



Environmental Health  
& Housing Services

**Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ**

Switchboard 01732 844522  
DX 92865 West Malling  
Minicom 01732 874958 (text only)  
Web Site <http://www.tmbc.gov.uk>  
Email [envhlthhsg.services@tmbc.gov.uk](mailto:envhlthhsg.services@tmbc.gov.uk)

### By Email

John Bentham  
Department for Communities and Local  
Government  
Zone 1/G9 Eland House  
Bressenden Place  
London SW1E 5DU

**Contact Janet Walton**  
**Direct line 01732 876207**  
**Email [janet.walton@tmbc.gov.uk](mailto:janet.walton@tmbc.gov.uk)**  
Fax 01732 876202  
Your ref  
Our ref  
Date  July 2012

Dear Mr Bentham

### Homelessness (Suitability of Accommodation) (England) Order 2012 - Consultation

Thank you for the opportunity to respond to the consultation on the proposed Order.

Our response to the consultation questions is set out below.

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

Yes. It is paramount that steps be taken to ensure that the main homelessness duty cannot be discharged via sub-standard accommodation.

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

Generally, yes. However, having welcomed that *local authorities should as a minimum, ensure that the accommodation is free of Category 1 hazards* (para 15), we are dismayed to note the contents of paragraphs 16 and 17 which appear to completely contradict this statement. Given that there is a recognised standard on which to judge the suitability of accommodation, why not make full use of it?

In this authority, all prospective private rentals that qualify for rent deposit/deposit bond assistance are inspected by appropriately trained staff and they must be free of category 1 hazards to be eligible. If there are properties in neighbouring boroughs, then they are inspected either by staff from that authority or by our own staff.



We would also recommend against the suggestion in paragraph 18 that a lettings agent be an appropriate substitute for a local authority officer in assessing the suitability of accommodation.

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

In anticipation of the 2018 provisions of the Energy Act 2011, which require that from April 2018 it will be unlawful to rent out a residential or business premise that does not reach a minimum energy efficiency standard (intended as EPC rating 'E'), it may be appropriate to take the opportunity to set some minimum standards for Energy Performance Certificates in advance.

**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, although it should be recognised that, especially in the case of emergency accommodation, it is not always possible to place families as close to their existing communities as they would perhaps wish.

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

Yes.

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

Yes.

Yours sincerely

**Janet Walton**  
Chief Housing Officer