlord for each full day that the tenant is no longer in occupation of the property and for which s/he had paid rent in advance.

Meeting the 'Right to Rent' Requirements across PRS Lets

From 1st February 2016, landlords are required to check that any tenant or lodger can legally rent their residential property in England.

Landlords in the West Midlands (Birmingham, Sandwell, Dudley or Wolverhampton) have been required to make checks on their tenants in tenancies that started on or after 1st December 2014.

Within 28 days before the start of a new tenancy, landlords or agents must make checks for:

- *people aged 18 and over living in their property, whether they're named in the tenancy agreement or not*
- *all types of tenancy agreements, written or oral*

Landlords can ask agents that manage or let property on their behalf to carry out the checks for them, however they should get this agreement in writing.

Landlords can be fined up to £3,000 for renting property to a person who is not eligible to reside in England.

A short guide on the right to rent provisions can be found here: www.gov.uk/government/publications/landlords-right-to-rent-checks-guide

A guide on how to check a tenant's right to rent in England can be found here:

www.gov.uk/check-tenant-right-to-rent-documents

A step by step question flow chart to help landlords determine a tenant's right to rent can be found here: www.gov.uk/landlord-immigration-check

Immigration Act 2016 – measures relevant to the Private Rented Sector

The Immigration Act 2016 gained Royal Assent in May 2016. On 4th October 2016 the Home Secretary announced that provisions in the 2016 Immigration Act relevant to the private rented sector will be brought into force across England on 1st December 2016. These provisions will:

- **Make it easier for private landlords to evict illegal migrant tenants**
- **Create new criminal offences for rogue landlords and agents who repeatedly fail to carry out right to rent checks or fail to take steps to remove illegal migrants from their property**

The measures are part of the Government's aim to tackle illegal immigration, by taking the necessary steps to protect public services and keep access to the private rented sector for lawful residents.

Key Points to note are:

- *From 1 December 2016, landlords could be charged with a criminal offence if they know, or have reasonable cause to believe, that they are letting to an illegal migrant.*
- *From 1 December 2016 landlords can end tenancies for occupants with no right to rent.*
- *For details of these specific measures, please visit the Residential Tenancies fact-sheet available on Gov.uk*
- *For information on the wider Immigration Act measures, please visit the Immigration Act page on Gov.uk.*

Further Landlord Recruitment Considerations

Linked to the earlier section relating to consulting landlords, and developing a landlord offer, the list below provides a range of suggested examples for measures that local authorities may wish to consider developing in order to recruit landlords who will work in partnership with the local authority housing service. This list is not exhaustive or prescriptive but may provide some ideas that are useful or prompt new ideas for existing services:

- *Consider how and where to advertise locally:*
- *Local press and free papers*
- *Local estate agents*

- *Housing Benefit mail-shots and communications to landlords*
- *Other statutory service's mail-shots*
- *Adverts in local businesses, for example the local golf club, cinema, restaurants, bars, shopping centre, leisure centres, local gyms et cetera*
- *Stands at events, town centre, libraries et cetera*
- *Local business forums*
- *Consider how Landlord Association umbrella groups may have a role and contribute to landlord recruitment*
- *Landlord's forum consultations*
- *Use Council Tax billing service to promote rent a room schemes*
- *Include links and marketing on the web pages of other local services (within the Council and external)*
- *Include clear pages for landlords on the local CBL system providing information as part of your recruitment drive*
- *Information on the types of households in need of accommodation – household sizes and incomes, benefit dependent and in work, homeless or at risk of homelessness, overcrowded et cetera*
- *Develop frequent landlord evenings, workshops, and “come and meet the team” coffee mornings*
- *“Need a tenant” evenings – where landlords can come and meet prospective tenants*
- *Undertake positive visits to all local letting agents to discuss how you can work together to bring them on board with accepting lower income tenants*
- *Consider providing free Assured Shorthold Tenancy templates (see Annexe 10), free Section 21 notice templates – and offer free advice on tenancy related matters and the duties applicable to letting accommodation and how to do so responsibly*
- *Offer individual landlord reviews – bespoke support and incentive packages tailored to what the landlord needs – (within reason!)*
- *Target specific landlord portfolios to match the demands on your service*
- *Ensure the local authority's website is up to date and landlord friendly*

Targeting landlords in a way that will break down barriers and encourage them to enquire about working in partnership with housing options services may yield a growing accommodation resource available to low income households and people who are homeless or threatened with homelessness.

