

# Private Sector Access Policy 2021

The scheme aims to assist people in housing need and on low incomes, and households facing homelessness, to secure accommodation in the private sector. Eligible applicants are provided with a cash deposit, equivalent to no more than five week's rent. The payment will be secured in a government approved tenancy deposit scheme.

## **Eligible applicants**

All referrals to the scheme are made through the Housing Options Team.

All applicants to the scheme will have a full assessment of their housing situation including income, affordability, housing requirements, household need etc. Assistance will be provided where it is deemed necessary and this will be to secure a tenancy which meets housing need and is sustainably affordable to the client.

To qualify, the applicant will need to meet the following criteria:

- Be on a low income. An income and expenditure form must be completed and assessed; the client must have no additional savings. If the client has unnecessary expenditure as identified by their form, they must engage with Citizen's Advice Bureau for budgeting/debt advice or a similar service in order to be accepted. (Appendix A)
- Normally be resident within Stafford Borough (or considered to have a strong local connection, as per our [Allocation Policy 2020 \(staffordbc.gov.uk\)](https://staffordbc.gov.uk), relevant section included at Appendix B)
- Have no housing related debts to Stafford Borough Council (a check will be made with the relevant departments)
- Identified as having a housing need (Appendix C)
- Be able to live independently or have a relevant care/support package in place.
- Have no other available resources, such as savings.
- Have no other properties such as holiday homes or empty homes. Unless their other property is being rented by somebody else who is in a long-term tenancy.
- If a client has any issues around Anti-Social Behaviour, they must be engaging with support from a relevant service. (Housing Solutions Officer/Tenancy Support Officers included)

Under exceptional circumstances these criteria can be flexible with the agreement of the Housing Options Team Leader.

## Eligibility of Landlords

It is recognised that in supplying cash deposits to help those in housing need, the Borough Council will also be supporting the businesses of local landlords. To safeguard all parties, there are also requirements of landlords, to ensure that the accommodation secured via this policy achieves the statutory standards of fitness and repair. The Housing Solutions Officer or a similarly appointed officer of the Council will conduct visits to properties for let via this scheme, to ensure that the accommodation is fit for human habitation.

Landlords must:

- Provide a copy of the most recent gas safety certificate, where applicable.
- Provide a copy of an Electrical Installation Condition Report.
- Have an up to date Energy Performance Certificate with a rating of at least a D.
- Ensure their property complies with the Housing Health and Safety Rating System.
- Houses in Multiple Occupation must comply with the HMO Standards Policy of Stafford Borough Council and where applicable hold the relevant licenses. More information can be found on the following page: [Houses in Multiple Occupation \(HMO\) and Mandatory Licensing | Stafford Borough Council \(staffordbc.gov.uk\)](https://www.staffordbc.gov.uk/housing/multiple-occupation).
- Charge rent at no more than 10% above Local Housing Allowance rate.
- Maintain the fitted aspects of the property such as kitchen cabinets, bathroom suite, carpets, flooring, wallpaper, plaster on the walls, garden paths, fencing, radiators or electric heating and ensure they are in a reasonable condition.
- Allow tenants peaceful enjoyment of their home, meaning allowing them to decorate, providing it is done professionally and to a high standard.
- Not harass tenants<sup>1</sup>
- Carry out essential maintenance within a reasonable time. If there are delays to necessary maintenance, landlords must keep their tenants informed and where possible make alternative arrangements. Such as, if a boiler repair is required and there are delays, it would be reasonable to expect the landlord to provide an electric heater until such time that the boiler is repaired.
- Appoint/be a suitably qualified contractor to carry out boiler repairs and gas safety checks.

Landlords with a poor record of management or whose properties do not meet these minimum standards will be excluded from the scheme until such time that appropriate standards are being achieved. We will utilise our own records, including those in the council's FLARE system to review this. Examples of poor management include but are not limited to: a history of illegal evictions; unresolved complaints relating to essential maintenance work; legal action taken against the landlord by SBC or evidence of tenant harassment.

