
Private Rented Sector Offer Policy (Effective from 1 June 2025)

Purpose and scope

1. The Housing Act 1996 (as amended) sets out the statutory responsibilities of the Local Housing Authority to those that are eligible for assistance and are homeless or threatened with homelessness.
2. If the applicant is eligible, the Council may owe the applicant a prevention duty, relief duty, or main housing duty (defined below) under the Housing Act 1996 and as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017. The Council is required to secure suitable accommodation for eligible applicants. Each of the stages below will involve the applicant working with and engaging with the Council.
 - ‘Prevention duty’ (Section 195): a local housing authority must take reasonable steps to help someone threatened with homelessness to either remain in their current accommodation or secure alternative housing. The prevention duty continues for 56 days unless it is brought to an end by either securing accommodation for the person or by the person becoming homeless.
 - ‘Relief duty’ (Section 189B): a local housing authority has 56 days to take reasonable steps to help the applicant secure suitable accommodation that will be available for at least 6 months.
 - ‘Main housing duty’ (Section 193): local housing authorities must ensure that suitable accommodation is available for applicants who are homeless, eligible for assistance, have a priority need and are not intentionally homeless until the duty is ended, either by securing settled accommodation or another specified reason.
3. There is a higher demand for social housing in Elmbridge than there are available social homes. This means that not all homeless applicants can access affordable housing within the social housing sector. Therefore, locating homes in Elmbridge



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or within close proximity is subject to available supply through the private rented sector, which has an important role in providing good quality accommodation and flexibility to meet household needs.

4. Using the powers granted to local authorities in the Localism Act 2011 and the Homelessness Reduction Act 2017, the policy enables Elmbridge Borough Council (the Council) to use private rented sector tenancies to fulfil duties under the Housing Act 1996.
5. The use of the private rented sector is an effective tool for the Council to comply with the requirements set out in the Homelessness Reduction Act 2017. The aims of this policy are to:
 - make the best use of good quality private sector accommodation
 - use the private rented sector to discharge statutory duties
 - widen the choice of housing solutions available to homeless applicants
 - enable applicants to find appropriate housing quickly
 - build positive relationships with private-sector landlords
 - reduce reliance and pressure on temporary accommodation, including reducing B&B use
 - ensure movement and relieve pressure on the Housing Register

Legislative context

6. The Localism Act 2011 amended Section 193 of the Housing Act 1996 to enable local housing authorities to fully discharge their housing duty by making a 'private rented sector offer'. More recently, the Homelessness Reduction Act 2017 provides for local housing authorities to use private rented accommodation to prevent or relieve homelessness.

Policy commitments

Applicants eligible for a Private Rented Sector Offer

7. An offer of accommodation in the private rented sector is known as a Private Rented Sector Offer (PRSO).
8. The Council will consider an offer of a private rented tenancy to be suitable for most applicants who approach the Council for housing assistance. This includes applicants who are about to become homeless and those who are already

homeless and in temporary accommodation waiting for long-term accommodation to become available.

9. There are a few exceptions where the Council may believe an applicant is not suitable for an offer of private rented accommodation. These include:

- those who require supported accommodation or are unlikely to be able to adequately sustain a private rented tenancy
- those who require significant disabled adaptations to the property which cannot be met in the private rented sector

10. If the Council considers an available private rented sector property to be suitable for the needs of an applicant, a PRSO of that property is likely to be made. This supports the objectives of the Homelessness Reduction Act 2017 which is to prevent and relieve homelessness.

11. In order for an offer to be a PRSO and therefore entitle a local housing authority to discharge its duty:

- the offer must be made by a private landlord pursuant to arrangements between the private landlord and the local housing authority- (section 193(7AC)(a))
- the offer must be approved by the local housing authority – (section 193(7AC)(b))
- the tenancy must be for a period of at least 12 months – (section 193(7AC)(c))
- the local authority must be satisfied that the property is suitable, with reference to the Homelessness (Suitability of Accommodation) Order 2012 – (section 193(7F))
- the applicant must not be under any contractual obligations that he is unable to bring to an end before being required to take up the offer – (section 193(8))

Private Rented Sector Offer (PRSO)

12. A private rented sector offer (PRSO) will be considered to prevent or relieve homelessness in all cases, where suitable.

13. A Personalised Housing Plan (PHP) will be completed with the applicant following Relief Duty being accepted or having been brought forward and

reviewed from the Prevention Duty. The PHP is a live document that sets out what steps the household can take to prevent or relieve homelessness and may include advice about renting accommodation in the private sector.