Local Lettings Agency Models

Local authorities may wish to consider developing a local letting agency model as part of a strategic review of local PRS work. Crisis have developed a definitive guide to local lettings agencies (LLA) which gives practical advice for designing an LLA in your area. The guide can be downloaded here:

www.crisis.org.uk/pages/-local-lettings-agencies-a-good-practice-guide.html

When considering how local letting agency models could be adopted locally, colleagues should carefully consider links to the introduction of any new approach to PRSOs. Landlords may be resistant to any attempts to charge them particularly where the introduction of charges could be interpreted as seeking recompense to cover costs associated with any additional administrative functions (in light of suitability requirements and new power to discharge duty into the PRS).

Local authorities are encouraged to consider how successful and developed existing PRS work has become, before seeking to introduce LLA approaches that require landlords to pay to join a new scheme. Where local authorities have not been proactive in working with the PRS, any shift to LLA models may be prudently postponed until the existing 'offer' can be honed and embedded successfully.

Dealing with Rogue Landlords

On 13 March 2015, DCLG published "*Improving the private rented sector and tackling bad practice: a guide for local authorities*" This provided guidance for local authority housing officers to help them effectively tackle poor and illegal practices by landlords and letting agents. The guide can be downloaded using the link below:

www.gov.uk/government/publications/improving-the-private-rented-sector-and-tackling-bad-practice-a-guide-for-local-authorities

Please also note the retaliatory eviction provisions in the Deregulation Act 2015 Protection against eviction is given to tenants where they have raised a legitimate complaint about the condition of their property, or where the local authority has served a relevant improvement notice on the landlord due to poor property condition.

Redress Schemes

In October 2014 'The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to belong To a Scheme etc) (England) Order 2014 came into force:

www.legislation.gov.uk/ukxi/2014/2359/contents/made

The order requires that a person who engages in lettings agency work or property management work must sign up to one three government approved redress schemes. The purpose of the requirement is to:

- *Make it easier for consumers to pursue a complaint against their landlord or agent,*
- *Provide easy access to an independent body who will investigate their complaint, make a ruling and if upheld can also award compensation, and*
- *Provided an alternative option to the courts and tribunals*

Local authorities are not required to sign up to a redress scheme, as when they work as a lettings agent, or conduct property management work, they are already acting as a member of the Housing Ombudsmen Scheme, and Pt 3 of the Local Government Act 1974 will also apply.

Redress scheme rules

The rules for each Redress Scheme vary, but there are some common themes. All are free to use and no charge is made for a tenant or landlord who makes a complaint

Redress schemes typically require letting agencies to:

- *Follow a code of practice*
- *Have an in-house complaints procedure*
- *Cooperate with any investigation and agree to pay compensation promptly if the Redress Scheme awards it*

It is important for local authorities to ensure that all relevant letting and management agents in their area are signed up to one of the three redress schemes. The financial penalty for not joining a scheme is £5000, and a local authority can enforce this fine (usually through their Private Sector Housing team) where it is satisfied, on the balance of probability, that a landlord is engaged in letting or management work and is required to be a member of a scheme, but has not joined. Sums received by the enforcing authority as monetary penalty may be kept by the local authority.

The DCLG guide on redress schemes for Lettings Agents and Property Managers can be found here:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/361556/Lettings_Agents_and_Property_Managers_redress_scheme_leaflet.pdf

Securing PRS Vacancies and Inspecting them

Developing the landlord offer should contribute to securing access to PRS vacancies. There are, however, further considerations with specific regard to suitability standards proposed by the new consultation statutory suitability order.