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<sup>1</sup> [Protection from Eviction Act 1977 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## Operation of the Scheme

The Private Sector Access Scheme will pay a cash deposit to landlords on behalf of the successful applicant. The deposit amount will be limited to the equivalent of five week's rent<sup>2</sup>. The deposit will be placed in a government backed [tenancy deposit scheme](#). (Appendix D)

A written and photographic inventory will be prepared and provided by the landlord detailing items covered by the deposit and signed by the landlord and the tenant. The landlord will be required to use the Council's standard inventory template (Appendix E and F) and can add any further details should they choose to enhance this if their property has additional features. The landlord must also prepare an assured shorthold tenancy agreement.

The prospective tenant will sign an agreement with SBC which states that they will pay back, in full, any amount deducted from the deposit, should the landlord make a successful claim.

The landlord must notify SBC when the tenancy is due to end and we will request a forwarding address and updated contact information from the tenant for our records. The landlord will carry out an inspection of the property and effects. If there is any damage to the property or there are any rent arrears, the landlord will need to liaise directly with the tenancy deposit scheme where the deposit is being protected.

Where a claim is agreed by the scheme and paid, the remaining deposit is returned to SBC and the client is contacted to arrange repayment of the remaining deposit balance.

If there is no damage to the property and there are no rent arrears, or the landlord makes an unsuccessful claim, the full deposit value will be returned to SBC and the client's record updated.

## Monitoring the Scheme

Key indicators of the effectiveness of the scheme will be the number of applicants assisted and the service achieving its aims of increasing access into the private rented sector. Careful management of the Council's ongoing liability and support to tenants and landlords to limit the volume and value of claims made against deposits will be key to ensuring that the scheme is sustainable long term.

Monitoring is conducted by the Housing Solutions officer through the information collected on 'Locata' which is the system used by the Housing Options team to store client information. Previous participants of the scheme will only be re-admitted if there were no deductions from their deposit and it was returned in full to the Council. Participants whose deposits were claimed in part or in full can also be re-admitted if their previous accounts have been cleared.

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<sup>2</sup> This is in line with the deposit cap introduced by government as part of the Tenant Fees Bill on 1<sup>st</sup> June 2019 [Tenant Fees Act - GOV.UK \(www.gov.uk\)](#)

## Procedure

	<b>Procedure</b>	<b>Record or Document</b>	<b>Officer Responsible</b>
1.	A person who is eligible for assistance is referred by Housing Options Officer	Interview to establish eligibility and assess housing need. Application form to be given and completed if required	Housing Options Officer
2.	Relevant checks to be completed in line with criteria i.e. debts/former debts to SBC and Anti-Social Behaviour	Note to be made on Locata of debts (if any).	Housing Options Officer
3.	If suitable, referral to the Cash Deposit Scheme.	Email to Housing Solutions Officer	Housing Options Officer
4.	If accommodation already sourced check suitability of accommodation identified.	HHSRS guidance.	Housing Solutions Officer
5.	If all checks are satisfactory, a letter to client confirming eligibility for the scheme and copy of policy document to landlord.	Record acceptance onto Locata Letter of acceptance Letter to Landlord	Housing Solutions Officer
6.	Once property sourced contact landlord to arrange property inspection. Confirmation of rent required by landlord, amount of deposit required and confirm Local Housing Allowance.	Call to landlord Confirm LHA. Complete property inspection. If issue with property – advise landlord and prospective tenant. Confirmation of EICR, Gas Safety Certificate and EPC (where required)	Housing Solutions Officer

	<b>Procedure</b>	<b>Record or Document</b>	<b>Officer Responsible</b>
7.	OR Refusal onto Scheme.	Letter to applicant advising of refusal onto Scheme. Advise to contact SBC for further housing options Update Locata with refusal decision and reason	Housing Solutions Officer
8.	Invoice for deposit amount to be sent to senior officer for authorisation and then passed on to Financial Services to make payment.	Invoice from Landlord	
9.	Full written and photographic inventory. Allow 7 day review period by tenant following occupation to advise of any subsequent changes to the inventory.	Possible joint visit to property by SBC, landlord and prospective tenant. Inventory, signed by landlord and tenant.	Housing Solutions Officer
10.	If all in agreement – sign up for property	Tenancy agreement Inventory Prescribed Information for Deposit Protection Service Update Locata	Tenant and Landlord. Housing Officer can attend if required/requested.
11.	Tenant signs loan agreement with SBC. The document will state that the tenant only needs to pay the council back if there is a claim made against the deposit.	Loan agreement document. Update Locata.	Housing Solutions Officer.

