

Homelessness (Suitability of Accommodation) (England) Order 2012 consultation

Response of Gedling Borough Council

Question 1: Do you agree that these five areas should be important in determining whether accommodation is to be regarded as not suitable?

Yes. Having consulted with our environmental health team, we consider that these factors are appropriate to ensure that homeless and potentially vulnerable households are offered accommodation that is safe and of decent quality. We should be able to incorporate these factors into a straightforward checklist for staff to use when assessing suitability.

Question 2: Do you agree with the proposed requirements as set out in detail above? Please give details and reasons.

Yes. We would propose to check whether a landlord is a fit and proper person in the same way as we would check a landlord applying for an HMO licence, as suggested by the consultation. However, this process may take time which could initially reduce the number of lettings to the private sector until we had a "bank" of fit and proper landlords we could call on.

Question 3: Are there any additional elements that should form part of the Order or any other comments you wish to make?

Given that the Government recognises location as an important factor in whether accommodation should be regarded as suitable or not, it may be more straightforward to include in this list "the property is not in a location that the local housing authority regards as suitable for the household, as defined by..." and then set out where the tests regarding location are to be found (possibly elsewhere in the Suitability Order) – see our response to question 4.

Question 4: Do you agree that the existing provisions on location and suitability should be strengthened so that homeless households are placed nearer to home wherever possible?

Yes. If the Government retains the current situation, where it specifies the factors to be taken into account, but does not set limits, then it must accept there will be considerable local variation in the weight different authorities attach to these factors, when balanced against the housing circumstances of their area. It must also expect that authorities' decisions will be challenged in the courts through judicial review, and so national guidelines may effectively evolve through case law over the months and years.

Alternatively, the government could consult on what are reasonable expectations for each of these factors in order to make them more prescriptive, by specifying, for example:

"an offer of accommodation is not to be regarded as suitable if the household contains a child under 18, or an adult learner in full-time education, and the accommodation proposed is more than a 30 minute journey by public transport from their school or place of education" (and similarly for each of the other factors).

Although this might appear complex, and would require detailed consultation to find standards that could be applied nationally, it would actually provide a simple way for a local housing authority to test whether the accommodation is suitable or not by reason of its location, and forestall the need for lengthy legal challenges.

Question 5: Do you agree that regulations should specify the factors in relation to location which authorities should take into account when considering the suitability of accommodation?

Yes.

Question 6: Do you agree that those factors listed above are the ones local authorities should take into account when considering location?

Yes.