

Housing Select Committee Supplementary Agenda

Tuesday, 7 March 2017

7.30 pm,
Civic Suite
Catford
SE6 4RU

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Part 1

Item	Pages
6. PRS offer policy	1 - 56

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HOUSING SELECT COMMITTEE			
Title	Private Rented Sector Discharge Policy – provisional results of consultation		
Key decision	Yes	Item no	6
Wards	All		
Contributors	Executive Director for Customer Services, Head of Law		
Class	Part 1	7 March 2017	

Reasons for Lateness and Urgency

This report is late due to the need to provide Committee with the most up to date information regarding the PRSO Policy consultation, which closed on 3 March 2017. It is urgent as there is no other occasion for Committee to consider the report before it is presented to Mayor and Cabinet.

1 Purpose of Report

- 1.1 At its meeting on 25 May 2016, Housing Select Committee considered a revised Private Rented Sector Offers policy. Mayor and Cabinet subsequently considered the proposed policy on 19 October 2016 and agreed that officers should consult on the proposed policy.
- 1.2 The consultation began on 20 January 2017 and ended on 3rd March 2017. This report contains interim results of the consultation up to 28 February 2017. Officers will provide an update on the final results following the consultation's closure on the night of the committee meeting.
- 1.3 This report sets out the background to the proposed PRSO policy and presents the interim results of the consultation for consideration by Committee.

2 Summary

- 2.1 Housing Select Committee will be aware of the significant challenge posed by the increase in homelessness in Lewisham and in London more widely. London's population is currently increasing by 50,000 to 60,000 households per year whilst on average 27,000 new homes a year have been built in the city. The number of homeless households in temporary accommodation in London increased from nearly 36,000 in 2011 to over 53,370 at the end of September 2016. .
- 2.2 In addition to the fact that not enough homes are being built generally, there has also been a reduction in the supply of homes at social or affordable rents which become available to let. The number of social rented properties which became available to the Council to let reduced from 1,890 in 2010/11 to a projected 1,057

in 2016/17. The Annual Lettings Plan which Committee are also considering at their meeting of 7 March 2017 forecasts that in 2017/18 842 properties will become available for re-letting, though this will be supplemented by a projected 300 new affordable homes being built.

- 2.3 Alongside this reduction in the supply of affordable housing, house prices in Lewisham have increased significantly, rising from an average of £59,000 in 1995 to £417,000 in 2016. These factors combined have led to a significant growth in the size of the private rented sector in Lewisham and in London more widely. For example in 1997, approximately 38% of households aged under 35 on low to middle incomes in London lived in the Private Rented Sector whilst 40% were home owners. By 2014, 70% of London households aged under 35 on low to middle incomes lived in the Private Rented Sector whilst only 13% are homeowners. In Lewisham, the PRS has doubled in size in the last decade.
- 2.4 Select Committee will be aware that In Lewisham there has been an 89% increase in the number of homeless households in temporary accommodation over the last five years and there are currently just over 1,800 homeless households in temporary accommodation. Over the same period, the number of households on the waiting list for social housing has grown from approximately 7,500 to over 9,250.
- 2.5 By its nature, temporary accommodation is unsettled, and many households in temporary accommodation have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. Some forms of temporary accommodation, in particular nightly paid accommodation, are also a significant cost for the Council. The table below shows the net spend on temporary accommodation by the Council over the past five financial years.

	2011/12	2012/13	2013/14	2014/15	2015/16
Net Spend on Temporary Accommodation	£1.3m	£1m	£1.2m	£3m	£3.7m

- 2.6 Whilst the Council is taking steps to increase the supply of social housing in the borough and 2,000 new affordable homes will be delivered during this administration, it is projected that the supply of social housing will continue its long-term decline. This is because the re-let rate of existing properties is reducing, whilst between 110 and 120 Council properties are sold each year under the Right to Buy. It is also anticipated that the 'High Value Voids' policy – where the Council will be compelled to routinely sell its higher value properties – will come into force in the coming years. Whilst its implementation has been delayed, it is also expected that the Right to Buy will be extended to Housing Association tenants in the future. All of these measures will further reduce the supply of social housing in the borough.
- 2.7 The main aim of the Lewisham Housing Needs service is to find stable, affordable, sustainable accommodation for any household that finds itself homeless or in acute housing need. Committee will be aware that a large number of initiatives have already been undertaken to help manage the pressures that the service is facing and to improve outcomes for service users. These include:

- PLACE Ladywell – Innovative development providing 24 high quality two bedroom for homeless families
- Hamilton Lodge – A former care home converted into 21 units of Temporary Accommodation
- Acquisition Programme – Over 60 properties now acquired by Lewisham Homes for use as Temporary Accommodation and Prevention
- Increasing prevention activity – 29% increase in prevention Activity in 2016/17 to date compared to same period in 2015/16
- An increased proportion of lets given to homeless households within the Annual Lettings Plan
- Delivery programme underway consisting of over 500 new council homes and working with partners to deliver 2000 new affordable rent homes

2.8 As a way of further managing the number of households in temporary accommodation, it has been proposed that the Council adopts a revised Private Rented Sector Offer (PRSO) Policy which will set out how the Council will make Private Rented Sector Offers in order to bring the duty to secure accommodation owed to homeless households ('the main housing duty') to an end by securing an offer of suitable accommodation in the private rented sector (PRS).

2.9 The proposed policy is designed to ensure that households with the highest needs are prioritised for housing in the borough, by identifying the circumstances where the Council would not normally make a PRS offer. The proposed exceptional circumstances formed part on the consultation as set out later in this report.

3 Policy context

3.1 The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:

- Ambitious and achieving: where people are inspired and supported to fulfil their potential.
- Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
- Healthy, active and enjoyable: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.

3.2 The proposed recommendations are also in line with the Council policy priorities:

- Decent homes for all - Investment in social and affordable housing, improve housing conditions and tackle homelessness

3.3 It will also help meet the Council's Housing Strategy 2015-2020 in which the Council commits to the following key objectives:

- Helping residents at times of severe and urgent housing need
- Building the homes our residents need
- Greater security and quality for private renters
- Promoting health and wellbeing by improving our residents' homes

3.4 Lewisham's Housing Strategy also contains the provision to put in place the framework for the Council to use the private rented sector to house homeless families, so as to increase the supply of properties available to the Council to manage the rising number of homeless households in temporary accommodation.

3.5 On 25th March 2015, Mayor and Cabinet resolved that officers should use the existing power to discharge the Council's homelessness duty into the private rented sector, pending the development of a policy setting out exclusions, and establishing operating protocols to allow staff to successfully implement the policy. Since March 2015, local pressures regarding supply and affordability of accommodation have become more acute. Furthermore, the Council approved the Location Priority Policy (see next paragraph). Based on these factors and advice taken by the Council, officers are now recommending that the manner in which it is proposed that the PRSO power will be used is considered again.

3.6 On 11th November 2015, Mayor and Cabinet approved a Location Priority Policy which sets out how the Council will allocate individual homeless households to the supply of temporary accommodation available to the Council, including temporary accommodation located out of the borough. It also approved a Temporary Accommodation Procurement Strategy which sets out how the Council intends to procure sufficient temporary accommodation to meet demand. The Locational Priority Policy was developed to ensure the Council discharged its duty to ensure that so far as is reasonably practicable it secures that accommodation is available for the occupation of the relevant homeless applicant in the Borough, and in light of the Supreme Court decision in *Nzolameso v Westminster CC* [2015] UKSC 22.

3.7 The Allocations Policy sets out how the Council will allocate properties to Part VI applicants on the waiting list for social housing.

4 Recommendation

4.1 Housing Select Committee is recommended to:

4.2 Note the interim results of the consultation and the equality analysis assessment introduced in this report, and provide comments on the proposed PRSO policy prior to its consideration by Mayor and Cabinet.

5 Background

5.1 Prior to 9th November 2012 the principal way in which the main housing duty under s.193(2), Part VII (homelessness), Housing Act 1996 ('HA 1996') ceased was by an offer of social housing (generally either a secure tenancy through the

Council or an assured tenancy through a nomination to a Housing Association) under Part VI HA 1996 (allocations). The other ways in which the main housing duty ceased related principally to a change in the applicant's circumstances.

- 5.2 Since 9th November 2012, amendments made by the Localism Act 2011 have enabled local authorities to bring the main housing duty to an end by securing a suitable offer of a tenancy in the private rented sector. The key feature of the legislative change is that the main housing duty comes to an end whether or not the applicant accepts the PRSO, i.e. previously if an applicant rejected a PRSO, the main housing duty did not come to an end.
- 5.3 In essence, a PRSO is an offer of an assured shorthold tenancy made by a private landlord to an applicant through arrangements made by the local authority with a private landlord – or with the approval of the authority – and has a minimum 12 month fixed term, and which brings the main housing duty to an end.
- 5.4 An offer of social housing made by the London Borough of Lewisham under Part VI (allocations) – after a tenant's compliance with the terms of any initial introductory period – becomes a secure periodic tenancy, subject to any claim for possession on the grounds prescribed by Housing Act 1985 or, if it is a nomination for an assured tenancy granted by a Housing Association, under the Housing Act 1988 (e.g. breach of condition of tenancy). Sometimes assured tenancies offered by Housing Associations who the Council work with are assured for fixed terms.
- 5.5 By contrast, a PRSO is an assured shorthold tenancy which provides for a fixed period of 12 months after which it will become periodic, and which may be determined (ie. brought to an end) by the landlord on a 'no-fault' basis, by service of a section 21 Housing Act 1988 notice of seeking possession. Therefore, the protections which exist for a social tenancy regarding, for example, the constraints on a landlord's right to recover possession do not apply for a private sector tenant. An offer of social housing is therefore regarded by many as preferable because it is more secure. It is anticipated that regulations due to be introduced soon will make it compulsory for Councils to give most new tenants Fixed Term Tenancies rather than Secure tenancies. This will make PRS and social tenancies more comparable, however Council tenancies will still offer significantly more security during the fixed term.
- 5.6 The Localism Act also introduced a "re-application duty" which applies where a household has been made a PRSO which then ends within two years of the commencement of the tenancy. The effect of this duty is to deem that the applicant satisfies the priority need criteria for the purposes of their re-application, as explained further below at section 17. Regard also has to be had to the broader trends in national policy and primary legislation, including in particular the new mandatory fixed term social tenancy introduced by the Housing and Planning Act, and the power to grant 'flexible' tenancies under the Localism Act 2011.
- 5.7 An offer of social housing under Part VI (allocations) will invariably be in the borough. Given the challenges procuring affordable private rented sector

accommodation for homeless households, many PRSOs are likely to be close to or out of Borough, but not in Borough. The Council remains subject to a duty to ensure that so far as is reasonably practicable it shall secure that accommodation is available for the occupation of the relevant homeless applicant in the Borough. In determining whether a PRSO is suitable for a person, the Council must take into account a number of prescribed factors, including in the event an offer is out of Borough, the distance from the Borough and disruption caused by an offer on the employment, caring responsibilities or education of the person or members of the person's household.