	<b>Procedure</b>	<b>Record or Document</b>	<b>Officer Responsible</b>
12.	Deposit Protected – the landlord must protect the deposit with one of the government approved tenancy deposit services and must provide SBC with a copy of the Prescribed Information, as proof that the tenancy is protected. SBC needs to be added to the deposit as a 'relevant person' so that we are kept updated of any claims.	Copies kept on file Update Locata	Landlord Housing Solutions Officer
13.	Tenant or landlord makes contact to say that he or she is leaving/serving notice or to make us aware of any issues with the tenancy.  Arrange interview and check inventory before termination	Letter of notice Complete pre exit interview and complete post inspection  <b>If landlord has served notice a round table meeting may be considered to see if tenancy can continue by addressing any issues with all parties to prevent homelessness.</b>	Housing Solutions Officer/ Housing Options Team
14.	Continued advice and support through Housing Options to include tenancy sustainment	Recorded on Locata if advice given	Housing Options Team
15.	The landlord wishes to claim against the Deposit, must send all evidence to their chosen government approved tenancy deposit protection service.	Landlord must inform SBC of the claim via email/letter as well as sending evidence to the deposit service.	Housing Solutions Officer
16.	Joint visit of property with landlord and tenant in order to explore other options to prevent a claim, attempt to get tenant to rectify any problems before they leave so that they don't have a debt to SBC.	Inventory. Pictures.	Housing Solutions Officer

	<b>Procedure</b>	<b>Record or Document</b>	<b>Officer Responsible</b>
17.	If there is a successful claim, inform Financial Services and ask them to raise a debt against the client.	Proof of claim. Email sent to Financial Services	Housing Solutions Officer Financial Services Department
18.	Outcome of the any claim recorded on Locata.	Journal note on Locata.	Housing Solutions Officer
19.	Payments from the client will be monitored by the Housing Solutions Officer and Housing Options Team Leader and recorded on the Cash Deposit Scheme Spending spreadsheet. If payments are missed, Housing Solutions Officer will contact client to remind them of agreement and that no further financial assistance will be offered to the client if they do not keep up with payments.	Cash Deposit Scheme Spending spreadsheet.	Housing Options Team Leader Housing Solutions Officer





## **Appendix B: Local Connection criteria**

In order to demonstrate a local connection, one of the following must be satisfied:

- (a) Lived in the Borough for the last two years at the point of application;
- (b) Lived in the Borough for at least three out of the last five years;
- (c) Is currently subject to a Homeless Duty (in accordance with Part 7 of the Housing Act 1996) and have lived in the Borough for the last six out of 12 months.
- (d) Has been employed in the Borough for the last two years;
- (e) A care leaver under the age of 21 and normally living in a different area of Staffordshire County, and has done for at least two years, including some time before they turned 16.
- (f) Has a firm offer of permanent employment in the Borough, where failure to move into the Borough would result in that employment not being accepted. See Right to move criteria below in exemptions to the local connection rules for details of how a firm offer of employment will be assessed;
- (g) Receives support from close family members who have lived in the Borough for at least three years;
- (h) Has close family members in the Borough who they need to provide essential care for, or receive essential care from; or
- (i) Other specific circumstances that the local authority would wish to consider under a local connection criteria.

## **Appendix C: Housing Need criteria:**

Someone is determined to be in Housing Need if:

- (a) They are homeless or are at risk of homelessness within 56 days.
- (b) They are being released from prison or youth detention accommodation and do not have a property to go back to.
- (c) They are care leavers.
- (d) They are victims of domestic abuse.
- (e) They are leaving the armed forces and do not have a property to go back to.
- (f) They are leaving hospital and do not have a property to go back to.
- (g) They have been asked to leave their accommodation by family and friends.
- (h) They have been served with a valid eviction notice.
- (i) Their current property is not suitable for their needs, requires adaptations they do not have permission for, is overcrowded, is uninhabitable or has been condemned.
- (j) They have an offer of employment and need to move in order to take up the job.
- (k) They are fleeing harassment.
- (l) They are at risk of physical, mental or emotional distress in their current property.

