

Forcing homeless families out of London: London councils ending homeless duties with private rented accommodation

Report by Housing Action Southwark & Lambeth

Hundreds of homeless households across London are being forced by their local council to accept private rented tenancies outside of London, often in the West Midlands, away from their local schools, work, and communities. If they refuse these offers, they face being deemed 'intentionally homeless', evicted from their temporary accommodation by the council and left with little further assistance.

[A main cause of homelessness is the ending of a private sector tenancy](#), yet councils are increasingly forcing thousands of households who have already endured homelessness right back to the insecure, poverty-fuelling private sector.

At the start of this year [Westminster council publicly announced](#) it would be sending homeless households out of borough and out of London, but this is something other councils have been doing for years now with less fanfare. The report also finds that councils are systematically breaking the rules when moving families out of London by failing to notify the receiving council.

Councils gained the power to 'discharge' their duty to homeless families through private sector tenancies under the Localism Act 2011. This research draws from Freedom of Information requests to 31 London councils that reveals their use of these relatively new powers in the last year.

This research builds on previous research we have conducted and published on [Novara Media](#) in May 2015.

The main findings of the report are:

- Over two thousand homeless households have been forced into private sector tenancies in the last year. A further 325 households have been put into further homelessness for not accepting an offer of a private tenancy from a council.
- Last year London councils tried to force over 300 homeless households out of London entirely – with Brent and Newham councils accounting for two-thirds of these. Half these placements that were offered were in the West Midlands, over a 100 miles from the households' communities and support networks.
- Out-of-London private rented sector offers are not only wrong but also a failure, resulting in further homelessness. Whereas only 5% of households rejected a private rented sector offer in their home borough, 40% rejected out-of-London offers. Worryingly more London councils are using out-of-London offers compared to two years ago, with now over half of London councils doing so.
- Councils are breaking the rules when making out-of-London placements. Councils are systematically failing to notify the receiving councils that they are moving

families there – which is a requirement under Section 208 of the Housing Act 1996.

- The [Supreme Court announced in 2015](#) that councils had to look as close to the borough as possible for temporary accommodation placements. However legal challenges made by homeless families in the last year about the suitability of a private sector discharge location have been unsuccessful. Only 6% of a total of 170 reviews in Brent and Newham (the worst for out-of-London placements) have found the location to be unsuitable, and of the few cases that went to appeal in the County Court only 20% were successful.
- Brent council used one house in Telford, Shropshire, to make 11 families further homeless. Not one family accepted the house, but Brent council kept on offering it to other families regardless. Most of these families were in work and therefore such an out-of-London offer would likely have been deemed unsuitable by the Homelessness Order 2012 due to the significant disruption to employment.

Thousands of homeless households are forced into the private rented sector each year

The Localism Act 2011 gave councils the power to discharge/end the homeless duty they had to homeless families and vulnerable individuals with offers of private rented sector accommodation. Before the Localism Act 2011 the council could only end their duty to these families with an offer of social housing – normally this would be after years waiting in temporary accommodation. This significant change means that homeless families can now be forced back into the insecure and increasingly expensive private rented sector and a cycle of homelessness.

The FOIs to London Councils found that they tried to force almost 2500 homeless households into the private sector last year using their powers under the Localism Act 2011. A third of these private rented offers are outside of the households' home borough and therefore likely displacing people from their support networks and community. 325 households refused these offers last year in London and will likely experience further homelessness and are no longer be able to access mainstream council help.

Households who have refused a private sector offer will likely be deemed 'intentionally homeless' by the council. This means they will either have to rely on friends and families for accommodation or they will have to go to social services for help. The housing support from social services is notoriously bad with [whole families](#) staying in one room of a hostel [indefinitely](#). Families are also [threatened with forced separation](#) from their children when they try to access it. If these households want to legally challenge the council's offer of housing they will have to do this either whilst dealing with eviction from temporary accommodation and this further homeless or in social services accommodation.



Figure 1 - The total amount of private sector discharge offers made last year by each London council. Data obtained through FOI.

Even when the private rented accommodation is within the borough it can be poor quality accommodation. [One family, who are part of Haringey Housing Action Group, were housed in their home borough in private rented accommodation by Haringey council.](#) However, this private rented housing is in a poor condition and it is impacting on her children's health. The letting agent has failed to do the needed repairs for many months.

She writes: "According to my personal opinion, I cannot live in this poor condition of my property which isn't being repaired for a long time and just advised to "Wait". Due to the poor condition of my property it is impacting on my children's health. They are suffering from certain health problems such as eczema(worse), asthma and not adequately heating etc. Social worker, health visitor, school nurse and GP provided the suitable evidence to the council but unfortunately it's pointless, because I don't know why I have to be wait for a long time to get this repair done. Why council been neglecting and no take any further action? Agents are also ignoring to get the repairs done. I don't know why they give such a bad condition of these properties to the council when tenant aren't satisfied with the agents behaviour. However, this property isn't suitable for us. I am personally not satisfied how they

are treating me.”

As many private tenants know, getting private landlords to do repairs is notoriously difficult and it comes with the risk that the landlord would prefer to evict you than get round to doing the repairs. These are some of the reasons why private rented housing is particularly unsuitable for people who have already faced homelessness.

Forcing families out of London

London councils have tried to force 341 households to accept private tenancies out of London or else face eviction from their temporary accommodation. Often households have to make the decision of whether to accept this out of London offer in a very short amount of time – Brent gives households just 24 hours to accept or reject the offer.

Out of London offers are resisted by the families with 40% being rejected, likely leading to further homelessness for that family. In contrast, only 5% of households rejected a private rented sector offer in their home borough. One reason out-of-London offers are not accepted at this much higher rate is because over half of all the out of London offers are in the West Midlands. Very understandably, when people are told there is a private tenancy for them in a place they have never been to and that is 100 miles away from their school, communities and employment, they refuse this offer, even though the consequence is that they will be deemed 'intentionally homeless' and evicted from their temporary accommodation.



Figure 2 - The location and number of out-of-London private sector discharge offers made by Brent Council in the last year. 49% of these were accepted. Data obtained through FOI.

This means moves such as [Westminster's recent announcement](#) that they will increasingly house families out of London (for both temporary accommodation and private sector offers to end homelessness duties) will just cause further homelessness as families refuse to move completely away from their networks and support. Westminster are not alone as the number of councils using the Localism Act to move households out of London has increased. 18 councils have moved families permanently out of London in the last year – an increase from 12 councils when this research was previously conducted in 2015.

Over half the out-of-London offers from all London councils were in the West Midlands. This was the area with the worst acceptance rate, probably due to its distance, yet the place being offered the most. Whereas offers being made in the South East of England are only rejected by 30% of the households offered housing there, offers in the West Midlands are rejected by 50% of households. Figures 2 and 3 are maps of where out-of-London private sector discharge offers were made for Brent and Newham councils. These show the large distances that councils have tried to force households to in the last year.

