BARNSLEY
Metropolitan Borough Council

Adults & Communities Directorate
Communities
Phil Hollingsworth, Service Director

«CustomerTitle»«CustomerLastName»
«CustomerCurrentAddressMultiLine»

My Ref: «CaseReference»
Your Ref:
Date: «DateToday»
Enquiries to: «CaseOfficerName»
Direct Dial: «CaseOfficerWorkPhoneNumber»
E-Mail: «CaseOfficerEmailAddress»

Dear «CustomerTitle»«CustomerFirstName»«CustomerLastName»

Re: Your application for assistance under Part VII Housing Act 1996, as amended

Following your application of «HomelessOrThreatenedAssessmentDate»» for assistance under the above legislation, I am writing to notify you that the duty take reasonable steps to help you to secure accommodation has come to an end, in accordance with s.198B(7)(b)), because a period of 56 days from the date when we notified you that this duty was owed to you, has now passed.

I have now completed all the necessary enquiries into your application and need to now notify you that I consider you are owed a main housing duty. This is because I am satisfied that you are eligible for assistance, you are in priority need for assistance and you are unintentionally homeless. This means that the Council must make sure accommodation is available for your occupation in accordance with s193(2) Housing Act 1996 (known as temporary accommodation).

In discharge of this duty we have secured accommodation for you at ««AccommodationPlacementAddressSingleLine», which we consider to be suitable for this purpose. You will be able to reside in this property until such time as the Council ends the main housing duty by way of one of the situations outlined below.

Please note that the Council may also choose to end the duty to provide you with temporary accommodation where you fail to occupy the accommodation, or you are asked to leave the accommodation as a result of any breach to the terms of occupancy (e.g. anti-social behaviour, violence or aggression towards staff or other residents, failure to pay any service charge due).

It continues to be important that you notify me about *any* changes in your situation in a timely manner.

Ending the Main Housing Duty:

The Council's duty under s193(2) will come to an end if we are satisfied that one of the following events have occurred:

- You cease to be eligible for assistance.
- You become homeless intentionally from any accommodation made available for your occupation.
- You voluntarily cease to occupy any accommodation made available for your occupation as your only and principle home.
- You refuse an offer of accommodation which the Council considers to be suitable after having informed you of the possible consequences of refusing or accepting the offer, and of your right to request a review of suitability of the accommodation. This applies to any offer of temporary accommodation, and any final offer of accommodation made to you under Part VI (Allocation of Housing Accommodation) of the above legislation (i.e. an offer from Berneslai Homes).
- You accept a final offer of accommodation made to you under Part VI (Allocation of Housing Accommodation) of the above legislation (i.e. an offer from Berneslai Homes)
- You accept or refuse a private rented sector offer of a 12 month (or longer) assured shorthold tenancy arranged by the Council through a private rented sector landlord or letting agency.
- You accept an offer of a (fully) assured tenancy from a private landlord.

Please note that an offer of accommodation from Berneslai Homes made to you under Part VI of the above legislation, an offer of an RSL (Housing Association) property through our nomination procedures, or a private rented sector offer of an assured shorthold tenancy for a period of a minimum of 12 months will be a final offer for the purposes of S193(7) of the above legislation.

Right to a Review, S202 Housing Act 1996:

You have a right to a review of this decision. If you are unhappy with this decision you should tell us why within **21 days** of receipt of this decision. We would prefer you to tell us in writing, either in your own words or by completing the form below.

Please give us all your reasons and any information that you think should be taken into account. Any such request must be made within 21 days of receipt of this notice and should be sent to Housing & Welfare, PO BOX 679, Barnsley, South Yorkshire S70 9JE or to adviceservices@barnsley.gov.uk. Full details of the review procedure are below.

If you wish to discuss your case for clarification prior to requesting a review, or if there has been any change in your circumstances that I am not aware of, please contact me on the above telephone number.

You also have the right to seek further advice from the Citizens Advice Bureau on 0344 411 1444, from Shelter, South Yorkshire on 0844 515 1690 or from a local solicitor.

Yours sincerely

«CaseOfficerName»
Housing Officer

Right to Request a Review

This document provides important information about the review procedure and what you should do.