- 5.8 On 11th November 2015, Mayor and Cabinet approved the Location Priority Policy and Temporary Accommodation Procurement Strategy as described in paragraph 2.6. These policies were necessary as the rising rents in the private rented sector in Lewisham meant that procuring properties within the borough has become increasingly difficult and unsustainably expensive. It is proposed that the Location Priority Policy and the Temporary Accommodation Strategy will also be used to determine how the council procures and allocates Private Rented Sector Offers, and how it will prioritise offers in and closest to the Borough, subject to the overriding requirement that all properties must be suitable and affordable.
- 5.9 The proposed policy is designed to work with the policies referenced above to provide a sustainable framework to make use of the private rented sector, taking into account current and imminent housing pressures. The Council already uses the PRS in a number of ways, including as a source of temporary accommodation. The PRS is also used for homeless prevention, which means a household can avoid having to move into temporary accommodation.
- 5.10 The vast majority of households that will be considered for a PRSO will be housed in temporary accommodation whilst a more permanent offer of accommodation can be found. Many of these households are likely to have to wait for an extended period in order to receive an offer of social housing. The average waiting time for a homeless household to receive an offer of social housing where they have a two bed need is over 92 weeks, and can be much longer. This means that a family may be in temporary accommodation for many years. By its nature, temporary accommodation is unsettled, and many households in temporary accommodation have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. The suitability requirements for a PRSO (as set out in section 16) mean that the property is likely to be of a higher standard than the temporary accommodation we are able to procure, especially compared to nightly paid accommodation.
- 5.11 Under the proposed general policy, the Council will normally seek to bring the main housing duty to an end by arranging a PRSO, subject to the exceptions set out below, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household. A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate. Such cases may include the following:

- Where a household requires adaptations to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
- Where a household is unable to manage a tenancy in the private rented sector without a substantial level of tenancy related support.

5.12 In the preparation of this report and in the application of the proposed policy, Council officers have had and will have regard to the Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (“The 2012 Guidance”), DCLG, November 2012 when seeking to discharge the main housing duty into the private rented sector, in conjunction with the DCLG Homelessness Code of Guidance for Local Authorities issued in July 2006 (“The 2006 Code”). The 2012 Guidance recommends that a local private rented sector offer policy should take account of individual household circumstances, and be developed with regard to prevailing housing demand and supply pressures in the local area in order to support the best use of available housing stock locally. A link to this guidance is provided in paragraph 27.4.

5.13 The proposed policy is designed to ensure that households with the highest need for in Borough social housing are prioritised for it, by identifying exceptional circumstances where the Council will not normally seek to secure a PRSO as set out in 5.11 above. The Council will normally seek to end the main housing duty by way of a PRSO for households that do not fall into these criteria.

5.14 All PRSOs must be suitable for the individual circumstances of the household. Assessment of suitability includes assessment of affordability. The locational priorities set out in the Council’s Location Priority Policy will also be used to determine how households are prioritised for accommodation in terms of proximity to the borough, and the location of those offers will depend on the supply of accommodation available to the Council. However, officers will always try to place households as close to the borough as possible where such properties are available.

6 The London housing context

6.1 The housing situation in Lewisham is part of the wider picture of housing in London. London’s housing market is characterised by an enduring undersupply of new homes against a growing population. This has caused house prices to increase significantly – higher than they were before the economic crisis.

6.2 There were over 48,000 London households in temporary accommodation at the end of March 2015. Research by the Centre for Housing Policy at the University of York estimated that in 2014/15 the cost of temporary accommodation for all London boroughs combined was £663m. It is estimated that £170.4m of this was met by the General Funds of London councils.

7 The supply trend for new affordable homes

- 7.1 The undersupply of new homes is true of all tenures, but is particularly noticeable for homes for sub market rent. This is particularly significant, as councils have traditionally discharged their housing duty to homeless households through an offer of social housing, as outlined in section five above. The number of properties which became available to the Council to let for social housing reduced from 1,890 in 2010/11 to a projected 1,057 in 2016/17. The Annual Lettings Plan which Committee are also considering at their meeting of 7 March 2017 forecasts that in 2017/18 842 properties will become available for re-letting, though this will be supplemented by a projected 300 new affordable homes being built.
- 7.2 Whilst their implementation has been postponed, some of the measures in the Housing and Planning Act are likely to further reduce the number of re-lets available because the Council will be compelled to sell a number of vacant properties, whilst more Housing Association properties will be subject to the Right to Buy.
- 7.3 In the short-term, the supply of new build affordable housing in Lewisham is forecast to increase slightly, as the Council's own programme starts to deliver additional new homes in the next two years. In addition, a number of schemes by housing associations which commenced in the last few years are due to complete. The scale of demand for new housing, however, means that this supply will be absorbed quickly and demand will continue to significantly exceed supply. Over the longer-term the supply of new homes for affordable rent is likely to decrease further as the government policies outlined above come into effect.

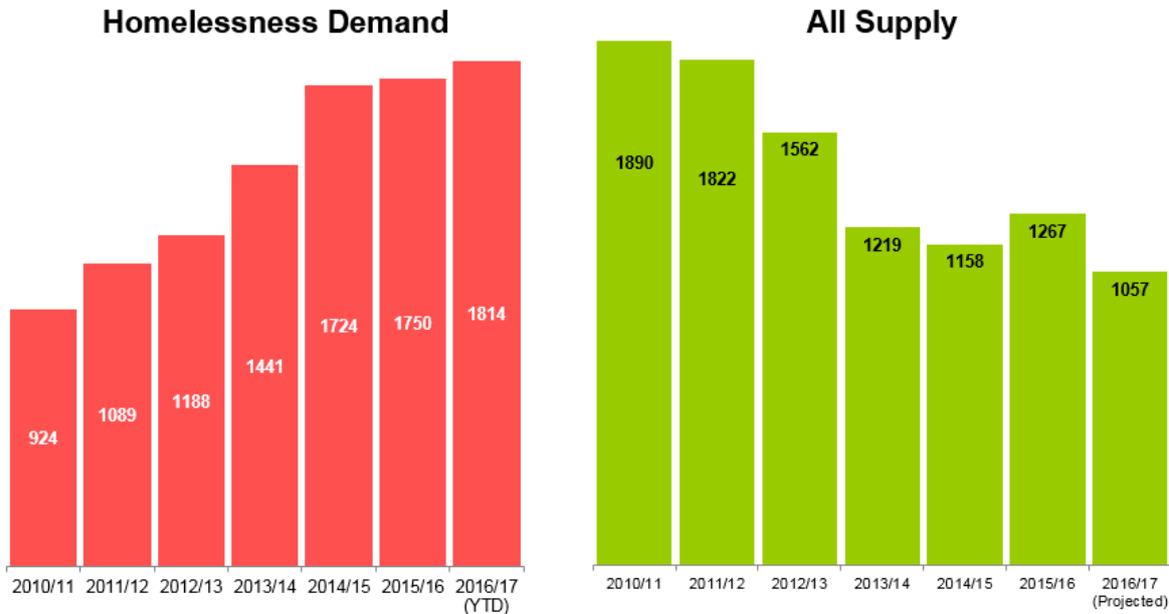
8 Housing supply in Lewisham

- 8.1 Lewisham has a target for new homes of all tenures of 1,105 per year. Lewisham has regularly exceeded this annual target, and in the past decade exceeded the target by 2,765 homes in total.
- 8.2 In this Mayoral administration up to 2018, 6,100 homes will be built of all tenures. The vast majority of these will be built by private developers or housing associations. Around one third of these homes will be affordable, including affordable rent and shared ownership. However due to government policies, not all these affordable homes will be suitable for households on lower incomes.
- 8.3 The Council's own programme will deliver 650 new homes of which 500 will be for social rent (80%). The wider Council-enabled programme including regeneration schemes will deliver nearly 1100 homes which will include homes for social rent, market rent and sale. This means that the Council itself will deliver over 1,700 new homes to help meet demand in the borough.

9 Homelessness in Lewisham

- 9.1 The shortage of supply of both social housing and affordable private rented accommodation in Lewisham continues to lead to high demand on the Housing Needs Service. This is demonstrated by the supply and demand graph shown below. This shows the decrease in the supply of re-lets/new homes against the

increase in households in temporary accommodation. There has been a 96% increase in the number of households in temporary accommodation between 2010/11 and 2016/17 – as at the end of February 2017 there are currently 1,814 homeless households in temporary accommodation. This number has stabilised over the last 12 months, despite the challenges of the reduced supply of accommodation in the PRS and the increasing unaffordability of all tenures, as well as increased demand caused by welfare reform.



9.2 In over 55% of acceptances the main reason for homelessness was the end of an assured shorthold tenancy, and in the majority of these cases the AST was terminated. This represents a continuation of the trend seen in previous years. 30% of acceptances were as a consequence of exclusion by friends or relatives.

9.3 Where possible, officers seek to prevent homelessness. In between April and December 2016, the council was able to prevent homelessness in 715 cases, an increase of 29% on the figures for the same period in 2015. In this way, the Council makes use of the Private Rented Sector to prevent a household becoming homeless, avoiding them having to move into temporary accommodation.

10 Proposed Private Rented Sector Offers Policy

10.1 The proposed Private Rented Sector Discharge Policy is intended to provide a framework for the way in which the Council will bring its main housing duty owed to homeless households under s.193 Housing Act 1996 to an end by making a suitable offer of accommodation in the private rented sector. The policy applies to homeless applicants owed a duty for housing assistance under Part VII Housing Act 1996 and not allocations under Part VI HA 1996 (the waiting list for social housing).

10.2 The proposed policy is attached to this report at Appendix 1.

10.3 Since 9th November 2012, changes made by the Localism Act 2011 have enabled Local Authorities to discharge the main housing duty by securing a suitable offer of a tenancy in the private rented sector ('PRSO') under s.193(7AA)-(7AC) HA 1996. The key feature of the legislative change is that the main housing duty will come to an end whether or not the applicant accepts the PRSO, i.e. the Local Authority does not require the applicant's agreement to secure an offer. Whilst the offer is '*made*' by the proposed landlord (s.193(7AC)(a) HA 1996) and '*approved*' by the Council (s.193(7F)(ab) HA 1996), for the purposes of this report any references to the Council securing or arranging an offer should be taken to include the identification of the property, consideration of its suitability and approval of an offer.

10.4 A PRSO is an offer of an assured shorthold tenancy made by a private landlord to an applicant in relation to any accommodation which:

- has been made available for the applicant's occupation by arrangements made by the local authority with a private landlord or
- is made with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the section 193(2) duty to an end, and
- is a fixed term Assured Shorthold Tenancy for a period of at least 12 months.

10.5 The applicant must (and will) be informed in writing of the following matters:

- the possible consequence of refusal or acceptance of the offer,
- that the applicant has the right to request a review of the suitability of the accommodation, and
- the effect under new section 195A of a further application to the authority within two years of acceptance of the offer (the 'reapplication duty') (see further below at section 17).

10.6 Applicants can continue to request a review of the housing authority's decision that the accommodation offered to them is suitable, see further below at section [20].

11 Aims of the policy

11.1 The overall aim of the Housing Needs service is to find stable, affordable, sustainable accommodation for any household which find themselves homeless and in acute housing need.

11.2 The aims of the Private Rented Sector Offers Policy are:

- To increase the supply of suitable accommodation available to the Council for those who the Council has determined it owes the main housing duty.

- To make best use of all available housing supply having regard to the prevailing housing circumstances.
- To enable households owed the main housing duty to receive an offer of suitable accommodation in the shortest possible time.
- To prioritise households most in need of a social housing tenancy.
- To displace the presumption that those households owed the main housing duty under Part VII HA 1996 will be made an allocation of social housing under Part VI HA 1996.
- To apply the locational priorities set out in the Locational Priority Policy to PRSOs taking into account constraints regarding affordability and availability.

12 When Private Rented Sector Offers will be made

- 12.1 In light of the local pressures outlined in this report, the Council proposes that it will normally seek to bring the main housing duty under Part VII to an end by securing a PRSO. Therefore, a PRSO will normally be secured for applicants owed the main housing duty, subject to the exceptions set out in the proposed policy, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household.
- 12.2 A PRSO may be secured in respect of accommodation inside or outside the London Borough of Lewisham. The local pressures set out above mean that finding affordable accommodation in borough is challenging and the Council increasingly has to look out of Borough to identify accommodation which is affordable. However, the Council's consideration of whether accommodation is suitable includes consideration of the distance from the Council and disruption to ties to the Borough.
- 12.3 The Council has identified that there may be exceptional circumstances which would make a PRSO inappropriate, for example households that require adaptations because of health and disability related needs and households unable to manage a PRS tenancy without a substantial level of support. These households will not normally be offered a PRSO, see the extract from the proposed policy at 2.2 (a) and (b) below.
- 12.4 Those households with specific needs who the council has already identified under the Location Priority Policy as having priority for in-borough accommodation will not normally be offered a PRSO on the basis that they are vulnerable households with prioritised needs justifying the additional stability of a secure tenancy and also taking into account the practical pressure of procuring affordable accommodation in borough, where those households in particular have an exceptional need to be accommodated, see the extract from the proposed policy at: 2.2 (c) to (g) below.
- 12.5 Under the proposed general policy, the Council will normally seek to bring the main housing duty to an end by arranging a PRSO, subject to the exceptions set

out below, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household. A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate as follows:

“2.2 A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate. Such cases may include the following:

- (a) Where a household requires adaptations to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
- (b) Where a household is unable to manage a tenancy in the private rented sector without a substantial level of tenancy related support.

12.6 Under the Housing Act 1996, the Council must be satisfied that if the applicant has any existing contractual obligations in respect of his or her current accommodation that s/he is able to bring those to an end before taking up the offer. Officers will therefore always consider this.

13 Ensuring suitability of accommodation: Location / Affordability / Condition

13.1 The Council must secure that accommodation which is made available for households in the discharge of their homelessness functions under Part VII HA 1996 is suitable for the household. That includes PRSOs.

13.2 No PRSO will be made unless the Council is satisfied that it is suitable. The Council will have regard to the Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012, DCLG, November 2012 when seeking to discharge the main housing duty into the private rented sector.

13.3 Space and arrangement will be key factors in determining the suitability of accommodation. However, consideration of whether accommodation is suitable requires an assessment of all aspects of the accommodation in the light of the relevant needs, requirements and circumstances of the homeless person and his or her family. Relevant social considerations may include risks of violence, racial harassment or domestic violence.

13.4 There are a number of considerations, prescribed by delegated legislation, which the Council must take into account when considering whether or not a PRSO is suitable. Some of these provisions were introduced specifically to ensure that PRSOs meet necessary standards in relation to their condition & safety.

Location

13.5 Firstly, the Council is required to ensure that so far as is reasonably practicable it shall secure that accommodation is available for the occupation of the relevant homeless applicant in the Borough.

13.6 In determining whether a PRSO is suitable for a person, the Council must take into account the location of the accommodation, including—

- (a) Where the accommodation is situated outside Lewisham, the distance of the accommodation from the borough;
- (b) The significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
- (c) The proximity and accessibility of the accommodation to medical facilities and other support which—
 - (i) are currently used by or provided to the person or members of the person's household; and
 - (ii) are essential to the well-being of the person or members of the person's household; and
- (d) The proximity and accessibility of the accommodation to local services, amenities and transport.

Affordability

13.7 The Council is required to consider the affordability of a PRSO, and to consider in particular the following:

- (a) the financial resources available to that person;
- (b) the costs in respect of the accommodation;
- (c) payments which that person is required to make under a court order for the making of periodical payments to a spouse or a former spouse, or to, or for the benefit of, a child and payments of child support maintenance; and
- (d) that person's other reasonable living expenses.

Condition of the Property

13.8 The Council is required to have regard to the provisions of primary legislation regarding slum clearance, overcrowding and the licensing, regulation of safety and condition of residential properties.

13.9 The Council is also specifically required when arranging a PRSO to be satisfied as to the adequacy of the following matters before it can conclude that the property is suitable:

- (a) electrical safety;
- (b) fire safety;
- (c) gas safety;
- (d) carbon monoxide safety;
- (e) HMO licensing regulations;
- (f) energy performance certification requirements;
- (g) whether the landlord is a fit and proper person;
- (h) that the property is in reasonable physical condition; and
- (i) the adequacy of the tenancy agreement.

14 Reapplication Duty

- 14.1 The effect of the below provisions is to mitigate to a degree the potential for instability in the private sector by deeming an applicant to have priority need (one of the conditions to be satisfied before the main housing duty is owed under Part VII to homeless applicants) whether or not they do in fact satisfy that condition when an application is made within two years of accepting a PRSO whether on the basis that the applicant is actually homeless or is threatened with homelessness.
- 14.2 Under section 195A(1) HA 1996 (re-application after private rented sector offer), the section 193(2) duty applies regardless of whether the applicant has a priority need where:
- (a) a person makes a re-application for assistance within two years of accepting a private rented sector offer, and
 - (b) the applicant is eligible for assistance and has become homeless unintentionally.
- 14.3 Under section 195A(3) HA 1996, the section 195(2) duty (owed to eligible applicants in priority need and threatened with homelessness) will apply regardless of whether the applicant has a priority need where:
- (a) a person makes a re-application for assistance within two years of accepting a private rented sector offer, and
 - (b) the applicant is eligible for assistance and is threatened with homelessness unintentionally.

15 Viewing the Property

- 15.1 The Homelessness Code of Guidance for Local Authorities (July 2006) at Chapter 14.18 states that the Secretary of State recommends that applicants are given the chance to view accommodation before being required to decide whether they accept or refuse an offer, and before being required to sign any written agreement relating to the accommodation (e.g. a tenancy agreement).
- 15.2 It will not always be possible for an applicant to view a property before being required to decide whether they accept or refuse it. In these cases, an Information Pack will be provided. To that (limited) extent, the Council would be departing from the 2006 Code but any departure will be assessed on a case by case basis. A relevant factor will be that, unlike under Part VI (allocations), the Council cannot directly control the period for which a private landlord will 'hold' a PRSO available for the Council in order to accommodate a viewing.

16 Acceptance of an Offer

- 16.1 Once the main homelessness duty has been brought to an end, applicants who

have accepted or refused a PRSO will no longer be owed a 'reasonable preference' for an allocation of housing under Part VI HA 1996 on the basis that they are homeless. Their priority will be reviewed accordingly.

17 Discharge & Review

17.1 Where an applicant does not accept a PRSO which the Council is satisfied is suitable for their household, the Council will normally decide the main homelessness duty has been discharged and they are not under a duty to provide them with accommodation. This will be made clear to Applicants when offers are made so that they understand consequences of accepting or rejecting them. An applicant can request a review of the decision that the accommodation offered to them is suitable whether or not s/he has accepted the PRSO. Applicants can request a review of the Council's decision to discharge duty. (Often these requests for review are rolled into one). If the applicant is not satisfied with the decision on review, they are entitled to bring an appeal to the County Court.

18 Consultation on the proposed policy

18.1 At its meeting on 19 October 2016 Mayor and Cabinet agreed that officers should consult on the proposed policy. The method of consultation and the results are set out below.

Consultation Method

18.2 In order to ensure that all residents who may be directly affected by the policy had an opportunity to contribute to the consultation, officers wrote to all households who are currently in temporary accommodation to explain the proposed policy and to ensure they had an opportunity to respond to the consultation. They were all sent a copy of the questionnaire and a Freepost envelope.

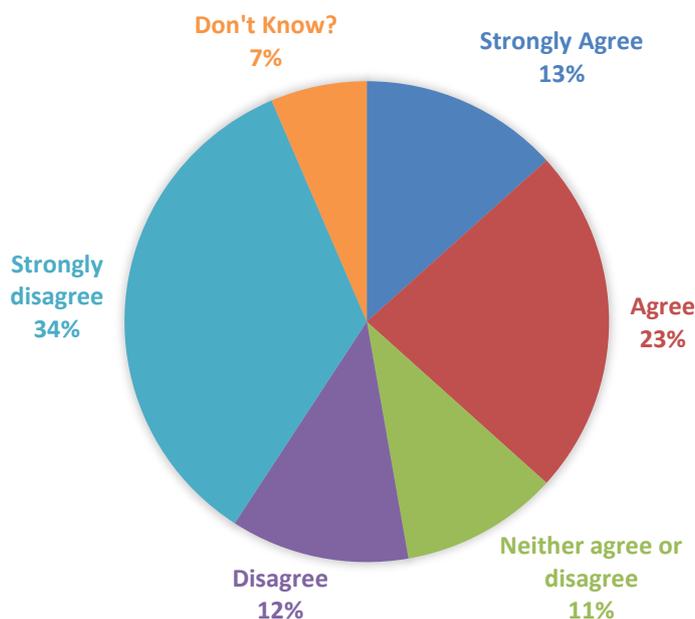
18.3 The consultation was also placed on the Council's consultation portal, and a link to this was sent to organisations such as the Council's housing partners and housing charities including Shelter.

Results of the consultation

18.4 223 responses had been received by 28 February, of which 194 were from clients currently housed in temporary accommodation. Demographic information regarding respondents to the consultation is included in Appendix 3.

18.5 Responses to question 1: Should the Council use the PRS to discharge its housing duty?

AGREE OR DISAGREE THE COUNCIL SHOULD USE THE PRS



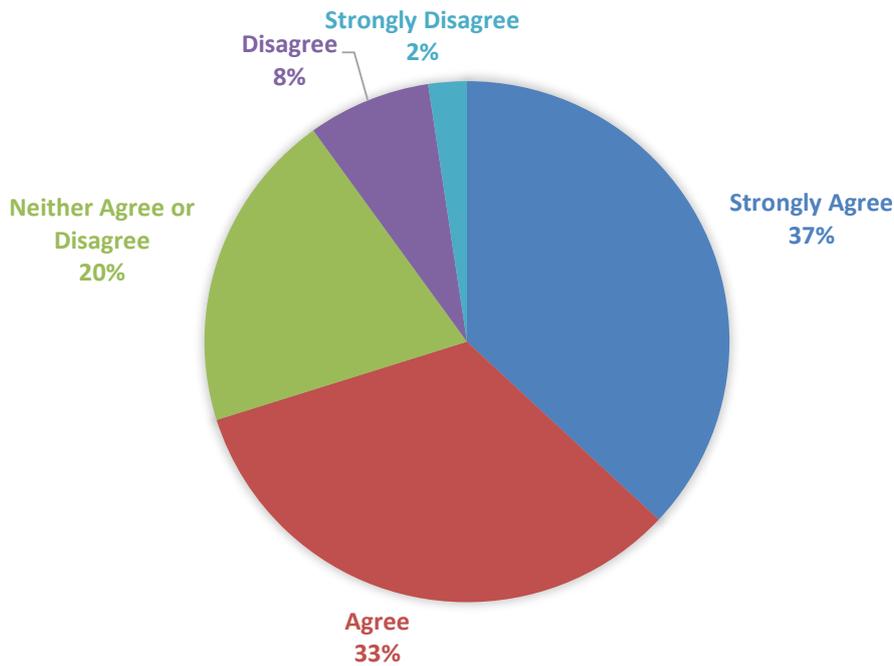
18.6 Reasons given for answer

Type of comment	Response
A number of respondents raised concerns regarding the cost of the private rented sector	<p>The Council is required to consider the affordability of any potential PRS offer, and to consider in particular the following:</p> <ul style="list-style-type: none"> • the financial resources available to that person • the costs in respect of the accommodation • payments which that person is required to make under a court order for the making of periodical payments to a spouse or a former spouse, or to, or for the benefit of, a child and payments of child support maintenance • that person's other reasonable living expenses. <p>Therefore any PRSO arranged by Lewisham Council would have to be affordable for the particular household in question.</p>
A number of respondents expressed a preference for social housing rather than private rented sector housing.	<p>As set out in this report, there is a significant mismatch in the demand for social housing and the supply of social housing in the borough. It is this fact which has led to the growth in the number of households in temporary accommodation. This is particularly the case for households requiring larger properties.</p> <p>Therefore it is not possible to provide social housing for all households who have expressed a preference for</p>

	social housing. One of the aims of the proposed PRSO Policy is to set out which homeless households would be prioritised for what social housing is available, for example due to disability or health related needs.
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18.7 Responses to question 2: Do you agree with the proposal to exempt households that need significant adaptations to their property to meet health and disability related needs?

AGREE WITH PROPOSED EXEMPTION FOR THOSE WHO NEED SIGNIFICANT ADAPTATIONS

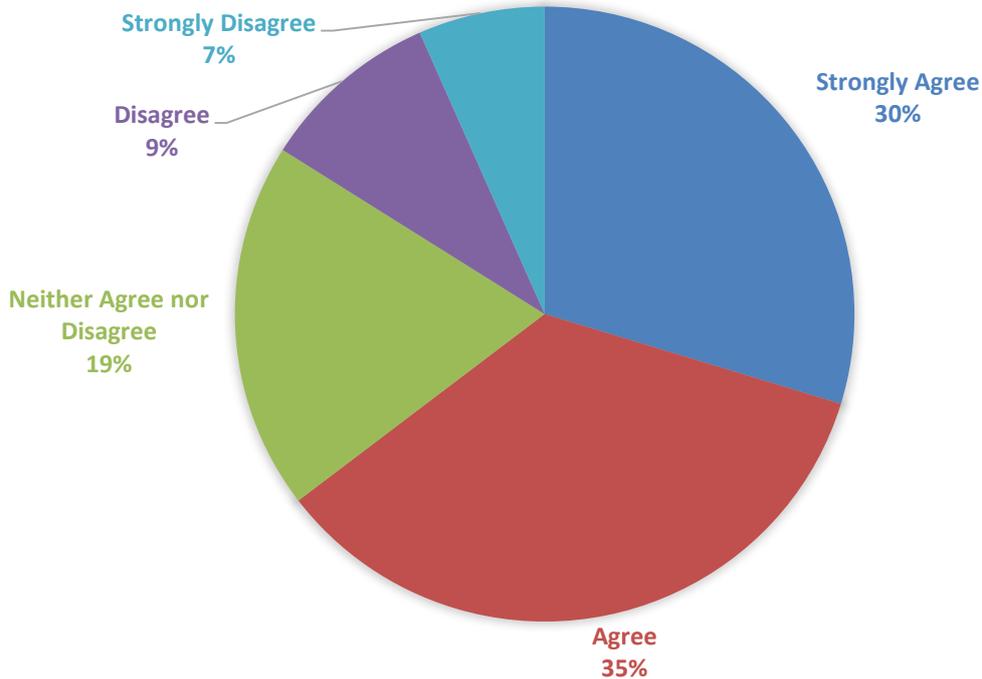


18.8 There was significant agreement with the proposal to include the following exemption to the policy:

“Where a household requires significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.”

18.9 Question 3: Do you agree with the proposal to exempt who are unable to manage a tenancy in the private rented sector without a substantial level of support?

AGREE WITH PROPOSAL TO EXEMPT THOSE WHO CAN'T MANAGE A PRS TENANCY



18.10 There was also significant agreement with the proposal to include the following exemption to the policy:

“Where a household is unable to manage a tenancy in the private rented sector without a substantial level of support.”

18.11 Respondents were asked whether they thought any further exemptions should be added to the policy. Most people did not respond to this, but responses provided are categorised below:

Type of comment	Response
Increase the renting period and ensure that rents are affordable.	<p>Many private sector tenancies last for a year or less, but the Council’s general approach to PRSOs will be to offer two year tenancies. In addition, these will need to meet exacting requirements relating to standards set by the government as contained in the Homelessness (Suitability of Accommodation) (England) Order 2012.</p> <p>The Council is also required to consider the affordability of any potential PRS offer, and to ensure a potential PRSO would be affordable for the particular household in question.</p> <p>In addition, if someone who is given a PRSO is evicted within 2 years of accepting a PRSO then the reapplication duty will apply. This means that the</p>

	household would be accepted as homeless and a duty owed to them. This helps to mitigate the potential for instability in the private sector.
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18.12 The majority of respondents expressed a preference for social housing over accommodation in the private rented sector. However, there is insufficient supply of social housing in the borough to meet demand. This results in households being placed in temporary accommodation for long periods of time, and creates a significant financial pressure for the Council. This means that without taking further measures, the number of households in temporary accommodation is likely to increase and the cost to the council of temporary accommodation will remain unsustainably high.

18.13 There was clear support for the proposed exemptions to the policy. A number of respondents raised concerns around the cost of the private rented sector as well as the stability of PRS tenancies. It is the case that the PRS is both more expensive and less stable than social housing. However, the Council's general approach to PRSOs will be to offer two year tenancies, and these are required to meet exacting requirements relating to standards set by the government (this is called the Homelessness (Suitability of Accommodation) (England) Order 2012). This includes a requirement to ensure that the offer is affordable to the individual household, taking into account its specific circumstances.

18.14 In addition to the questions described above, a number of questions regarding equality were asked as part of the consultation. These are described in detail in the section below.

19 Comments of the Housing Select Committee

19.1 Housing Select Committee reviewed the proposed policy at their meeting on 25 May 2016. Committee noted the rationale for the proposed policy but asked officers to consider the wording of two specific parts of the draft policy:

- Committee felt that the exception relating to children subject to Child Protection Plan should apply if there was *any* detriment to a child's welfare – not just *serious* detriment.
- They also noted, in relation to the exception about carers in receipt of carer's allowance, that many family members who provide care do not actually qualify for carer's allowance.

19.2 The two clauses above are contained in the Council's Location Priority Policy which was approved by Mayor and Cabinet in November 2015. Following further review and advice, it is proposed that the PRSO Policy is revised to remove the clauses already contained in the Location Priority Policy. Therefore the two proposed exemption clauses for the PRSO Policy are now as follows:

- Where a household requires significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to

achieve in private rented sector accommodation.

- Where a household is unable to manage a tenancy in the private rented sector without a substantial level of support.

19.3 When determining the location of a PRSO, the existing approved Location Priority Policy will be applied. This policy states that the Council will endeavour to place all households within or as close as possible to the borough.

19.4 The Committee also stressed that the equalities impact assessment for the policy needs to be very thorough. Equality considerations are addressed in this report.

20 Monitoring and review of the policy

20.1 This policy, subject to any revisions and if it comes into force, will be monitored and reviewed 12 months after the date of its commencement. Housing Select Committee will be provided with updates on the operation of the policy as part of its work programme.

21 Financial Implications

21.1 The purpose of this report is to provide provisional feedback from the consultation on the proposed Private Rented Sector Discharge policy. As such there are no direct financial implications arising from this report.

21.2 Members may wish to note that the Council is projecting to spend in the region of £25m on nightly paid accommodation and homelessness prevention measures in 2016/17, £0.6m in excess of the budget provided for this purpose.

21.3 As a part of its approach to the current shortfall in temporary accommodation, the Council is making a capital investment of around £51.8m in property acquisition.

21.4 The capital investment is expected to assist in reducing the level of spend on nightly paid accommodation, depending on the levels of demand. The ability to discharge its homelessness duty into the private rented sector will, subject to no further increases in homeless applications, further assist in reducing this cost

22 Legal Implications

22.1 The relevant legal duties and powers under the Housing and Homelessness legislation (principally Part VII Housing Act 1996) has been set out in some detail above where relevant, see in particular paragraphs 13 [1] – [6], 14 and 15 and so is not repeated further here.

22.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil 11 partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

22.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

22.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

22.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-ofpractice-and-technical-guidance/>

22.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

22.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and 12 resources are available at:

<http://www.equalityhumanrights.com/adviceand-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

23 Crime and Disorder Implications

23.1 There are no specific crime and disorder implications arising from this report.

24 Equality Implications

24.1 The equality implications of the proposed policy are addressed within the body of the report, and in the attached Equality Analysis Assessment.

25 Environmental Implications

25.1 There are no specific environmental implications arising from this report.

26 Background documents and originator

26.1 The background papers to this report are:

Title	Date	File Location	Contact Officer
Using Private Rented Sector Accommodation to Address Homelessness in Lewisham	25 March 2015	Available at this link	Madeleine Jeffrey
Homelessness: Lewisham Homes Property Acquisitions	14 January 2015	Available at this link	Genevieve Macklin

26.2 The current Location Priority Policy referred to in the report is available here: <http://councilmeetings.lewisham.gov.uk/documents/s39600/Appendix%20A%20Location%20Priority%20Policy.pdf>

26.3 The current Temporary Accommodation Procurement Strategy referred to in the report is available here: <http://councilmeetings.lewisham.gov.uk/documents/s39602/Appendix%20C%20Temporary%20Accommodation%20Procurement%20Strategy.pdf>

26.4 The Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 referred to in paragraph 4.12 is available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270376/130108_Supplementary_Guidance_on_the_Homelessness_changes_in_the_Localism_Act_2011_and_on_the_Homelessness_Order_2012.pdf

26.5 If you would like any further information on this report please contact Madeleine Jeffery on 020 8314 9484.

**LONDON BOROUGH OF LEWISHAM
PRIVATE RENTED SECTOR POLICY**

DRAFT AS AT 28.02.17

Scope

- 1.1 This Private Rented Sector Discharge Policy will provide a framework for the way in which the London Borough of Lewisham ('the Council') will discharge the main housing duty under s.193 Housing Act 1996 ('the main housing duty') by arranging an offer of suitable accommodation in the private rented sector. The policy therefore applies to applicants for housing assistance under Part VII Housing Act 1996 ('HA 1996') and not allocations under Part VI HA 1996.
- 1.2 All PRSOs secured by the Council must satisfy the requirements as to suitability under the HA 1996 and delegated legislation (which includes affordability). In addition, the Council will apply the locational priorities set out in its Location Priority Policy to PRSOs.
- 1.3 When making decisions under this policy, in accordance with section 11(2) Children Act 2004, the Council will have regard to the principal needs of any children in the household, and the need to safeguard and promote the children's welfare. In particular, regard will be had to any disruption to schools, medical care, social work, and other key services and support.
- 1.4 The Council will also have regard to the circumstances of the entire household and will have due regard to the Public Sector Equality Duty ('PSED') under s.149 Equality Act 2010 when making decisions under this policy which affect those with a 'protected characteristic' as defined under the Act. This policy will be monitored and reviewed, as set out below.

When PRSOs will be arranged

- 2.1 The Council will normally seek to bring the main housing duty under Part VII to an end by arranging a PRSO, subject to the exceptions set out below, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household.
- 2.2 A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate. Such cases may include the following:
 - (a) Where a household requires adaptations to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
 - (b) Where a household is unable to manage a tenancy in the private rented sector without a substantial level of tenancy related support.

Duty accepted before Pre-November 9th 2012

- 3.1 Where an applicant has applied to the Council for accommodation or for assistance in obtaining accommodation under Part VII HA 1996 Act; and the duty to secure that accommodation is available for the applicant's occupation under Part VII has arisen and not ceased, before 9th November 2012, no PRSO will be made.

Viewing and Offers

- 4.1 So far as is reasonably practicable, applicants will be given an opportunity to view a property proposed to be subject to a PRSO before deciding whether to accept or reject it. Where this is not reasonably practicable, an Information Pack will be provided.

Monitoring & Review of this Policy

- 5.1 The Council will monitor the application of this policy and it will be reviewed within 12 months of the date of its commencement.

Dated 13th May 2016



Private Rented Sector Offers Policy

Equalities Analysis Assessment

Introduction

Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of the process of decision making. The Act sets out that public bodies must have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic;
- foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

Background and Context

This equality analysis assessment sets out how the Council has considered the likely impact of the Private Rented Sector Discharge Policy on the characteristics protected under the Equality Act of 2010.

The Private Rented Sector Discharge Policy will provide a framework for the way in which the Council will discharge its main housing duty under s.193 Housing Act 1996 by making a suitable offer of accommodation in the private rented sector. The policy applies to applicants for housing assistance under Part VII Housing Act 1996 and not allocations under Part VI HA 1996.

The aims of the policy are to increase the supply of suitable accommodation available to the Council for those who the Council has determined it owes the main housing duty and to make best use of all available housing supply having regard to the prevailing housing circumstances.

The policy will also enable households owed the main housing duty to receive an offer of suitable accommodation in the shortest possible time and will help to reduce the associated costs of providing longer term temporary accommodation.

The Private Rented Sector Policy provides guidelines for officers to follow and ensures that the individual circumstances of each case are considered. All placements are subject to a thorough suitability assessment to determine the type and location of accommodation that should be offered.

The draft PRSO Policy states that:

- 2.1 The Council will normally seek to bring the main housing duty under Part VII to an end by arranging a PRSO, subject to the exceptions set out below, and provided that the Council can identify available accommodation which it is satisfied is suitable for the circumstances of the individual household.
- 2.2 A PRSO will not normally be offered where there are exceptional circumstances which make a PRSO inappropriate. Such cases may include the following:

- (a) Where a household requires adaptations to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
- (b) Where a household is unable to manage a tenancy in the private rented sector without a substantial level of tenancy related support.

Identification of the aims/objectives

The aim of the Private Rented Sector Discharge Policy is to facilitate the speedy transition from temporary accommodation to suitable, more stable private rented sector accommodation and to make the Council's position consistent and transparent. The accompanying Location Policy seeks to prioritise the supply of suitable, in or close to borough accommodation offer to those that need it the most.

Initial considerations

- 1.1 It is acknowledged that the proposed policy may have an adverse effect on homeless people. This includes:
 - Reducing the prospects of them being able to obtain social housing
 - It may increase the likelihood that they are housed outside of the borough because of the scarcity of affordable PRS accommodation in the borough
- 1.1 Currently, homeless applicants are usually housed in temporary accommodation until an offer of social housing can be made. This will continue to be the case, and the Council will continue to allocate homes which become available to let in the manner set out in the Allocations Policy and taking into account the proposed PRSO Policy, if and when it is approved by Mayor and Cabinet.
- 1.2 However, as set out in this report, the number of homes which become available to let has been decreasing, whilst the demand in terms of homeless applications continues to increase. This means that many homeless applicants have to stay in temporary accommodation for a long period of time. For example, the average length of time that a homeless household needing a two bed property will spend in temporary accommodation is 92.6 weeks
- 1.3 By its nature temporary accommodation is unsettled, meaning that households in temporary accommodation often have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. Some temporary accommodation has shared facilities such as shared bathrooms which make it unsuitable as long-term accommodation.
- 1.4 The proposed PRSO Policy, therefore, is intended to improve the outcomes for those homeless applicants who would otherwise have to stay in temporary accommodation for an unsustainable length of time. Homeless applicants that receive private rented sector offers will be offered tenancies that enable them to move out of temporary accommodation and into homes that are suitable and affordable.
- 1.5 The suitability requirements for a PRSO mean that the property is likely to be of a higher standard than the temporary accommodation we are able to procure, especially compared to nightly paid accommodation.
- 1.6 A private rented sector offer might also result in an offer of settled accommodation being made more quickly, and reduce the amount of time a households has to spend in temporary accommodation waiting for social housing.

- 1.7 The policy is intended to give households greater certainty and stability, though it is acknowledged that social housing overall offers a higher level of long-term security of tenure compared with private rented tenancies. However the majority of Housing Associations now offer fixed term tenancies, and pending regulations will also make it mandatory for the Council to offer fixed term tenancies to new tenants. The majority of homeless households had previously been living in the private rented sector before they present themselves to the council.
- 1.8 Whilst rents are generally much higher in the private rented sector, a PRSO must be affordable for the specific applicant before it can be made. Rents are also likely to be less than the rents charged in nightly paid accommodation.

Relevant data regarding homeless households in London and Lewisham

- 1.9 Across Greater London between April 2015 and September 2016, the highest proportion of homeless applicants were aged 25-44 (60%) and female with dependent children or pregnant (49%). The two highest ethnic groups were black and minority ethnic (33%) and white (32%)
- 1.10 In Lewisham between April 2015 and September 2016, there was a high proportion of homeless applicants who were 25-44 (65%), black and minority ethnic (52%) and female with dependent children/pregnant (51%).
- 1.11 The tables below show the equality data in Lewisham and Greater London held for applications where a homeless duty was accepted 1st April 2015 – 31st September 2016.

Age

Age Band	Lewisham		Greater London (%)
	Total	%	
16-24	145	13.0%	17%
25-44	720	64.5%	60%
45-59	217	19.4%	19%
60-64	11	1.0%	2%
65-74	12	1.1%	2%
75 & Over	11	1.0%	1%
Total	1116		

Sex & Household Type

Household Type	Lewisham		Greater London (%)
	Total	%	
Couple with dependent children*	282	25.3%	24.7%
One Person (Male) w/ Dependent Children	56	5.0%	3.5%
One Person (Female) w/ Dependent Children	568	50.9%	49.0%
One Person - Male Applicant	36	3.2%	10.3%
One Person - Female Applicant	106	9.5%	7.2%

All other household groups	68	6.1%	5.3%
Total	1116		

Ethnicity

Lewisham			Greater London (%)
Ethnicity	Total	%	
White	314	28.1%	31.9%
Black	583	52.2%	32.5%
Asian	64	5.7%	14.0%
Mixed	31	2.8%	5.0%
Other	104	9.3%	8.5%
Ethnicity Not Stated	20	1.8%	8.1%
Total	1116		

1.12 Because certain groups who have protected characteristics are disproportionately represented amongst the homeless, these groups are likely to be disproportionately affected by any adverse effects of the PRSO policy. In particular the following groups have been identified:

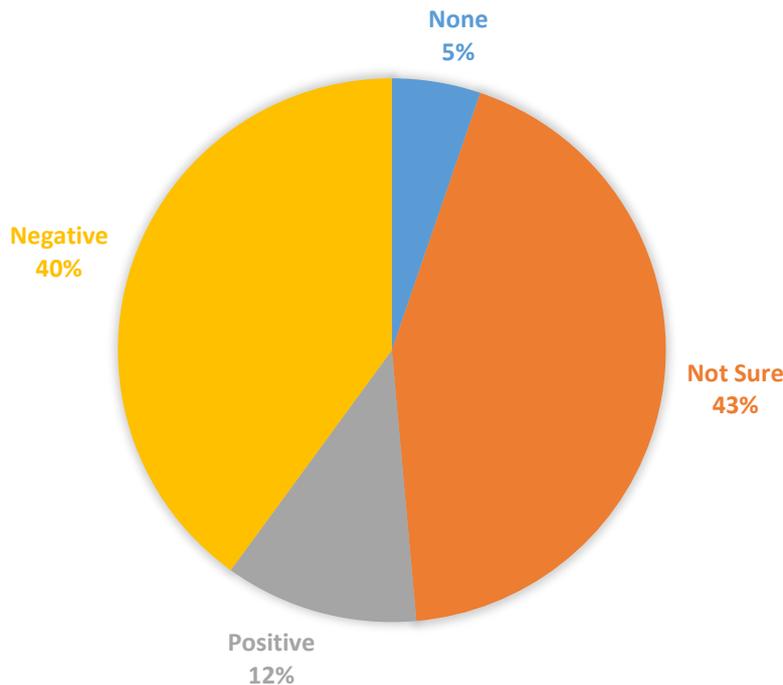
- People who are Black and Minority Ethnic
- Single mothers
- People who have a disability

1.13 As part of the consultation described in this report, questions pertinent to equality considerations were asked of households who may be affected by the proposed policy in order to inform the mitigations designed to operate alongside the policy. Responses to these questions are outlined below.

Consultation

1.14 As part of the consultation, clients were asked whether they thought that the proposed policy would have positive or negative impact on them, what they thought this would be, and if they thought that any further mitigations could be put in place to manage the impact. Responses to this question are shown in the chart below:

**DO YOU THINK THIS WILL HAVE A POSITIVE
OR NEGATIVE IMPACT ON YOU?**



1.15 A large number of respondents said that were not sure what the impact would be on them. Two fifths thought it would be negative whilst 12% thought it would be positive.

1.16 Comments regarding potential impact and suggested further measures to mitigate the impact.

Type of comment	Response
Concerns about not being able to pay the rent	The Council is required to consider the affordability of any potential PRS offer, and to ensure a potential PRSO would be affordable for the particular household in question based on their specific circumstances.
Concern that they will find themselves homeless again	If someone who is given a PRSO is evicted within 2 years of accepting a PRSO then the reapplication duty will apply. This means that the household would be accepted as homeless and a duty owed to them. This helps to mitigate the potential for instability in the private sector.
Concerns around the instability of the Private Rented Sector	It is acknowledged that tenancies in the PRS offer less stability than social housing. However as above if a PRSO tenancy ends within two years then the reapplication duty will apply. This

	<p>means that PRSOs arranged by the Council would come with more stability than general PRS tenancies.</p> <p>It would also be the Council's general approach to offer two year tenancies.</p> <p>Furthermore, it is anticipated that Fixed Term Tenancies will soon become mandatory for the vast majority of new council tenants.</p>
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Impact Assessment for specific protected characteristics

Disability

- 1.17 The proposed policy contains an exemption for households who require significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation. For example this may include households who require wheelchair accessible accommodation.
- 1.18 The proposed policy also contains an exemption where a household is unable to manage a tenancy in the private rented sector without a substantial level of support (due to a mental health condition for example).
- 1.19 Some households with members who are disabled and do not meet the above criteria may be made a private rented sector offer. If the Location Priority Policy, when applied, means that this could be out of the borough then this could have negative impacts in terms of the possible need to transfer care and support, and the disruption to informal support networks.

Race

- 1.20 Households from black and minority ethnic backgrounds are disproportionately represented amongst homeless households in Lewisham, and are therefore likely to be disproportionately affected by any adverse effects of the PRSO policy. Due to the scarcity of affordable PRS accommodation in the borough, this includes the likelihood of being made offers of accommodation out of the borough, in line with the Location Priority Policy.

Faith/Belief

- 1.21 Households with different faiths and beliefs could potentially be negatively impacted if they are made an offer of accommodation outside London. For example, it may be more difficult to access places of worship and other religious or cultural institutions. This would depend however on the area where the offer was made.

Gender

1.22 Women are more likely to be affected by the PRSO policy as there are more homeless households where the lead applicant is female. Single parents, who are more likely to be female and who are disproportionately represented amongst Lewisham's homeless population, will be negatively impacted if they are made an offer of accommodation outside of the borough as this may disrupt support networks and childcare arrangements.

Age - Children

1.23 Children would potentially be negatively impacted if they and their family needs to move out of the borough and potentially start at a new school. This can be disruptive, especially if a child is due to sit key exams. Children with special educational needs or those that are working with Family Services may be particularly affected by changing school.

Marriage and civil partnership

1.24 The impact on marriage or civil partnership specifically is likely to be minor as the Council's policies apply to the household as a whole. There may be an impact on children within a household but these are identified within the other categories listed here.

Pregnancy and maternity

1.25 People with children are disproportionately represented amongst the homeless, in particular single mothers. Someone who is pregnant will have links to local services and these links could be disrupted if they need to move out of the borough. Someone on maternity leave may be less easily able to return to work if they have to move out of the borough whilst they are on maternity leave.

Age – Older people

1.26 Generally, there is sufficient supply of sheltered social housing in Lewisham to meet demand. It is therefore much less likely that older people will be made PRS Offers and it is likely that suitable accommodation can be found for them in the borough. If in the future demand for sheltered housing outstrips supply then this impact assessment would need to be reviewed.

Sexual Orientation

1.27 The data currently held on the sexual orientation of applicants is inconsistent and incomplete, however there is an opportunity for applicants to tell officers their sexual orientation throughout the process. If an LGBT person is made an offer of accommodation outside of the borough, this may impact on their support networks. In particular, the availability of support services aimed at LGBT groups may be less in locations other than London, however this would depend on the exact location of where the offer was made.

Gender reassignment

1.28 An offer of accommodation outside of London may negatively impact someone who is undergoing gender reassignment as it may disrupt existing support

networks. It is also possible that there would be fewer services available to them, however this would depend on the exact location of where the offer was made.

Actions identified to mitigate identified impacts

1.29 The table below outlines the policies and actions which are proposed in order to mitigate the adverse impacts which have been identified:

Group	Mitigations
All households	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Every offer of accommodation will take into account the household's individual circumstances to ensure that an offer is suitable to their particular circumstances • Resettlement support will be offered where an offer is made out of London
Disability	<ul style="list-style-type: none"> • The policy exempts some disabled households, for example those requiring significant adaptations and those who may be unable to manage a private sector tenancy. These households will be prioritised for in-borough social housing. • The existing Location Priority Policy will be applied to decisions regarding location. Households which meet the following criteria will also be prioritised for in-borough social housing. <ol style="list-style-type: none"> a. They are receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service or they are at a critical point in their treatment. • Resettlement support will be offered where an offer is made out of London
Race	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Faith/belief	<ul style="list-style-type: none"> • The existing Location Priority Policy will be applied to locational decisions. This policy states that the Council will endeavour to place all households within or as close as possible to the borough.

	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Gender	<ul style="list-style-type: none"> • Some carers, who are more likely to be women, will be prioritised for in-borough accommodation as the Location Priority Policy states that households will be prioritised for in-borough accommodation where: <ul style="list-style-type: none"> • They have a longstanding arrangement to provide essential care to another family member in the London Borough of Lewisham who is not part of the household. Carers must be in receipt of Carer's Allowance. • Women who are on maternity leave from employment and who have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. • Resettlement support will be offered where an offer is made out of London
Age – children	<ul style="list-style-type: none"> • Some households with children will be prioritised for in-borough accommodation under the Location Priority Policy, including: <ul style="list-style-type: none"> • Children subject to a Child Protection Plan in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to a child's welfare. • Children subject to an Education Health and Care Plan (EHCP) or a Statement of Special Educational Needs in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to the child's welfare. • In addition, households with children in the following categories will be prioritised for accommodation close to the borough: <ul style="list-style-type: none"> • Children subject to an Education Health and Care Plan (EHCP) or a Statement of Special Educational Needs in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to the child's welfare. • Resettlement support will be offered where an offer is made out of London
Age – older people	<ul style="list-style-type: none"> • Older households who are eligible for sheltered housing are likely to be able to be housed in sheltered housing within the

	<p>borough, as there is sufficient supply to match demand currently</p> <ul style="list-style-type: none"> • Resettlement support will be offered where an offer is made out of London
Sexual orientation	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Gender reassignment	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Marriage and civil partnerships	<ul style="list-style-type: none"> • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London
Pregnancy and maternity	<ul style="list-style-type: none"> • Women who are on maternity leave from employment and who have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. • Where possible, properties will be procured within London and the wider South East • Where possible, properties will be procured in urban areas whose population diversity is more similar to Lewisham's • Resettlement support will be offered where an offer is made out of London

Conclusion of equality impact assessment

1.30 The impact of the Private Rented Sector Offers Policy, if approved, is that households to whom the Council owes a duty under s.193 Housing Act 1996 may receive an offer of suitable accommodation in the Private Rented Sector rather than an offer of social housing as a means of the Council discharging this duty.

1.31 This Policy is considered to be necessary due to the high demand for, and the limited supply of, social housing. The result of this lack of supply is that more homeless households are being placed into temporary accommodation for longer

periods of time. For example, the average length of time that a homeless household needing a two bed property will spend in temporary accommodation is 92.6 weeks. By its nature, temporary accommodation is unsettled, and many households in temporary accommodation have to move to different types of accommodation depending on what is available, causing disruption and uncertainty. Where this temporary accommodation takes the form of nightly paid accommodation, it is also unsustainably expensive.

1.32 A number of impacts of the proposed policy have been identified. To summarise, these include:

- Households will be less likely to be made an offer of social housing
- Households are more likely to be housed out of the borough, due to the scarcity of affordable housing in the borough
- Households' support networks could be disrupted if they are made an offer of accommodation out of the borough

In addition, as part of the consultation households have informed us of further concerns that they have. These include

- Concerns about not being able to pay the rent
- Concern that they will find themselves homeless again
- Concerns around the instability of the Private Rented Sector

In response to all the identified impacts, the Council has put in place a number of mitigations. These are:

1. Including the following exemptions in the PRSO Policy, so that the following households will be prioritised for social housing :
 - Where a household requires significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.
 - Where a household is unable to manage a tenancy in the private rented sector without a substantial level of support.
2. Applying the existing Location Priority Policy to any decisions of location. The Location Priority Policy identifies the following additional criteria for prioritising households for accommodation in the borough:
 - They are receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service or they are at a critical point in their treatment.
 - Children subject to a Child Protection Plan in the London Borough of Lewisham which cannot be transferred to another local authority without causing serious detriment to a child's welfare.
 - Children subject to an Education Health and Care Plan (EHCP) or a Statement of Special Educational Needs in the London Borough of

Lewisham which cannot be transferred to another local authority without causing serious detriment to the child's welfare.

- They have a longstanding arrangement to provide essential care to another family member in the London Borough of Lewisham who is not part of the household. Carers must be in receipt of Carer's Allowance.
- Other circumstances which demonstrate an exceptional need which cannot be met outside of the London Borough of Lewisham.

The Location Priority Policy also contains the following criteria for prioritising households for accommodation close to the borough:

- They have been continuously employed close to the London Borough of Lewisham for 16 hours or more per week in a role which cannot be transferred to another area. Applicants must have been employed in this role for six months prior to the date of application and remain so employed. Wherever practicable, the Local Authority will seek to place such households within 90 minutes travelling distance, by public transport, from the place of employment at the time of application.
- Women who are on maternity leave from employment and meet the above criteria will also be prioritised for placements close to the London Borough of Lewisham. Wherever practicable the Local Authority will seek to place such households within 90 minutes travelling distance by public transport from their place of employment.
- Children who are enrolled in GCSE, AS, or A level courses in the London Borough of Lewisham, with public exams to be taken within the current or next academic year. Wherever practicable the Local Authority will seek to place such households within 90 minutes travelling distance by public transport of their school or college.
- Other exceptional circumstances, where applicants demonstrate an exceptional need to be housed close to the London Borough of Lewisham.

3. When a PRSO is arranged, it will need to be suitable for the individual household, including in terms of its location.

4. A PRSO will need to be affordable for an individual household

5. The Council will provide resettlement support for any resident who is made an offer of accommodation out of the borough

6. The "re-application duty" will apply where a household has been made a PRSO which then ends within two years

7. Where possible, properties will be procured within London and the wider South East and in urban areas whose population diversity is more similar to Lewisham's.

These mitigations have been designed to manage the impact of the PRSO Policy. The potential adverse impacts also need to be considered against the disadvantages to homeless applicants of remaining in temporary accommodation for longer periods of time.

Action plan and timetable

Activity	Details	Timescale
Review the current suitability checklist	Ensure that the suitability checklists and interviews includes opportunities to disclose information about the protected characteristics which themselves and other members of their household hold.	Next 3 months
Amend online forms	Include monitoring data on the online homelessness application forms so that equalities data can be reviewed in time	Next 3 months
Staff Training	Ensure that staff are trained to implement the policies	Next 3 months
Staff Training	Encourage all staff to take part in training on the Equalities Act 2010	Next 6 months
Procurement Strategy	Review PRS Procurement Strategy	Next 6 months
Review impact	The Council should review at 3 monthly intervals information held about the households who are discharged into the Private Rented Sector.	Over the next 12 months
Update the EAA	This document should be updated when more specific information has been collected	Over the next 12 months

Publication of Results

The results of this EAA will be reported on the Council's web pages as part of wider equalities data reporting, as appropriate.

Monitoring

The EAA Action plan and timeline for the proposed policy changes will be monitored through the project reporting structure

Demographic data of consultation respondents

Some responses were not provided to some questions by respondents and as such the total number of responses may differ from question to question.

Which of the below best describes you?

	Responses	%
Currently living in Temporary Accommodation	194	88.58%
Housing Provider	10	4.57%
Partner Agency	3	1.37%
Member of the Public	8	3.65%
Other	4	1.83%
Total	219	

Age

	Responses	%
Under 18 years	1	0.46%
18-24	8	3.70%
25-29	26	12.04%
30-34	39	18.06%
35-39	29	13.43%
40-44	43	19.91%
45-49	31	14.35%
50-54	17	7.87%
55-59	10	4.63%
60-64	5	2.31%
65+	5	2.31%
I'd rather not say	2	0.93%
Total	216	

Ethnicity

	Responses	%
African	90	42.06%
Any other Asian background	13	6.07%
Any other Black/ African/ Caribbean background	3	1.40%
Any other mixed/ multiple ethnic background	4	1.87%
Any other White background	24	11.21%
Bangladeshi	4	1.87%
Caribbean	24	11.21%
Chinese	2	0.93%
English/Welsh/Scottish/Northern Irish/British	18	8.41%
Gypsy or Irish Traveller	1	0.47%
Irish	2	0.93%
Other ethnic group	8	3.74%

Pakistani	1	0.47%
White and Black African	5	2.34%
White and Black Caribbean	3	1.40%
I'd Rather Not Say	12	5.61%
Total	214	

Gender

	Responses	%
Male	48	22.22%
Female	166	76.85%
I'd Rather Not Say	2	0.93%
Total	214	

Transgender

	Responses	%
Yes	7	4.05%
No	160	92.49%
I'd rather not say	6	3.47%
Total	173	

Disability

	Responses	%
Yes	28	13.40%
No	170	81.34%
I'd rather not say	11	5.26%
Total	209	

Religion

	Responses	%
None	27	12.80%
Christian (all denominations)	122	57.82%
Buddhist	2	0.95%
Hindu	4	1.90%
Jewish	0	0.00%
Muslim	39	18.48%
Sikh	0	0.00%
Any other religion/ belief	7	3.32%
I'd rather not say	10	4.74%
Total	211	

Sexual Orientation

	Responses	%
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Straight/ heterosexual	181	90.05%
Gay/ lesbian	2	1.00%
Bisexual	1	0.50%
Other	3	1.49%
I'd rather not say	14	6.97%
Total	201	

Pregnancy & Maternity

	Responses	%
Yes	16	8.04%
No	175	87.94%
Prefer not to say	8	4.02%
Total	199	

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Cover Letter for the Consultation

Consultation on a proposed Private Rented Sector Offer (PRSO) Policy

I'm writing to you because you and your household have been accepted as homeless by Lewisham Council. This means that the Council has a duty to find you suitable accommodation. This is known as the main housing duty under section 193 of the 1996 Housing Act.

Currently, the Council's policy is that the Council will end (or 'discharge') this duty by making an offer of social housing. This will either be social housing owned by the Council, or social housing owned by a Registered Provider of Social Housing (often called a 'Housing Association').

The Council is proposing to change this policy so that the Council can end its duty by making an offer of private rented sector accommodation (this is often abbreviated to 'the PRS'). The proposed policy sets out how and when the Council will do this and also in what circumstances it would not make an offer of PRS accommodation to a particular household.

The proposed policy would only affect those who had been accepted as homeless after 9th November 2012, as this is the date that the law was changed so that the Council could end its duty through a PRS offer.

The policy also sets out what steps the Council will take to make sure a PRS offer is suitable to the needs of a particular household, including whether it is affordable. Because the cost of housing is high in Lewisham, a suitable offer may be outside of the borough of Lewisham. In these cases, the Council will decide where the offer will be based on a policy it already has called the Location Priority Policy. Any offer of housing must be suitable in terms of its location for the individual household.

The purpose of this letter is to invite you to participate in a consultation on the proposed policy. A questionnaire is enclosed to allow you to provide your views.

All responses must be received before 3rd March 2017 using the enclosed envelope or by hand delivery to the address on the envelope. If you prefer you can complete the questionnaire on the Council's website at www.lewisham.gov.uk/doitonline and click on 'Consultation on a proposed Private Rented Sector Offer (PRSO) Policy'.

Once the consultation has finished, the Council will consider the responses received and consider any changes that might be needed to the proposed Policy. The responses will then be presented as part of a report to the Council's Mayor and Cabinet. The Mayor will consider the responses when he decides whether or not to approve the Private Rented Sector Offer (PRSO) Policy. The dates and agendas for Council meetings are published on the Council's website.

Yours sincerely

Appendix 2 – Consultation Document

The use of Private Rented Sector Offers

There are more and more homeless households in Lewisham. This is because renting has become more expensive, and also because fewer social housing properties become available to let. Over half of homeless applications are now as a result of eviction from the private rented sector, an increase of 45% in two years.

In 2011/12 the council accepted almost 570 households as homeless out of over 750 decisions made. By 2015/16 this had increased to over 770 acceptances out of 1180 decisions.

The number of properties which became available to the Council to let for social housing has reduced from 1,890 in 2011 to 1,229 last year. Over the same period, the number of households living in temporary accommodation increased from 924 to 1,750.

In addition, there are now more than 9,400 households on the waiting list for social housing, which has grown by nearly 2,000 since 2012. This list includes people who want to move because, for example, their house is too small for their needs.

Because of this increased demand, the average waiting time for social housing in Lewisham is now very long. Most people are on the waiting list for over two years, and often much longer as shown in the table below:

Bedroom Size	Average Time on the Waiting List
1	1 year and 8 months
2	2 years
3	2 years and 5 months
4+	3 years and 9 months

When the Council isn't able to offer a household an offer of social housing, it often has to place them into temporary accommodation such as homeless hostels. Because of the small amount of social housing that becomes available to the Council, households are having to stay in temporary accommodation for longer and longer. Temporary accommodation is meant to be 'emergency' housing for people to live in for a short time. Often households have to move between different types of temporary accommodation, and this can be disruptive. Some types of temporary accommodation are also very expensive for the household and the Council.

As a result of the increase in homeless acceptances there are now more than 1,800 homeless households living in temporary accommodation in Lewisham. This increased use of temporary accommodation is expensive for the Council. The table below shows how the net spend on temporary accommodation has increased by over £2.5m in 2 years.

	2011/12	2012/13	2013/14	2014/15	2015/16
Net Spend on Temporary Accommodation	£1.3m	£1m	£1.2m	£3m	£3.7m

Whilst the Council is taking steps to increase the supply of social housing in the borough, it is projected that over time the supply of social housing will continue to decrease. In particular, changes introduced by the government mean that in the coming years the Council will be made to sell a number of its properties, whilst the government is also planning to introduce the Right to Buy to Housing Associations. Both of these measures will further reduce the supply of social housing in the borough.

At the same time, rents in the private sector in Lewisham are forecast to increase. These rent increases alongside other government policies such as the Local Housing Allowance being frozen until 2020 and the reduction in the overall benefit cap to £23,000 per year in London mean that homelessness as a result of eviction from the private rented sector is likely to further increase.

As the number of homelessness acceptances has remained high, the number of households in temporary accommodation has continued to increase. Without taking measures to address this increase, the cost to the council of temporary accommodation will remain unsustainably high. The council's budgetary constraints means that it needs to contain the costs of temporary accommodation.

The Council has taken other actions to address this problem, including an ambitious programme to deliver over 500 new council homes and working with Housing Associations to facilitate the construction of even more affordable homes. However, there are still many more households in temporary accommodation than can be sustainably accommodated in the social housing properties which become available to let in the borough.

For these reasons, the Council wants to increase the supply of houses that it can offer to homeless households as longer term accommodation. One way of doing this is to use the private rented sector (PRS). This questionnaire is asking you for your views on whether the council should use the private rented sector in this way, and if it does, how this will work and which type of people and households would be excluded from a PRS offer. The Council's general approach to PRSOs will be to offer two year tenancies, and these are required to meet exacting requirements relating to standards set by the government (this is called the Homelessness (Suitability of Accommodation) (England) Order 2012).

On the next page you will find a questionnaire regarding the Council's proposed Private Rented Sector Offer policy. Please use additional paper if you need to. There is also an envelope you can use to return the questionnaire at no cost to you. All responses will be anonymised when the results of the consultation are published. If you prefer you can complete the questionnaire on the Council's website at www.lewisham.gov.uk/doitonline and click on 'Consultation on a proposed Private Rented Sector Offer (PRSO) Policy'.

1. Please tick the option which best describes you

- Currently living in Temporary Accommodation
- Housing Provider such as a Housing Association (please state which below)
- Partner Agency (please state which below)
- Member of the Public
- Other (please describe below)

2. Do you agree that the Council should use the private rented sector to end (or ‘discharge’) its main housing duty to homeless households?

The Council is proposing to use the private rented sector to increase the supply of properties available for households to whom it owes the main housing duty. This is because of the reduction in the amount of social housing that becomes available to let as well as the increase in the number of homeless households. This has meant that the number of households in temporary accommodation has increased, and households are spending longer and longer living in temporary accommodation.

This has led to an increase in the net cost to the council of temporary accommodation which has increased by over £2.5m in 2years. As the number of homelessness acceptances has remained high, the number of households in temporary accommodation has continued to increase. Without taking measures to address this increase, the cost to the council of temporary accommodation will remain unsustainably high. The council’s budgetary constraints means that it needs to contain the costs of temporary accommodation.

For these reasons, the Council wants to increase the supply of houses that it can offer to homeless households as permanent accommodation by using the private rented sector (PRS).

To what extent to you agree or disagree with the following: the Council should use the private rented sector to end (or ‘discharge’) its main housing duty to homeless households?

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Any additional comments:



3. Households who would not normally be made an offer of housing in the private rented sector

The proposed policy sets out when the Council would not make an offer of private rented sector accommodation to a household. We would like to hear whether you agree with these exceptions. They are set out below:

Please indicate the extent to which you agree or disagree with each exception.

Where a household requires significant adaptations to their property to meet health and disability related needs which it is not reasonably practicable to achieve in private rented sector accommodation.

It is proposed that these households are excluded because significant adaptations to properties required due to health and disability related needs are much harder to obtain in private rented accommodation.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Where a household is unable to manage a tenancy in the private rented sector without a substantial level of support.

It is proposed that these households are excluded because they are less likely to be able to manage and sustain a tenancy without the type of tenancy-related support that is provided in the social housing sector.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Do you think there should be any additional exceptions to the policy? If yes, please write them in the box below:

Equality implications

The Council acknowledges that adopting the policy may have an adverse effect on homeless people, including:

- Reducing the prospects of them being able to obtain social housing
- It may increase the likelihood that they are housed outside of the borough because of the scarcity of affordable PRS accommodation in the borough

Because certain groups who have protected characteristics are disproportionately represented amongst the homeless, these groups are likely to be disproportionately affected by any adverse effects of the PRSO policy. In particular we have identified the following:

- People who are Black and Minority Ethnic
- Single mothers
- People who have a disability

The council believes that these adverse impacts are justified by the pressing need to contain its expenditure on temporary accommodation and the disadvantages to homeless applicants of remaining in temporary accommodation for longer periods of time.

The Council proposes to mitigate the above adverse impacts in the following ways:

- Homelessness legislation requires that any offer of PRS accommodation is suitable for the individual household, including in terms of its location
- The Council will apply its Location Priority Policy to any offers of accommodation
- The Council will provide resettlement support for any resident who is made an offer of accommodation out of the borough
- The “re-application duty” will apply where a household has been made a PRSO which then ends within two years
- The Council is increasing the supply of affordable housing in the borough, including building new council homes

Are there any other actions you would suggest to mitigate the equality implications of the proposed policy? If yes, please write them in the box below:

Do you think the PRSO policy will have a positive, a negative or no impact on you?

- None
- Not Sure
- Positive
- Negative

If you responded to the above question with an answer of Positive or Negative, please outline what impact you think this policy might have and what steps could be taken to reduce the impact

Any other comments:

About you

The following monitoring questions help us to be fair and inclusive in the work that we do. All questions on the form are **voluntary** and you do not have to answer them.

The information that you do provide helps us to understand who is sharing their views and influencing our decision-making. It also helps us to ensure that nobody is discriminated against unlawfully.

Any information that you do choose to provide on this form will be treated confidentially in accordance with the Data Protection Act 1998.

Age

Please select your age group

- Under 18 years
- 18-24
- 25-29
- 30-34
- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60-64
- 65+
- I'd rather not say

Ethnicity

What is your ethnic group?

- **White**
 - English/Welsh/Scottish/Northern Irish/British
 - Irish
 - Gypsy or Irish Traveller
 - Any other White background
- **Mixed/Multiple Ethnic Groups**
 - White and Asian
 - White and Black African
 - White and Black Caribbean
 - Any other mixed/ multiple ethnic background
- **Asian/Asian British**
 - Chinese
 - Bangladeshi
 - Pakistani
 - Indian
 - Any other Asian background
- **Black/ African/ Caribbean/ Black British**
 - African
 - Caribbean
 - Any other Black/ African/ Caribbean background
- **Any other ethnic group**
 - Arab
 - Other ethnic group
- I'd rather not say

Any other White background (please specify)

Any other mixed/ multiple ethnic background (please specify)

Any other Asian background (please specify)

Any other Black/ African/ Caribbean background (please specify)

Any other ethnic group (please specify)

Gender

Are you:

- Male
- Female
- I'd rather not say

Transgender

Is your gender identity different from the gender you were assigned at birth?

- Yes
- No
- I'd rather not say

Disability

Under the Equality Act 2010 a person is considered to have a disability if he/she has a physical or mental impairment which has a sustained and long-term adverse effect on his/her ability to carry out normal day to day activities. This also includes people with HIV, cancer and multiple sclerosis (MS).

Do you consider yourself to be a disabled person?

- Yes
- No
- I'd rather not say

Please state the type of impairment that applies to you

People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'Other' and specify the type of impairment.

Please state the type of impairment that applies to you.

- Physical impairment, such as difficulty using your arms or mobility issues which means using a wheelchair or crutches
- Sensory impairment, such as being blind/ having a serious visual impairment or being deaf/ having a serious hearing impairment

- Mental health condition, such as depression or schizophrenia
- Learning disability/difficulty, such as Down's Syndrome or dyslexia or cognitive impairment, such as autistic spectrum disorder
- Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease or epilepsy
- Other

Religion and belief

- None
- Christian (all denominations)
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Any other religion/ belief
- I'd rather not say

Sexual Orientation

How would you define your sexual orientation?

- Straight/ heterosexual
- Gay/ lesbian
- Bisexual
- Other
- I'd rather not say

Pregnancy & Maternity

Are you pregnant or on maternity leave?

- Yes
- No
- Prefer not to say

Would you like to receive the Lewisham Life e-newsletter for local events and things to do, news, discounts and other consultations?

- Yes please
- No thanks

If yes please provide your email address