Existing working arrangements with Private Rented Sector Enforcement colleagues may need to be reviewed in light of the new power. Local authorities should consider the following:

Visits and Inspections

The Homelessness (Suitability of Accommodation) (England)

Order 2012 suggests an expectation that a local authority officer, (or someone acting on behalf of the authority such as a letting agent), would visit the property to take account of the general condition and state of repair.

Local authorities will need to determine how best to achieve this. Existing good practice authorities conduct visits to all properties where they will be supplying a tenant through their PRS access scheme - but this may not be the case in every borough. Often the local approach is dependent on demand and available resources. Local authorities should review their approaches with regard to the Suitability Order.

Landlords are unlikely to keep properties vacant for extended periods of time to schedule an inspection. Where resources are unlikely to facilitate inspections in a timely manner, it may be prudent for local authorities to develop processes by which they can satisfy any future requirements contained in the Suitability Order whilst being responsive to landlords' needs to get their properties tenanted. This may mean engaging other support from within and/or without the organisation.

The relationship with Private Rented Sector Enforcement Officers will be important to support lay-person inspections to satisfy the principles of the Suitability Order [Annexe 2](#). This initial visit could also include inventory and photographic checks, accompanied viewings and deliver other aspects of the landlord and tenant 'offer'.

Training could be provided by Private Rented Sector Enforcement Officers (or other HHSRS trained Officers) within the authority to support other local authority officers (Housing Options Officers, Rent Deposit Officers, Visiting Officers, Area Housing Managers *et cetera*) or third parties acting on behalf of the authority, to recognise key deficiencies in standards of accommodation whilst undertaking initial visits.

Local accreditation schemes could also be adopted or adapted to ensure that Private Rented Sector Enforcement colleagues are able to focus on those landlords needing their attention and on those tenants in need of assistance.

Incentives versus Enforcement

Local authorities will need to be mindful of sustaining, encouraging and developing positive and supportive relationships between the local authority and the PRS.

Heavy handed enforcement approaches may deter landlords from working with local PRS access schemes. On the other hand, poor fitness standards should be remedied and so the authority will need to determine the right balance.

Involving Environmental Health Officer Expertise

There are clear advantages for local PRS landlords in working with the expertise of local authority Private Rented Sector Enforcement teams. Local authorities should consider what Private Rented Sector Enforcement Officers can bring to the PRS access scheme to attract properties, including whether there may be grants accessible to landlords to bring properties up to standard.

Local authorities could also consider how empty homes work can be linked in to the local PRS access scheme so that when properties are brought back into use tenants can be supplied through the scheme.

Matching Customers to Vacancies (in the context of Welfare Reform)

On 8th March 2012 the Welfare Reform Act 2012 received Royal Assent. The Act can be viewed using the link below:

www.legislation.gov.uk/ukpga/2012/5/pdfs/ukpga_20120005_en.pdf

Housing Options and Housing Benefit Teams should work collaboratively together, alongside other partner agencies and organisations, to ensure potential homelessness impacts arising from welfare reforms are mitigated wherever possible.

The www.gov.uk website provides advice and a range of tools for people who want to understand their entitlements to a range of welfare benefits and more. For advice pages regarding Local Housing Allowance use the link below:

<https://www.gov.uk/government/collections/local-housing-allowance-information-for-local-authorities>

The Valuation Office Agency publishes local reference rents – for the local reference rents please use the link below:

<https://www.gov.uk/government/collections/local-reference-rents-levels-collection>

Key welfare reforms affecting PRS:

- *LHA reforms (caps, 30th percentile, loss of £15 excess) (implemented **April 2011**)*
- *Extend SAR to under 35s (implemented **January 2012**)*
- *LHA rates set annually (implemented **April 2012**)*
- *LHA indexed to CPI (implemented **April 2013**)*
- *Household benefits cap (implemented **September 2013**)*
- *Universal Credit (phased roll out from **October 2013**)*
- *Extension of the Household overall benefits cap (£23,000 pa in London / £20,000 pa rest of UK) (implemented **April 2016**)*

Council Tax Benefit Localisation

Implemented April 2013:

Housing teams will need to liaise closely with their Council Tax Benefit colleagues. From April 2013 authorities may determine their own CTB criteria (except for pensioners who are protected by a national set of criteria) Authorities will also see a reduction of 10% in their central government CTB grant. Council Tax colleagues are now responsible for delivering an equitable benefit scheme for low income households. Housing colleagues will need to understand the implications of this for homeless households and sustainability of tenancies in the PRS.

Under Occupancy Penalty

Implemented April 2013

This reform (AKA 'The Bedroom Tax') may also impact by leading to increased pressure on access to PRS accommodation from people in Council or Registered Provider homes who are affected by the Housing Benefit deductions.

What are the issues?

- *Affordability – household size, housing markets*
- *SAR issues – Houses in Multiple Occupation and shared room availability*
- *Universal credit, direct payments, LHA up-rated by CPI*
- *Increasing levels of claims to be made online only – a challenge for those facing difficulties with access to internet*
- *Reduction in telephone or face to face support from DWP to resolve claims issues*
- *Availability and local housing markets – in area versus out of area – ability of LAs from other areas to have better purchasing power to secure PRS landlords (see Annexe 8 for the Pan-London Inter Borough Accommodation Placement Agreement)*
- *Landlord reluctance to get involved with LHA claimants*
- *Ability to access DHP payments in the context of prevention to sustain accommodation*
- *Information sharing and joint working*
- *Landlord confidence in local PRS access schemes and advice services*
- *Local services focussed on the issues – at the expense of proactive work to develop solutions*
- *Local services lacking capacity or the knowledge and experience to develop the relationship with the PRS*

Options that could contribute to a local response:

The list of options below is complementary to considerations outlined earlier in the toolkit that should support positive joint working with the PRS. The list below focuses on suggestions that may support local authorities and their partners when seeking to match customers to PRS accommodation in light of welfare reforms:

- *Rent a Room schemes for struggling home owners with spare rooms to assist them to meet the costs of their mortgages (including more generally, emphasising the £4,250 that can be earned ‘tax-free’ through renting out a room)*
- *PRS access schemes and landlord ‘offer’ to include resident landlords (bonds, support, et cetera)*
- *House sharer schemes – bringing together customers who are interested in sharing accommodation*
- *‘Speed dating’ approaches providing an introductory service for landlords with properties to let and people who require accommodation*

- *Using the local 'offer' to negotiate lower rents (to LHA levels) for people accessing PRS accommodation*
- *Using the local 'offer' to support more vulnerable applicants to secure PRS accommodation*
- *Develop holistic housing options services that provide advice and support for out of work households to access employment – this could be achieved in partnership with a range of local agencies including the voluntary sector, Job Centre Plus and through local strategic partnership groups*

The Role of Choice Based Lettings

In light of the range of new and emerging housing options, including affordable rent and flexible tenure – local authorities should consider how existing Choice Based Lettings schemes can contribute to the effective delivery of housing services in their local area.

Whilst some CBL schemes will not currently link in with local PRS options, this is something authorities may want to consider in light of the important role of the PRS in meeting local housing need.

There are positive opportunities presented by local CBL schemes - some key points below:

- *CBL represents the glue that could hold together local housing options (including developing housing options that are planned) and 'enhanced' options for people with wider support needs*
- *Advertising properties available for rent that are at (or below) applicable LHA rates in a specific on-line facility, or by available search and filter facilities on line*
- *Tenant matching*
- *Enabling landlords to seek tenants*
- *Self help and advice for capable customers – including links to other advice and support, both generic and specialist, to deal holistically with people's circumstances and enable capable customers to answer their own questions (freeing up time for front line staff to assist more vulnerable customers)*
- *Links to employment websites and advice on entering the job market*
- *Online 'housing plans'*
- *CBL can be used as a visible tool to show landlords the professional 'look and feel' of the service*
- *CBL is participatory and customers interacting with the scheme will be exposed to the local authority's key messages on available housing*

pressures, options and re-housing prospects, and how the local PRSO policy operates alongside the allocations system

- *CBL delivers greater transparency in local housing options processes*
- *Part 6 bidding could be restricted to only those with ‘housing need’ – reflecting any local qualifying parameters that are currently being considered in light of the Localism Act allocations provisions*
- *Consider as an optional element for a local PRSO policy – time limited opportunity to bid through CBL before a PRSO is made:*
 - *For households who have become homeless through no fault of their own*
 - *Prevention options were either unsuccessful or unavailable*
 - *Who have not unreasonably refused to consider prevention options*
- *CBL could be used as a vehicle to deliver choice to households who are undertaking the alternative prevention option route as outlined in the “Policy Options” section in Part 4 of the toolkit.*

Information Sharing Between Agencies and PRS Landlords / Letting Agents

When matching customers to available PRS accommodation local authorities should ensure adequate and robust consent forms are completed and signed by the applicant to enable an honest exchange of information between the local authority officer(s) and the PRS landlord and/or an agent working on their behalf. An example consent form has been included in the toolkit at Annexe 9.

Identifiable safeguarding issues should be appropriately addressed and considered before information is shared, where there may be specific vulnerabilities or particularly sensitive issues associated with a specific household or individual (such as accommodating victims of domestic violence, or households seeking accommodation that are subject to witness protection).

Wherever possible the landlord should be given relevant information to make an informed decision about the quantity of risk that may be involved in offering a tenancy to a specific applicant. This disclosure should, on a case by case basis, be accompanied by a considered support plan that the authority (and where appropriate, partner agencies) have committed to delivering to mitigate any identified risks.

Where an applicant refuses to give consent to share information that the local authority considers relevant in the context of seeking to provide PRS accommodation, the local authority should disclose that the applicant is unwilling to share all relevant details of their case history.

Local authorities may wish to consider the case of ***Minter v Mole Valley***, which was reported in local Surrey news in September 2011. The case was heard at the local Reigate County Court.

In brief, the applicant approached the Council and was assisted into PRS accommodation, however the tenancy broke down and the applicant left considerable damage and rent arrears. The landlord's case against the Council rested on the assertion that the authority had negligently misrepresented the applicant's suitability to be a tenant.

The judge accepted the landlord's evidence that the Council had given assurances that it would vet prospective tenants when she subscribed to the Council's rent deposit scheme. The landlord had been entitled to assume that the applicant would be a suitable tenant.

The Council was also found to have misrepresented the manner in which the applicant had left their previous property.

The Council claimed that the applicant's confidentiality and data protection considerations meant they were unable to provide a full disclosure - however, the judge found both that the Council had asked the applicant for permission to disclose further details of her history, and that a refusal on the part of the applicant would have influenced the landlord when deciding whether to let the property to the applicant.

The judge found that:

- *It was reasonable to impose a duty of care on the Council towards the landlord*
- *That the Council had negligently misrepresented the applicant's suitability as a tenant*
- *It was reasonable for the landlord to be compensated for her losses*

Fundamental information sharing considerations:

- *Mitigate more vulnerable or chaotic cases through reassurance and targeted support for both landlord and tenant*
- *Allow landlords to make informed decisions*
- *Trust is key*

Looking beyond the Council's Boundaries for Stock

The Homelessness (Suitability of Accommodation) (England)

Order 2012 introduced regulations to strengthen protections around location of accommodation, in light of some authorities seeking accommodation for applicants owed the main homelessness duty far outside their own district.

The government's preferred approach to tackling this issue, in addition to existing protections, is to add weight to the considerations authorities should have regard to in placing households out of area that are outlined in the existing 2006 Homelessness Code of Guidance. As **outlined earlier in Part 1 of the toolkit**, and confirmed in the Supreme Court in *Nzolameso v City of Westminster* [2015] UKSC 22, this would mean authorities must take into account location and in particular the following:

- *where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;*
- *the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;*
- *the proximity and accessibility of the accommodation to medical facilities and other support which—*
 - *are currently used by or provided to the person or members of the person's household; and*
 - *are essential to the well-being of the person or members of the person's household; and*
 - *the proximity and accessibility of the accommodation to local services, amenities and transport.*

The Suitability Order notes that where moves out of district take place, procedures are observed between placing and receiving authorities for the benefit of the household who is moving and the local authority where they are being moved.