What can I request a review of?
Under section 202(1) you have the right to request a review the council's decision:

a) of your eligibility for assistance;

b) what duty (if any) is owed to you, in relation to the duties owed to persons found to be homeless or threatened with homelessness;

c) of the steps you are to take in your personalised housing plan at the prevention duty;

d) to give notice to bring the prevention duty to an end;

e) of the steps you are to take in your personalised housing plan at the relief duty;

f) to give notice to bring the relief duty to an end;

g) to give notice in cases of deliberate and unreasonable refusal to co-operate (section 193B(2));

h) to refer your case to another authority where the council considers that the conditions for referral are met (section 198(1));

i) as to whether the conditions are met for the referral of your case to another housing authority at the relief duty or main housing duty (under section 198(5)). This includes a decision reached either by agreement between the notifying and notified authority, or taken by a person appointed under the *Homelessness (Decisions on Referrals) Order 1998* where agreement cannot be reached;

j) where a decision is made that the conditions for referral are not met (section 200(3)) or a decision that the conditions for referral to a notified authority in Wales are met (section 200(4));

k) The suitability of accommodation offered under any of the provisions in paragraph (b) or (j) above or the suitability of accommodation offered under Part 6 (section 193(7)). <u>You can request a review of the suitability of accommodation whether or not you have accepted the offer</u> (section 202(1B));

l) The suitability of accommodation offered by way of a private rented sector offer (section 193), or

m) The suitability of accommodation offered by way of a final accommodation offer or a final Part 6 offer (under section 193A or 193C). <u>You can request a review of the suitability of accommodation whether or not you have accepted the offer</u>.

How long do I have to submit a review request?
You must request a review before the end of the period of **21 days** beginning with the day on which you were notified of the decision.

How should I submit my request?
You can contact the service (as detailed below) to inform us of your request for review. Although you are not required to do so, in order for us to fully consider your reasons for requesting a review, we would prefer the request is made in writing, clearly setting out the grounds or reasons for requesting a review.

What if I am not able to make a written request?
If you are unable to submit a written request you may ask a friend, relative or other person to submit this on your behalf. Alternatively assistance with requesting a review can be provided by Shelter, CAB or a solicitor. If you have no one to request the review on your behalf, you can do so verbally by calling the team on 01226 773870 and request to speak to a Senior Housing Advisor or Team Leader.

Can I provide documents or more information?
You, or someone acting on your behalf, may make written representations in connection with the request for a review and we would encourage you to provide any relevant information in support of your review. You must ensure you inform the council that you give consent to communicate with a chosen representative.

Who will make a decision on my request for a review?
The review will be carried out by an officer of the council, the officer will not have been involved in the original decision, and they will be senior to the officer who took that decision.

What information will you take into account?
In reviewing a decision, the council will need to have regard to any information relevant to the period before the decision was made (even if only obtained afterwards) as well as any new relevant information obtained since the decision.

How long will it take for a decision to be made?
The period within which you, or a person acting on your behalf, must be notified of the decision on review is:

- 8 weeks from the day of the request for a review, where the original decision falls within section 202(1)(a), (b), (c) , (e) or (f);
- 10 weeks, where the decision was made jointly by two housing authorities under section 198(5) (a decision on whether the conditions for referral are met);
- 12 weeks, where the decision under section 198(5) is taken by a person appointed pursuant to the Schedule to the Homelessness (Decisions on Referrals) Order (SI 1998 No.1578).

How will I be informed of the outcome?
Section 203 requires the council to notify you in writing of the decision on the review and include the reasons for the decision where it:

a) confirms the original decision on any issue against the interests of the applicant;
b) confirms a previous decision to notify another housing authority under section 198(1) (referral of case under the main housing duty); or,

c) confirms a previous decision that the conditions for referral of a case under the relief duty or main housing duty are met in the applicant's case.

The notification will advise you of your right to appeal to the County Court under section 204 against a review decision on a point of law, and of the period within which to appeal.

Contacting Housing & Welfare

If you have any questions or queries, or would like to request a review you can contact us by:

Telephone	01226 773870
Email	adviceservices@barnsley.gov.uk or;
In writing	Housing & Welfare, PO Box 679, Barnsley, South Yorkshire S70 9JE

Request for a Review - Under section 202(1)

Full Name	
Current Address	
Date of Birth	
Telephone Number	
Email address	

Decision Letter reference No.	*This is in the top right of the letter*
Date of Decision	

Please state the reason(s) why you disagree with the decision made. If you need more space please continue on a separate sheet of paper and number the pages in order.

Continued

Signature:

Date:

Please return your review request:

Email	adviceservices@barnsley.gov.uk or;
Post / By Hand	Housing & Welfare, PO Box 679, Barnsley, South Yorkshire, S70 9JE