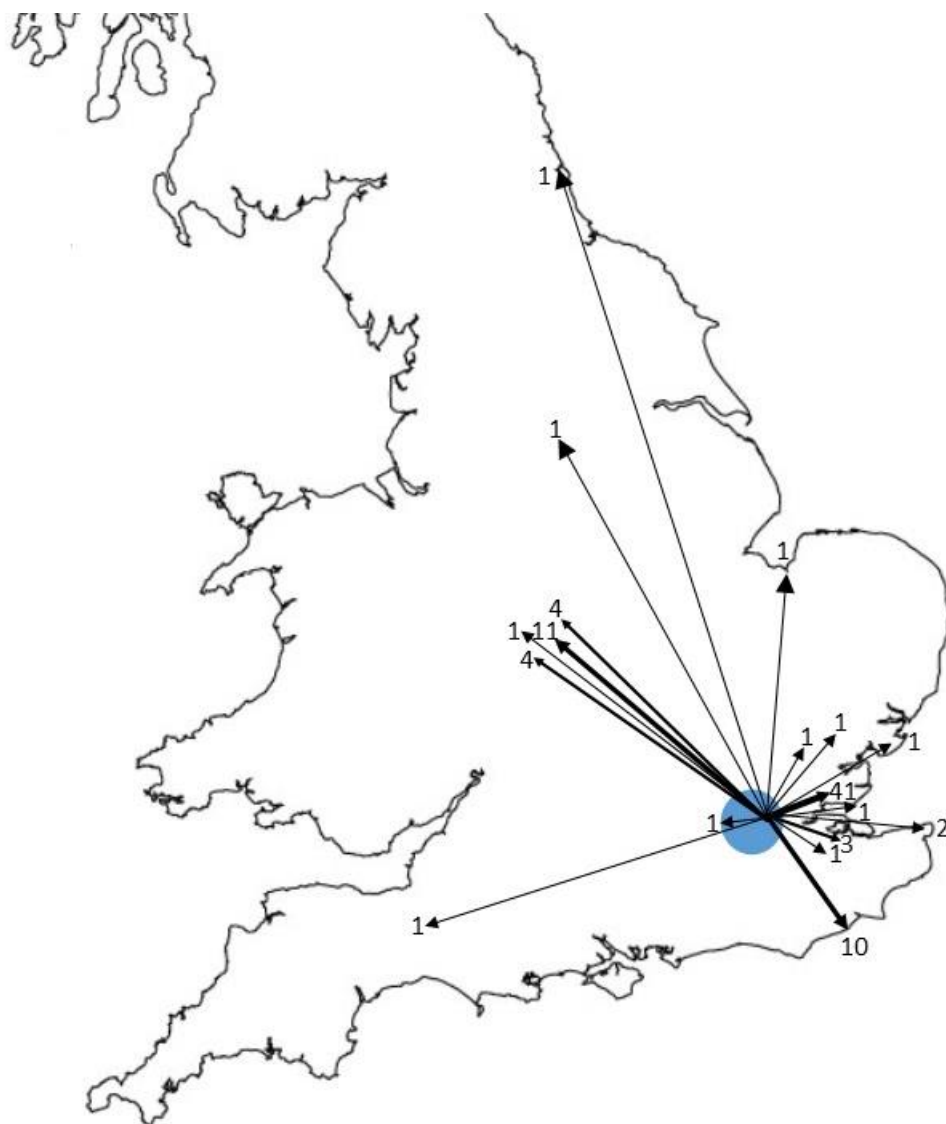


Figure 3 - The location and number of out-of-London private sector discharge offers made by Newham Council in the last

year. 33% of these were accepted. Data obtained through FOI.

A [Supreme Court judgment in 2015](#) (Nzolameso Vs. City of Westminster) concluded that councils, when providing temporary accommodation, should house a household in their own area '[so far as reasonably practicable](#)' and, failing that, as close as possible to where they are currently living. It is likely this ruling should apply to permanent offers in the private rented sector as the statutory duties the council had not carried out in this case were not specific to the type of accommodation being provided by the council. As half the out of London offers are in the West Midlands they clearly fail to comply with this judgment; it seems unlikely that local councils offering this accommodation have made an effort to house the families as close as possible to their local area. With such high rejection rates associated with the West Midlands offers it is clear that people are deciding for themselves that the accommodation is unsuitable, but simply refusing an offer has huge consequences for the homeless households, as we've explained. The council can end their homeless duty, deeming them 'intentionally homeless' and they will face eviction from their temporary accommodation.

Councils are regularly breaking the law when forcing people out of London

Not only are London councils potentially behaving unlawfully by the large distance of some of the accommodation offered, they are also in breach of the safeguards they should follow when providing out of borough accommodation.

Section 208 of the Housing Act 1996 requires councils to notify each other when moving a household into another council's area. However we found that the West Midlands councils that are receiving homeless families from London are not aware this is happening. We sent Freedom of Information requests to six councils in the West Midlands (Walsall, Shropshire, Dudley, Sandwell, Wolverhampton, and Birmingham) who, we know from the FOIs to London councils, received 81 homeless London families between them last year. However, the West Midlands councils were only notified of 16 homeless families being permanently moved into the area. This means no support was offered to the majority of the families sent to the West Midlands to help set up their life in the new area they have been forced to move to. This is two years after [the High Court ruled](#) that councils needed to give notification to other councils with out-of-borough placements. The councils that use out-of-London placements the most are also the worst at notifying the receiving council. Brent and Harrow moved 28 and 14 households to Birmingham respectively. However Birmingham were only notified of 6 in total from both councils.

By looking more closely into the processes followed by Brent council (who have given the highest number of out of London placements) when they force private rented offers on homeless households we have found out that they are also failing their legal duty to ["safeguard and promote the welfare of children"](#). The notice Brent council use to make a private rented sector offer out-of-London was obtained by a FOI request and can be found in the Appendix. The letter appears generic and not tailored to each household. Furthermore all Brent say to address their duty to children is:

“In making this offer I have considered section 11(2) of the Children Act 2004 in regard to the need to safeguard and promote the welfare of children.”

This does nothing to confirm that the welfare of the children was actually considered when the private sector offer was made. The letter makes no reference to the age and needs of the children or even where they are being sent – as if the same letter is given for offers in Barnet as well as Telford. The 2015 Supreme Court judgment mentioned above also touched on the welfare of children in relation to out-of-borough placements. In that case Westminster council had not found out if there were school places available in the area the family were being moved to. From the generic letter Brent use it also appears that a similar lack of consideration is still occurring.

Some councils are worse than others

Not all London boroughs force homeless families into the private sector (for example Southwark and Islington), but out of the 23 that have in the last year, 75% have tried to force homeless families out of London. However, some are worse than others, with the Labour ran councils of Brent and Newham accounting for two-thirds of the out-of-London placements.

Brent council tried to move 112 families to the West Midlands last year alone, with 65 refusing and likely facing further homelessness. This is from a total of 139 out-of-London offers made by Brent council, meaning that 80% of the time that Brent council offer someone private rented accommodation out of London it is in the West Midlands. Very clearly Brent are not trying to find the nearest suitable accommodation to Brent as the Nzolomeso ruling requires.

Nearly all of the households (95%) that Brent and Newham councils have tried to move out of London have children. These out of London placements will seriously disrupt their childhood and education. The councils will probably argue that families with children are the households that they struggle most to house in London due to the effects of the benefit cap. However, the case of the Telford placements (see below) shows that out-of-London placements are being used for families who not affected by the benefit cap. The fact that 29 other London boroughs can house homeless families without moving any, or many, families out of London shows that what Newham and Brent are doing is not necessary. Due to the massive difference in behaviour and use of private sector placements across London boroughs, the actions of Brent and Newham can therefore be seen as ideological.

It is worth mentioning that although Brent and Newham are the worst for out-of-London placements, Enfield council have the most private sector discharges by far with almost 3 times that of Brent. However, of the shockingly high 1,008 private sector discharge offers they made last year, 94% were within Enfield itself. Also only 6 placements in total were rejected. This means that Enfield's execution of private sector discharges is one of the 'best' with such a high percentage within borough. However the huge amount of private sector discharges Enfield council are making is worrying.

It could be argued that Enfield's heavy use of private sector tenancies to end homeless duties is not dissimilar to spending years in temporary accommodation. However, a homeless duty means that families and vulnerable adults are automatically supported if the temporary accommodation comes to an end. By ending a homeless duty with a private sector tenancy, if the household become homeless again after 2 years (which in the private rented sector there is a good chance of) they will have to go through the entire homelessness process again. This can mean more time in hostel accommodation for children and another stressful and often degrading 'priority need' investigation for vulnerable adults. Enfield council also heavily de-prioritise households who have been served with private sector discharge offers from the council waiting list meaning their chance of ever getting council housing is reduced. Essentially Enfield council are further fuelling cycles of homelessness and poverty for vulnerable adults and families.

Legal challenges to unsuitable private sector discharges

As Brent and Newham councils tried to move the most households out of London they will probably be the councils where there would be the highest prospect for legal challenges to the private sector discharges. We made further FOI requests to look at the challenges that had been made against these boroughs regarding their private sector placements.

Across both boroughs 227 households had been offered out-of-London placements in the last year, and 514 out-of-borough. This gives an indication of the potential numbers who should be able to successfully appeal – with most out-of-London offers standing a good chance of being successful, particularly in the light of the Supreme Court ruling *Nzolomeso vs Westminster*, because it is very unlikely that the council could not have sourced accommodation within London. We found that in the last year 170 households had made the two councils review the location of the private rented offer. This suggests that quite a high proportion of households that the council are trying to send out-of-London are reviewing their decision. However in the case of the 12 households Brent tried to send to Telford, Shropshire, not one family reviewed this offer, and also none accepted it. This shows that considerable numbers are still failing to access the legal routes and not challenging placements that are likely to be unlawful. These families are ending up either across the country or further homeless.

Of the 170 reviews, these two councils only found 11 of these placements to be unsuitable after their reviews. As the reviews are done by the council who made the offer in the first place it is not surprising that the reviews had such poor success, with only 6% in the homeless households' favour. What is more surprising is that little success was found at the County Court appeal stage too. Only 22 households, of the 159 households that had negative review decisions, appealed the suitability of the location at the County Court. This is possibly due to families not having access to legal aid, or the difficulty of pursuing an appeal whilst moving across the country and the many other stresses homeless households are dealing with. Only 4 of the appeals were successful which is just below 20%. Although significantly better than the 6% success rate at the review stage, considering the strong decision in the [Nzolameso Supreme Court](#) ruling that accommodation should be found as close to the borough as possible, it is surprising so many appeals are failing. This low success

rate in the County Court could be due to a number of reasons:

- 1) Poor legal representation. Considering the quite clear unsuitability of some of the offers (eg. Brent giving just 24 hours to make the decision to move to Telford), and the fact that there do not appear to be any appeals that have gone beyond the County Court, this suggests that maybe the legal representations made in these challenges have not been good quality.
- 2) The County Courts are potentially not taking into account the Nzolameso ruling. In the Nzolameso Supreme Court ruling it was highlighted how both the Court of Appeal and the County Court had wrongly assumed that the council had made efforts to find nearer accommodation than that offered. If these courts were still working with this assumption then this could explain the lack of success with the appeals.
- 3) Only the weaker cases are being appealed. Potentially the people who are housed within London, but out-of-borough, are more likely to challenge the location of the private sector discharge. This is because they can accept the London based accommodation whilst staying connected to their home borough and making the appeal. A break-down of the reviews and appeals by location of placement, which would show if this was true, was not requested by us.

The house of homelessness – Case study of Brent’s attempts to move families to Telford

As Brent were the worst council for trying to force families out of London we decided to look in detail at their use of out-of-London private sector discharges. We took the case study of the 11 households that Brent had tried to force to move to Telford, Shropshire. All 11 of these households had refused Brent council's offer, likely facing further homelessness as a result. According to the council none of these 11 families reviewed the decision to be moved to Telford or approached social services for help under the Children’s Act. This means the families would have had to have found accommodation themselves or stayed with friends or family.

FOIs revealed that all private sector discharges were to the same property that the council kept re-offering to household after household. This means that one house in Telford resulted in further homelessness for 11 families. No family viewed the property but it also appears from the notice given to these families explaining the offer and its consequences (notice is in the Appendix) that no expenses were offered to view the property and they were only given 24 hours from receiving the letter to decide whether to accept the offer. All 11 families obviously decided the property was unsuitable, but Brent did not get the message. It is worrying that Brent kept offering this property, which very quickly they knew was going to be rejected. The later offers of this house in Telford are not done by a council who are trying to house homeless families, but rather one who is trying to end any responsibility they have towards homeless families as efficiently as possible.

The suitability assessments that Brent carried out for each family were also obtained through FOI (summary of the assessments is in the Appendix). The questionnaires asked basic facts such as the age of children, work details and medical needs. The assessments showed that across the 11 families there were 35 children, 29 who were school age. The

offers therefore would have had serious disruption to many children's lives. 9 of the 11 families also had parents in work. This means that the offers were potentially breaking the Homelessness (Suitability of Accommodation) Order 2012 which requires local authorities to consider the disruption caused by the location of accommodation to a household's employment. It also means that most of the families would not have been subject to the benefit cap, meaning there would be far more available and affordable areas in which the council could place them, making the decision to place the families in Telford even more worrying.

One possible reason why this Telford house was deemed so unsuitable by the families (even more so than offers to Birmingham, which more Brent families accepted and is a similar distance from London) is because it is a much less culturally diverse place. Our FOIs revealed that of the 8 families Brent council attempted to send to Telford which they had ethnicity data on, half were not white, and the 4 who were recorded as white were not necessarily white British ([a County Court case here against Brent is by a Polish woman for example](#)). From the 2011 Census Telford is 90% white British compared to 53% for Birmingham and 18% for Brent.

Even though Brent Council said none of the 11 families reviewed the private sector discharge there was [one court case](#) reviewing the suitability of an offer in Telford by Brent council covered on the [Nearly Legal](#) blog. This means that either Brent Council were not accurate in their FOI response or that they were still making private sector offers to Telford after the time period for which the information they gave us covered. This court case shows how even though the person was actually trying to accept the Telford offer, Brent were clearly just using the offer to try and end a homeless duty to the family as they turned the parent's temporary illness into a rejection of the offer.