The Suitability Order suggests that the Inter-borough Accommodation Agreement (see [Annexe 8](#)) already in operation within London may serve as a useful example of how this could be achieved for moves outside of London.

Local authorities should be clear on how they may need to adapt their existing practices to ensure they observe existing protections (as outlined in Part 1 of the toolkit) and those further protections outlined in the Suitability Order.

The Supreme Court, in *Nzolameso*, have confirmed the suitability requirements, and ruled that where it is not reasonably practicable for an authority to accommodate in their own district they must, where possible, try to place the household as close to possible where they had previously been living.

The question of whether accommodation is “suitable” for the appellant and each member of her household requires an authority to have regard to the need to safeguard and promote the welfare of the children in the household. When making a decision to provide accommodation, the principal needs of the children in the household, both individually and collectively, should be identified and the decision should have regard to the need to safeguard and promote them when making the decision.

Practical ways forward:

Before local authorities look to place households beyond their boundaries they should ensure they have carefully considered what can be done locally to prevent out of area placements. This includes getting the basics of their prevention service and landlord ‘offer’ right - and focusing on solutions rather than on the presenting problems in the area.

- *Undertake a peer service review supported by the Diagnostic Peer Review Toolkit – this will work towards to ensuring the local challenge relating to ‘access to the PRS’ has been achieved*
- *Consider the needs of individual families – and link this into the local overarching PRSO policy*
- *Where customers do not have their own transport consider transport links alongside education, training and employment commitments, health needs etc as part of client matching to available accommodation*
- *Proactively source accommodation locally and link to a comprehensive and coherent landlord ‘offer’*
- *Local authorities and third sector partners should work in partnership to ensure they are maximising available resources locally for PRS access*
- *Develop working relationships and processes with neighbouring authorities (particularly in areas that can reasonably expect a degree of transit resulting from shared housing markets and inward and outward migration between areas)*
- *Undertake joint work across boundaries to avoid inflating housing markets, over-incentivising landlords, disabling local prevention models and increasing*

- costs to the public purse – this could include developing common landlord offers to prevent competition in housing markets*
- Develop joint working protocols between relevant Private Rented Sector Enforcement team to support visiting properties and to deal with potential enforcement issues across local authority boundaries*
- Consider and anticipate what may be the needs, wants, and aspirations of affected households – and how these can be taken into account when considering out of area placements*
- Ensure vulnerable people are linked into appropriate services and safeguarding considerations are paramount*
- Ensure continuity of services more generally – health, Children’s and Adult Services et cetera*
- Notify existing support services that a household is being moved to another area to encourage information sharing between relevant statutory agencies*
- Link cross-authority work with local support providers*
- Consider impacts of the universal benefit cap on larger families and make placements in areas where employment prospects are realistic to support economic activity and reduce potential financial stress for affected households (the cap will not apply to households in work for 16 hours or more a week)*
- Be mindful of legal duties and recent case law, particularly Nzolameso (Appellant) v City of Westminster (Respondent) [2015] UKSC 22*
- On appeal from [2014] EWCA Civ 1383*

Wherever practicably possible, local authorities should not seek to place any households outside their borough without the consent of the applicant, unless it is absolutely necessary.

The Toolkit - Next steps...

The first 3 parts of the toolkit have provided an overview of and support to interpret sections 148 and 149 of the Localism Act and the associated

The Homelessness (Suitability of Accommodation) (England)

Order 2012, how local authorities can maintain the prevention focus of their services going forward (Part 2) and how they can work more effectively with the Private Rented Sector (Part 3).

Part 4 of the toolkit will explore technical advice and ideas for local authorities in developing their local approach to discharging the main homelessness duty through Private Rented Sector Offers, and how this approach could be developed alongside local preventions models.