Section 189b Relief Duty

14. An Assured Shorthold Tenancy (AST) allows a landlord to let out a property to a tenant while retaining the right to repossess the property at the end of the term of the tenancy. The landlord must give the tenant two months' notice before reoccupation.
15. A relief duty can be ended if there is a final accommodation offer (section 193(6) and 193C (9)) of an AST, where appropriate, for a minimum fixed term of 6 months if the applicant accepts or refuses the offer. The applicant must be informed of the possible consequences of acceptance or refusal and of their right to have a review of the suitability. In this case, if the applicant has been provided with this final accommodation offer, even if the applicant has a priority need, the main housing duty will not apply.

Section 193 (2) Main housing duty

16. A PRSO (section 193(7F)) of an AST for a minimum fixed term of 12 months may be made under the main housing duty.
17. The Council may cease to be subject to the main housing duty if the applicant accepts or refuses a PRSO. The applicant must be informed of the possible consequences of acceptance or refusal, the right of review of suitability and the re-application duty.
18. A PRSO is made by and with the approval of the local authority. However, the landlord will have the final decision on whether households will be accepted into the property.

Suitability of an offer

18. The Council will ensure that all properties in the private sector are suitable with reference to [Article 3 of the Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#).

Location

19. The Council, where reasonably practical, will seek to offer private rented sector accommodation within the area, except in the following circumstances:

- where the Council considers it beneficial to move the applicant out of the area. For example, to reduce the risk of domestic abuse, other violence, or harassment, or to assist a person to break away from a detrimental situation, such as drug or alcohol abuse, or where support and specialist services are available outside of the borough;
 - when the applicant wishes to move away from Elmbridge, including where the applicant has found the accommodation themselves;
 - where there is no suitable accommodation within the borough;
 - where it is not reasonably practicable to secure accommodation within the borough within a reasonable time, having regard for the general housing conditions prevailing in the local area.
20. Elmbridge is not a large borough, both in terms of its size and the number of properties available for private rented sector which are at rents which are below, at or close to the relevant Local Housing Allowance rates. Given this and that private rents in Elmbridge may often be higher than in surrounding areas, there may be occasions where it is appropriate to make out of borough offers of private-rented sector accommodation, taking into account other areas that have reasonable facilities and transport links. The Council will encourage searches further afield where this is appropriate, having considered the particular circumstances of the household.
21. When making a PRSO, the Council will assess the significance of any disruption caused by the location to employment, caring responsibilities, or education of the household:
- If the applicant (or their partner) is in employment (usually at least 16 hours per week), then the location must be within reasonable travel to the work area of that employment and have transport links frequent enough to enable this.
 - If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other party, then the location will need to be of sufficient proximity to enable this, even if this may require public transport. Although sometimes inconvenient, it is not always unreasonable to rely on public transport.
 - If any members of the household are taking GCSEs at school (Years 10 and 11 – children aged 14 to 16), or other proven vital examinations, then they should not be required to change schools. Due to the limited availability of accommodation in the borough, if it is practicable for children within this age group to travel to their existing school for the period of

study, an offer not in the immediate vicinity of the existing school may be made if public transport is available.

- If any members of the household receive a significant care package and a range of healthcare options which cannot be transferred.
22. As part of the assessment process, the Council will develop the PHP. At this point the Council will seek key information relating to the household's circumstances and requirements. It must be noted that while the Council will obtain an applicant's views and wishes, the Council will make the offer based on the suitability assessment, ensuring the details of the assessment have been provided to the household.
23. When making a PRSO, the Council will consider the proximity and accessibility to medical facilities and other support which are used by, or essential to the well-being, of the household.
- If the applicant or any member of the household requires specialist medical treatment or support, which can only be provided in Elmbridge, then the location will need to be of sufficient proximity to enable this, although this may require public transport. We will also have regard to other medical treatment or support required by the applicant or any member of the household, and where health professionals consider that it will be significantly detrimental to change provider or location. Significantly means exceptional and not desirable by either the applicant or health professional.
24. The Council recognises that in many cases it may be in the best interests of children to remain at existing schools where they are settled. Unfortunately, due to the difficulties in procuring accommodation as stated above, it is not always possible to offer accommodation which avoids the need for parents and guardians to consider moving a child's school.
25. Section 14 of the Education Act 1996 requires that all local authorities provide school places for all resident children. Before a household accepts and moves to a new address, we will have advised the applicant of the local schools' availability. The Council will provide support to access application forms, connect to local support and any other relevant support required.
26. When making a PRSO, the Council will consider the proximity and accessibility to local services, amenities and transport. Regardless of location, the Council will seek to offer accommodation that is reasonably accessible to local services and amenities, especially for persons on low incomes, and those with a need to rely on public transport.

Affordability

27. The Council will consider whether the applicant can afford the housing costs without being deprived of basic essentials such as food, clothing, heating, transport and other essentials specific to their circumstances. Housing costs should not be regarded as affordable if the applicant would be left with a residual income that is insufficient to meet these essential needs.
28. As part of our overall assessment, consideration will be given as to whether financial assistance is required in terms of deposit or rent in advance.
29. The Council will ensure that any PRSO made is affordable for the tenant and their household based on the facts of their application.

Property size and standards

30. In considering whether a property is suitable, the Council will make sure:
- that the property is not overcrowded at the time of PRSO. The Council will have regard for the household composition and the space in the accommodation, including the impact of any medical needs.
 - the property is in a reasonable physical condition, and free from any Category 1 hazards as defined by the Housing, Health, and Safety Rating system;
 - that the property meets the required gas safety regulations i.e., by having an up-to-date Gas Safety Certificate;
 - the property meets the electrical equipment regulations i.e., by having an up-to-date Electrical Safety Certificate;
 - that the property is appropriately licenced if the property is an HMO (house in multiple occupations);
 - that there are appropriate fire safety precautions, including a working smoke alarm;
 - that there are appropriate precautions to prevent the possibility of carbon monoxide poisoning in the accommodation;
 - a valid Energy Performance Certificate (EPC) is provided by the landlord, as all properties will require;

- there is no evidence to suggest that the landlord of the property cannot be considered a 'fit and proper person' as defined by Section 66(2) of the Housing Act 2004. Confirming the person has not:
 - (i) committed any offence involving fraud or other dishonesty, or violence or illegal drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003(3) (offences attracting notification requirements);
 - (ii) practised unlawful discrimination on grounds of sex, race, age, disability, marriage or civil partnership, pregnancy or maternity, religion or belief, sexual orientation, gender identity or gender reassignment in, or in connection with, the carrying on of any business;
 - (iii) contravened any provision of the law relating to housing (including landlord or tenant law); or
 - (iv) acted otherwise than in accordance with any applicable code of practice for the management of a house in multiple occupation, approved under section 233 of the Housing Act 2004(4);

31. The Council will be satisfied that the landlord has provided a written tenancy agreement which is adequate for the purposes of a PRSO.

32. The Council is required to assess whether accommodation is suitable for each household individually, and case records should demonstrate that they have taken the statutory requirements into account in securing the accommodation, including general duties such as the public sector equality duty.

Timing of an offer

33. The Council will not approve or proceed with a PRSO if the applicant is under contractual or other obligations in respect of their existing accommodation, and the applicant is not able to bring those obligations to an end before being required to take up the offer.

Re-application after two years

34. If an eligible applicant has become unintentionally homeless within two years of accepting a PRSO to end the Council's main housing duty, the Council will owe them the duty (section 193) in accordance with the Housing Act.

35. The date from which the two years begins is the date of acceptance of the PRSO, not the date when the tenancy was granted or when the applicant moved in.

The Offer Process

36. The case officer will send a letter to the applicant before an offer is made by a landlord, setting out the following:

- the duty under which the offer is being made;
- possible consequences of refusal or acceptance;
- the right to request a review of the suitability of accommodation;
- that the Council is satisfied that the accommodation is suitable;
- if the PRSO is under the main housing duty, the letter will provide information on the re-application duty.

37. Applicants may be given an opportunity to view accommodation that is offered although this will not always be possible, for reasons such as but not limited to the availability of the applicant and/or letting agent.

38. Where applicants are offered a property outside of the borough and not had the opportunity to view it, the council will ensure applicants have sufficient information about the location and services in the local area. Pressures in the housing market may not always permit the council the ability to provide applicants with an opportunity to view a property before an offer is made.

39. Applicants will be given a reasonable period of time to consider the offer. The code of guidance states there is no set reasonable period and each applicants circumstances will be taken into account in this determination.

Refusal of PRSO and reviews

40. Households will only be made one suitable offer of accommodation and the Council will discharge its duty upon refusal.

41. Applicants will be advised of their right to request a review of the suitability of the accommodation offered and the review will be carried out in accordance with the review regulations. Applicants can accept a PRSO offer, move in and request a review of the suitability of the accommodation.

42. Where the Council concludes that the PRSO is suitable and the offer is for a 12-month tenancy, the Council will consider its duty to be discharged and no further offer of accommodation will be made. Where the applicant accepted and moved into the property, this will remain available to them, but where a property has been refused and the review finds that the offer was suitable, no further offer of

housing will be made, and the applicant will be responsible for securing their own housing.

43. Where an offer of accommodation is made under a prevention duty and the offer is refused, this will not affect any further duties that may be owed to the applicant. However, it may be the case that the same accommodation may then be offered to an applicant as a relief duty where this is appropriate and suitable. Where a final offer is made at the relief stage, and this is refused it will preclude the applicant from being owed the main duty.

44. Applicants can appeal to the County Court on a point of law should they remain dissatisfied with the review outcome.

Monitoring and performance management

Annual review

45. The Housing Service will review this policy at least every year to ensure it reflects the latest legislation and the latest examples of best practice. The policy will be reviewed once the Renters Rights Bill becomes law and there is clarity on when any of its provisions relevant to this policy are introduced.