Organising together against social cleansing

So many people desperately need secure, quality, affordable council housing in their local communities. Currently, local councils are denying those with the highest housing need access to this housing and instead are forcing them into insecure, expensive private rented accommodation, often outside the city which is disrupting and destroying peoples lives and communities. These homeless households are being failed by the local councils they approached for help. But with practical support, solidarity and collective action, we can challenge councils' use of private sector tenancies to end homeless duties. The [London Coalition Against Poverty](#) has local groups across London where people with housing problems and supporters meet regularly to provide practical solidarity, information, and plan action on housing together. Helping people to find good housing lawyers to help with reviews, supporting them through these often stressful processes, and planning wider action are some things we can do together to stop homeless households being forced from their communities and into a cycle of poverty and homelessness.

Appendix:**Table 1 - Offers and acceptances of private sector discharge by borough and whether offer is in the borough or London**

	Total offers	Acceptances	In-borough offer	Out-of-borough offer	Out-of-London offer	In-borough accept	Out-of-borough accept	Out-of-London accept
Barking and Dagenham	0	0	0	0	0	0	0	0
Barnet	16	4 (25%)	1	2	13	0 (0%)	0 (0%)	4 (31%)
Bexley	0	0	0	0	0	0	0	0
Brent	356	255 (72%)	80	137	139	75 (94%)	112 (82%)	68 (49%)
Bromley	32	32 (100%)	20	7	5	20 (100%)	7 (100%)	5 (100%)
Camden	25	25 (100%)	18	6	1	18 (100%)	6 (100%)	1 (100%)
Croydon*		158				92	62	4
Ealing	77		55	12	10			
Enfield	1008	1002 (99%)	948	32	28	942 (99%)	32 (100%)	28 (100%)
Greenwich	12	10 (83%)	11	1		9 (82%)	1 (100%)	
Hackney	0	0	0	0	0	0	0	0
Hammersmith and Fulham								
Haringey	64	64 (100%)	37	25	2	37 (100%)	25 (100%)	2 (100%)
Harrow	18	17 (94%)	12	3	3	12 (100%)	2 (67%)	3 (100%)
Havering	0	0	0	0	0	0	0	0
Hillingdon*		32				30	0	2
Hounslow	95	95 (100%)	43	17	35	43 (100%)	17 (100%)	35 (100%)
Islington	0	0	0	0	0	0	0	0
Kensington and Chelsea	21	8 (38%)	0	21	0	0	8 (38%)	0
Kingston upon Thames	1	1 (100%)	1	0	0	1 (100%)	0	0
Lambeth	0	0	0	0	0	0	0	0
Lewisham	5	5 (100%)	3	0	2	3 (100%)	0	2 (100%)
Merton*		12				6	3	3
Newham	372	185 (50%)	134	150	88	76 (57%)	80 (53%)	29 (33%)
Redbridge	51	48 (94%)	30	14	7	27 (90%)	14 (100%)	7 (100%)
Richmond upon Thames	24	24 (100%)	18	2	4	18 (100%)	2 (100%)	4 (100%)
Southwark	0	0	0	0	0	0	0	0

Sutton	22	22 (100%)	22	0	0	22 (100%)	0	0
Tower Hamlets	0	0	0	0	0	0	0	0
Waltham Forest	58	58 (100%)	36	19	3	36 (100%)	19 (100%)	3 (100%)
Wandsworth	2	2 (100%)	0	2	0	0	2 (100%)	0
Westminster	4	4 (100%)	0	3	1	0	3 (100%)	1 (100%)
Total*	2465**	2063	1469	453	341	1467	395	201

*No percentages are provided for the totals here as the table includes councils who only gave information about only offers (Ealing council) or acceptances (Croydon, Hillingdon and Merton councils).

**This is the total of the 'Total offers' and the acceptances for Croydon, Hillingdon and Merton (as these councils only gave acceptances and these acceptances must have at some point been offers).

Note: percentage in brackets in the acceptances column, is the percent of the offers that were accepted.

Table 2 – Out-of-London offers and acceptances of private sector discharge by region

Council	Essex*	Birmingham*	South East	South West	East Eng.	West Mids	East Mids	North West	North East	Wales & Scotland
Barnet	0	5 (2)	2 (0)	0	0	8 (3)	1 (1)	2 (0)	0	0
Brent	2 (2)	46 (28)	26 (17)	0	2 (2)	112 (47)	0	0	0	0
Bromley	0	0	1 (1)	0	2 (2)	0	0	0	0	2 (2)
Camden	1 (1)	0	0	0	1 (1)	0	0	0	0	0
Croydon^			(4)							
Ealing^	0	5	5	0	0	5	0	0	0	0
Enfield	4 (4)	0	18 (18)	2 (2)	4 (4)	1 (1)	2 (2)	1 (1)	1 (1)	0
Haringey	1 (1)	0	0	0	1 (1)	1 (1)	0	0	0	0
Harrow	0	1 (1)	2 (2)	0	0	1 (1)	0	0	0	0
Hillingdon^			(2)							
Hounslow	1 (1)	14 (14)	0	0	1 (1)	34 (34)	0	0	0	0
Lewisham	1 (1)	0	1 (1)	0	1 (1)	0	0	0	0	0
Merton^					(3)					
Newham	50 (24)	11 (0)	14 (1)	1 (0)	51 (24)	20 (2)	0	2 (0)	0	0
Redbridge	4 (4)	1 (1)			4 (4)	2 (2)		1 (1)		
Richmond			4 (4)							
Waltham Forest	1 (1)		1 (1)			2 (2)				
Westminster			1 (1)							

^ These councils either only gave acceptances or offers of private sector discharges.

* Essex and Birmingham are listed, as although not regions, they are places with high amount of offers. The totals from these locations are included in their respective regions (East England and West Midlands).

Table 3 – Numbers of households sent to each West Midlands council (broken down by which London council sent them) and the total of notifications that each West Midlands council received

The numbers of households sent was obtained by FOI to London councils and the numbers of households received was obtained by FOI to West Midlands councils.

Receiving councils	Total Notified	Total Sent	Hounslow	Barnet	Brent	Harrow	Newham	Redbridge	Waltham Forest	Ealing	Enfield	Haringey
Walsall	2	9	3		2		2	1				1
Shropshire	0	12	12									
Dudley	0	1			1							
Sandwell	0	2	2									
Wolverhampton	0	5	3						1		1	
Birmingham	14	52	14	2	28	1		1	1	5		
Total	16	81										
Generic West Midlands		12			12							

Table 4 – Reviews and appeals of private sector discharges due to the unsuitability of location in Brent and Newham councils.

	Newham	Brent
Reviews	62	108
Successful reviews	3	8
Appeals	2	20
Successful appeals	0	4


Table 5 – Summary of the suitability assessments Brent council made for the 11 families offered Private Sector Discharges in Telford

Household	Is household in work?	Number of Children	Number of school age children	Number of exam age children	Children in contact with social services	Did the family request to stay in borough?
1	Yes	3	2	0	0	Yes
2	Yes	3	3	0	0	Yes
3	Yes	4	3	0	0	Page not provided
4	Yes	3	2	0	0	No
5	Yes	3	3	0	1	Yes
6	Yes	4	4	0	0	Yes
7	Yes	3	2	0	0	Yes
8	Yes	3	2	0	0	Yes
9	0	3	2	0	0	Yes
10	Yes	3	3	1	0	No
11	0	3	3	0	0	No
Total	9	35	29	1	1	7

Source: the suitability assessments from which this summary table was made can be found [here](#).

Document 1 – The Private Rented Sector Offer letter used by Brent council.

This was obtained specifically in relation to the discharges offers in Telford, however it appears that this is their generic letter for all discharges.

 Brent	Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ
	TEL / MOB: 020 8937 EMAIL: WEB: www.brent.gov.uk

Community Wellbeing
Director: Phil Porter

Date:

Your Ref:

Your Contact:

Our Ref:

Direct Line:

Alternative ref No:

Dear

Final Offer of a Private Rented Sector Offer under the Housing Act 1996, Part VII as amended by the Homelessness Act 2002 and the Localism Act 2011.

We wrote to you on the 30 September 2016 to confirm that the Council had accepted the full homeless duty to you under section 193(2). That duty was to secure suitable accommodation.

We informed you that the Council could discharge that duty to you by arranging for a private landlord to make you an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months ("a private rented sector offer").

This decision has been taken after a full consideration of your individual circumstances and the facts that apply to your case. Having undertaken this consideration the council is satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) and to discharge its duty to you by arranging for a private landlord to make you an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months ("a private rented sector offer").

I am pleased to offer you accommodation at..... This property is a two bedroom ground floor flat and the rent is.....

Please note that this suitable offer of private sector accommodation will discharge our duty to you whether you accept or refuse the property and that you will receive only this one suitable offer of accommodation.

Under section 193(7AA) a local authority shall cease to be subject to the main homelessness duty, if having informed you of the matters mentioned in section 193(7AB), you accept or refuse this private rented sector offer.



Brent – building a better borough

I must inform you in writing of the following matters:

(a) That if you accept or reject this suitable PRSO offer of accommodation it will discharge our duty to you whether you accept or refuse the property offered

(b) That you have the right to request a review of the suitability of the accommodation offered, and any such request for a review must be received within 21 days of the date you are notified of our decision to discharge the duty to you. I must also inform you that even if you accept the offer you can continue to request a review of our decision that the accommodation offered to you is suitable under section 202(1)(f). If you do wish to accept the offer and seek a review you must sign for the tenancy and move into the accommodation. The accommodation cannot be left vacant for you pending the outcome of any review.

(c) I must also inform you of what will happen if you were to become homeless within two years of acceptance of this offer and make a further application to this or any other English Local Authority. This is information concerning the reapplication duty. If you become homeless again within 2 years of accepting the PRSO offer and make a re-application for assistance within this 2 year period of accepting a private rented sector offer, and you are at that time eligible for assistance and have become homeless unintentionally a new duty to accommodate you will occur under section 193(2) regardless of whether you still have a priority need.

This is a *private rented sector offer* defined by section 193(7AC) as an offer of an assured shorthold tenancy made by a private landlord to an applicant in relation to any accommodation which:

- (a) Has been made available for the applicant's occupation by a private landlord,
- (b) Is made with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the section 193(2) duty to an end, and
- (c) Is a fixed term Assured Shorthold Tenancy for a period of at least 12 months.

The offer of accommodation cannot be held open for you for more than 24 hours and the Council will assume that you have refused the accommodation offered if you fail to attend.

Please note that if you fail to sign the tenancy agreement for....., then your homeless application will be closed and you will be asked to make your own arrangements for housing.

The Council considers this offer of accommodation to be suitable for you and your household. In reaching its decision that this is a suitable offer of accommodation to discharge our duty to you the Council have fully considered

- 1) The Homelessness (Suitability of Accommodation) (England) Order 2012 and specifically all the statutory requirements in part 1 which cover the suitability of the location of accommodation and Part 2 which sets out the circumstances in which accommodation is not to be regarded as suitable for a person.
- 2) That the property is suitable in relation to existing suitability requirements that relate to space and arrangement.
- 3) Any other subjective matters and issues that relate to your circumstances and that of any other household members obtained by the Council from our investigation of your application.



- 4) That the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property compared to the income available to you with or without benefits and specifically the outgoings which are needed for you to feed and clothe yourself and your household; heat the property, plus any other expenditure that we are satisfied is essential to meet the ordinary necessities of life, plus all other reasonable living expenses
- 5) All existing legislation, statutory guidance and ~~caselaw~~ relating to making suitable offers of accommodation and specifically paragraphs 17.40 and 17.41 of the Homelessness Code of Guidance.
- 6) In making this offer I have had regard to the Public Sector Equality Duty, however there is no suitable accommodation which is affordable within the borough and matches your family needs.
- 7) In making this offer I have considered section 11(2) of the Children Act 2004 in regard to the need to safeguard and promote the welfare of children.
- 8) I have had regards to our placement policy.

Please note this is a final offer of suitable accommodation to discharge the Councils' duty to you. The consequences of you accepting or refusing the accommodation is that the Council will no longer be subject to any further duty to you under the homelessness legislation including any duty to provide temporary accommodation.

The Landlord/Agent (details)..... will contact you to arrange a time to view/accept the offer and sign the tenancy agreement. Please bring with you your proof of identification and proof of income for you and your household.

Any applicant offered a suitable PRSO offer of accommodation has a right to accept the tenancy, move in and still seek a review regarding its suitability. This letter therefore formally advises you that you have the right to request a review if you believe the accommodation to be unsuitable. However, you are strongly advised to protect your position and ensure that you have accommodation to live in by accepting the offer and still exercising your right to review its suitability. If the review finds in your favour the council will still be under a duty to provide you with an offer of suitable accommodation. Any such request for a review must be received within 21 days of the date you are notified of this decision.

Yours sincerely

PRSO Officer
Housing Options Team



Brent – building a better borough