

DELEGATED DECISION

Real, Housing Solutions

September 2017

DKO Letting Policy amendment



Report of
Sarah Robson, Head of Economic Development and Housing

Purpose of the Report

- 1 To agree removal of wording in the DKO Letting Policy that now conflicts with the way in which the Housing Solutions service fulfil their duty to statutory homeless applicants.

Background

- 2 Prior to the Localism Act, Durham County Council's Housing Solutions service awarded duty to applicants in priority need (if unintentionally homeless) and allowed priority housing need to be granted by Durham Key Options landlords for a period of 12 weeks. At the end of that time, if unsuccessful in finding a suitable new home, the applicant would be offered a direct let and duty would be discharged by the Council.
- 3 From 2013, the Council decided that this process would be reduced to 6 weeks – applicants could bid for this time-frame and at the end, if not yet rehoused, they would be offered a direct let to discharge duty. The Localism Act also allowed for discharge to now be made into the private rented sector, if suitable.
- 4 Confusion has arisen between staff and applicants over the years whether this 6-week time-frame is mandatory. In fact, homelessness legislation does not state that a minimum period of duty must exist; it simply states that duty will remain by the Council until duty is discharged by a prescribed reason. Two of these reasons being the acceptance of a suitable part 7 offer of social housing and another being the refusal of a suitable part 7 offer.
- 5 The Housing Solutions service made the decision in May 2017 to remove any time-frame for fulfilling duty. Applicants have on occasion been left in temporary accommodation or unsuitable 'homeless at home' conditions for the full 6-week duration before a direct let has been sought from DKO landlords. This decision was made in conjunction with an overhaul of temporary accommodation and the way it is managed.

- 6 Now, once duty is accepted, Housing Solutions will review all options and seek to find the most suitable housing appropriate that meets the applicants needs but also in a reasonable timeframe. Housing Solutions may seek direct lets from DKO landlords immediately (day 1), or may allow bidding for up to 6 weeks or longer, dependent on the circumstances (and the size and type of home required). Each individual case will be looked at on its own merits but the service feels that this new approach offers better value for money for the Council and a better service for its homeless applicants.

Details of any alternative options considered and rejected when making the decision

- 3 n/a

Recommendations and reasons

- 4 To agree to the removal of the underlined wording:

If we accept that an applicant is statutorily homeless and has a full duty to be housed under part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002), we will award them band 1 status for an initial 6-week period in line with the local authority's 'duty to re-house' period. We will remove this banding when the local authority informs us it has fulfilled this duty.

- 5 The new wording in the policy will be:

If we accept that an applicant is statutorily homeless and has a full duty to be housed under part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002), we will award them band 1 status. We will remove this banding when the local authority informs us it has fulfilled this duty.

- 6 Band 1 priority status will continue to be given to all statutory homeless applicants whilst a duty remains from the Council (the applicant must still qualify for the housing register).
- 7 DCC Legal have confirmed this is not a housing policy change by DKO partners but a homelessness strategy change by the Housing Solutions service. However, a delegated decision is required due to the reference made to a time-period of priority in the DKO Letting Policy.

Decision

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Background papers

- none

Contact: John Kelly, CBL Co-ordinator, 03000 262545

Appendix 1: Implications

Finance – none

Staffing – none

Risk – none

Equality and Diversity / Public Sector Equality Duty – none

Accommodation – none

Crime and Disorder – none

Human Rights – none

Consultation – n/a

Procurement – n/a

Disability Issues – none

Legal Implications – Advice has been sought from Clare Cuskin, solicitor at Durham County Council. It has been confirmed that this amendment is not a housing policy change but a homelessness strategy change by the Council. However, as the DKO Letting Policy makes reference to the original 6-week timeframe for statutory homeless applicants this must be removed but must be done by a delegated decision, for transparency reasons.