## **Appendix D: Government backed tenancy deposit schemes**

At the time of writing, in England and Wales a deposit can be registered with:

[Deposit Protection Service](#), [MyDeposits](#), [Tenancy Deposit Scheme](#)

## Appendix E: House Inventory Template

### INVENTORY:

The following is a schedule of condition for the above property and denotes the current condition of all rooms and items within. Any damage or disrepair within the property will be listed below.

#### Explanation of conditions:

**Brand New** – denotes this item was brand new before the tenancy commenced.

**Excellent Condition** – denotes this item has no visible marks or damage, but is not brand new.

**Good Condition** – denotes this item has few visible marks, but is not damaged and is fully functional without hindrance.

**Fair Condition** – denotes this item has visible wear and tear, signs of age and use, may be heavily marked and has minor damage but is still functional.

**Poor Condition** – denotes this item is heavily marked or damaged beyond wear and tear and/or is not fit for use.

**Room: Hallway, Stairs and Landing**

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Other		

**Room: Kitchen**

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Cabinets		
	Worktops		
	Sink		
	Oven		
	Hob		
	Extractor		
	Miscellaneous		

**Notes:**

Room	Item	Description

**Room: Living Room**

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Miscellaneous		

**Room: Bathroom**

#	Item	Description	Notes
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Toilet		
	Bath		
	Shower		
	Extractor		
	Miscellaneous		

**Notes:**

Room	Item	Description

**Room: Bedroom**

#	Item	Description	Notes
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Other		

**Miscellaneous:**

#	Item	Description	Notes
	<b>Electric Meter</b>		
	<b>Gas Meter</b>		
	<b>Water Meter</b>		
	<b>Smoke Alarms</b>	There is one located on each habitable floor and is in working order	
	<b>Gas Safety</b>	I have seen a copy the most recent gas safety certificate dated	
	<b>How to Rent</b>	I have received the most recent copy of the How to Rent booklet.	
	<b>EPC</b>	I have received an up to date copy of the EPC.	
	<b>EICR</b>	I have seen a copy of the EICR dated	
	<b>Wheelie Bins</b>	Located	
	<b>Boiler</b>	Make: Located:	
	<b>Stop Tap</b>	Located:	

**Notes:**

Room	Item	Description



**TENANT:**

Print Name:

Signed:

Date:

**LANDLORD:**

Print Name;

Signed:

Date:

**COUNCIL:**

Print Name:

Position:

Signed:

Date:



## Appendix F: HMO Inventory Template

### INVENTORY:

The following is a schedule of condition for the above property and denotes the current condition of the room being let and any damage or disrepair located within. Stafford Borough council will not take responsibility for any damage to any communal areas unless provided with evidence from the landlord(s) that it was caused by the recipient of our Deposit Guarantee Scheme.

#### Explanation of conditions:

**Brand New** – denotes this item was brand new before the tenancy commenced.

**Excellent Condition** – denotes this item has no visible marks or damage, but is not brand new.

**Good Condition** – denotes this item has few visible marks, but is not damaged and is fully functional without hindrance.

**Fair Condition** – denotes this item has visible wear and tear, signs of age and use, may be heavily marked and has minor damage but is still functional.

**Poor Condition** – denotes this item is heavily marked or damaged beyond wear and tear and/or is not fit for use.

#### Room:

#	Item	Description	Notes
	Door		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Miscellaneous		

**En-Suite:**

#	Item	Description	Notes
	Door		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Toilet		
	Bath/Shower		
	Extractor		
	Miscellaneous		

**Miscellaneous:**

#	Item	Description	Notes
	<b>Smoke Alarms</b>	There is one located in the room and is in working order.	
	<b>Gas Safety</b>	I have seen a copy the most recent gas safety certificate dated	
	<b>EICR</b>	I have seen a copy of the EICR dated	
	<b>Wheelie Bins</b>	Located	
	<b>Boiler</b>	Make: Located:	
	<b>Stop Tap</b>	Located:	

**Notes:**

Room	Item	Description

**TENANT:**

Print Name:

Signed:

Date:

**LANDLORD:**

Print Name;

Signed:

Date:

**COUNCIL:**

Print Name:

Position:

Signed:

Date:



