

Lewisham Tenancy Strategy

1	Introduction	2
2	Background and Scope of the Tenancy Strategy	2
	Draft direction agreed by Mayor and Cabinet on 20 th April 2011	2
3	Delivery of New Homes.....	2
4	South East London Housing Partnership	2
5	Governance	2
6	The Borough of Lewisham in Context	3
7	Lewisham Vision	3
8	Housing Market	4
9	Guidance for Registered Providers.....	5
10	Communication/Consultation	9
	APPENDIX A – SELHP Position Statement	11
	APPENDIX B - Lewisham Interim Position on Affordable Rents – Published in 2011 .	13
	APPENDIX C – CONSULTATION RESPONSES.....	15
	APPENDIX D – EQUALITIES ANALYSIS ASSESSMENT.....	19

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1 Introduction

The Localism Act 2011 (Section 126) includes new powers relating to allocations and flexible tenancies; it requires local authorities to produce a Tenancy Strategy that sits alongside the Housing Strategy, Homelessness Strategy and Allocations Scheme.

The legislation requires the Strategy to cover:

- What kind of tenancies to offer;
- Circumstances in which the landlord will grant a tenancy of a particular kind;
- Where a tenancy is set for a term, the length of term;
- Circumstances where the landlord will grant a further tenancy on the ending of the existing tenancy.

2 Background and Scope of the Tenancy Strategy

Draft direction agreed by Mayor and Cabinet on 20th April 2011

The position recommended by Mayor & Cabinet, related to tenancies, is summarised below:

- Prefer to retain security of tenure until effects of welfare benefit changes and other housing changes are known. If no option any flexible tenancies should be for a minimum of 5 years, although lifetime tenancies are supported by the Borough for over 65s and people with serious permanent physical or mental vulnerabilities.

3 Delivery of New Homes

Tenure Options

RPs who have entered into a contract with the HCA to deliver new homes will be able to offer fixed term tenancies with a minimum of 2 years on new supply and a proportion of re-lets. The Government has clarified that it will only expect tenancies of less than 5 years in extreme circumstances. Lifetime tenancies remain an option.

Some RPs will continue to offer introductory tenancies.

4 South East London Housing Partnership

A statement has been prepared and agreed by the South East London Housing Partnership and can be found at Appendix A.

Lewisham generally agrees and complies with the statement however RPs should refer to the Lewisham specific strategy.

5 Governance

RPs will be publishing their own individual tenancy policies which are required to recognise the policies of the local authority areas in which they work.

Monitoring and Reviewing the Tenancy Strategy

Lewisham will utilise the pre-existing Lewisham Affordable Housing Group, consisting of representatives of RP's and other key stakeholders, to monitor and review the effectiveness of this strategy.

Regular individual meetings with key partners will also form part of the monitoring process.

Monitoring will need to include trends in:

- housing needs
- homelessness
- Reviewing effectiveness of allocation scheme
- RPs activity in the borough
- Number of new homes built including affordable, and which tenure(s)
- Any negative effects on site viability?
- Lettings of FTT homes including number of bids and acceptances

Where possible data will be used from existing sources.

We will investigate how we can ensure compliance with the strategy by including a suitable clause within future Section 106 agreements. This will be consulted on prior to inclusion in any agreements.

6 The Borough of Lewisham in Context

Lewisham has a population of around 250,000. The population is relatively young with one in four under 19. The population over 60 represents one in seven in our community. It is the 15th most ethnically diverse local authority in England. Two out of every five of our residents are from a black and minority ethnic background and there are over 130 languages spoken in the borough making links throughout London and across the world. Lewisham's vitality and dynamism stem from the energy of its citizens and diverse communities.

Lewisham's people have a long history of welcoming and championing new communities, valuing diverse viewpoints and recognising the contribution that different cultures can make to the quality of life in the borough.

Lewisham has become an increasingly popular place to live and compared to the rest of London, it is considered one of the more affordable boroughs to live in.

7 Lewisham Vision

The overarching vision for Lewisham is "Together we will make Lewisham the best place in London to live, work and learn".

We also have a series of core values which provide a benchmark for behavior across the organisation:

- we put service to the public first
- we respect all people and all communities

- we invest in employees
- we are open, honest and fair in all we do.

The above values provide a simple message for us all in how we act and behave in our dealings with each other and with the community we serve. They are particularly relevant when we need to resolve a problematic situation with competing interests; values guide us in our response to how we seek to resolve such situations.

Priorities for action are to work with partners to:

- improve the well-being of the people of Lewisham
- develop and engage local communities
- improve public sector performance and delivery.

8 Housing Market

There are major changes and challenges facing housing in Lewisham in the next few years which can be encompassed by three general headings:

- Building more housing to help meet people's needs and aspirations (Increasing Supply);
- Ensuring our current households live in homes that are up to modern day standards (Investing in Existing Homes); and
- Improving the Private Rented Sector Offer – (Increasing Opportunities for People to live in more secure, affordable and good quality homes in the PRS).

Stock and tenure profile

Total housing stock in Lewisham 117,340 (107,600 in 2001) of which:

- 32,000 units (28%) are social housing (11% Council and 17% RSL);
- 34,000 units (29%) are private rented;
- 51,000 units (43%) are owner occupied.

The private rented sector has doubled from 2001 census figure of 14%, to 29% in 2010 (Private Sector Stock Condition Survey) at a faster rate than the rest of London.

Home Ownership sector has dropped from 50% to 43% in the same period.

According to the most recent Regulatory and Statistical Return (RSR) date March 2011 there are 19,293 general needs rented units and bedspaces owned and managed by RPs in Lewisham.

Supply, Demand and Population Trends

Demand for housing in Lewisham is far in excess of the existing supply available. The data below demonstrates this.

ONS projects an additional 37,000 households will form in Lewisham between 2008-2023. Population growth is estimated at 23,500 over the next 20 years. There is an existing

backlog of 5,574 households with a priority for housing on our housing register. Total demand is somewhere between 30,000 and 44,000 new homes over 15-20 years.

The actual and projected new housing supply completions between 2008 and 2023 is 14,821 units. This is based on Lewisham's Core Strategy. Hence there is a projected shortfall of between 15,000 and 30,000 units.

Lewisham will see particularly strong growth among households aged 35–55. The greatest increases are amongst single person households (including lone mothers), and real decreases in the number of couples.

At March 2012, we had 17,772 households on the housing register of which 5,574 (32%) have a housing priority (Bands 1-3). There were 1,440 lettings from April 2011 to March 2012.

Housing needs register by size of home needed

In March 2012 the housing waiting list was as follows:

Mar 12	Bed Size					
1	9	367	270	78	10	734
2	17	222	169	327	280	1015
3	73	717	2156	1654	377	4977
4	577	5942	3259	1067	201	11046
n/a	0	0	0	0	0	
Total	676	7248	5854	3126	868	17772

Income of social housing movers and applicants

The Strategic Housing Market Assessment (2007) indicated that 23% of households in Lewisham had a salary over £40,000, 42% had a salary of £15,000 or less (excluding housing benefit). In Lewisham 2010 the average house price was almost 11 x median annual salary (£255,351 v £23,592).

9 Guidance for Registered Providers

Fixed Term Tenure (FTT)

Minimum 5 year tenancy linked to 21st Birthday with some exceptions requiring secure/assured tenancy.

In April 2011, Mayor and Cabinet recommended that Lewisham:

Prefer to retain security of tenure until effects of welfare benefit changes and other housing changes are known. If no option any flexible tenancies should be for a minimum of 5 years, although lifetime tenancies are supported by the Borough for over 65s and people with serious permanent physical or mental vulnerabilities.

Assured tenancies, or lifetime tenancies that involve no less security than that associated with assured tenancies, should normally be offered to any household transferring from, or relinquishing, an existing assured or secure tenancy on the grounds of:

- Decant
- Underoccupation
- Fleeing violence, intimidation, harassment or hate crime.

In addition to this category a lifetime tenancy should normally be offered to:

- any person aged over 60 years old for whom there is no prospect of under occupation in the future;
- any single person/couple who become tenant of a wheelchair accessible property for whom in the future there is no prospect of under occupation or no prospect of accessible accommodation not being needed.

These exceptions are in accordance with the SELHP statement.

For families a minimum tenancy term of more than 5 years should be linked to at least the 21st birthday of the oldest child.

Lewisham recognises the use of probationary or introductory tenancies by RPs and suggests that they are in addition to the first tenancy arrangement.

Any exceptions (tenancies between 2 and 5 years) should derive from the characteristics of the property (e.g. due for demolition) rather than the characteristics of the household and should in all cases be discussed with the Council.

It is expected that unless there has been a significant change in circumstances following a review, the tenancy will be renewed for a further period. The circumstances where a tenancy is not renewed should be driven by housing management 'best practice' factors. Examples where it may be considered acceptable to not renew a tenancy would be:

- The tenant has breached the terms of their tenancy and has failed to reach or maintain an agreement to remedy this breach;
- Under occupation – In which case landlords will need to have made an offer of suitable alternative accommodation at least 6 months prior to the end of the FTT;
- No further need for purpose built wheelchair accessible accommodation or for accommodation to which substantial adaptations have been carried out.

Where a tenancy is renewed the rent may change as the property would be subject to a new assessment of the market rent. Lewisham would expect RPs to fully inform the tenant of any changes and provide financial advice.

Responsibility for housing options and financial advice lies with the landlord, though for priority cases early notification should be given to local authorities. *RPs should be aware that a charge may apply to referrals to local authorities for housing options advice or for access to alternative or private rented sector accommodation.*

Mobility in social housing (moving house)

Retain a secure or assured tenancy when an existing tenant moves and commit to a target rent as a minimum.

Existing tenants will not be affected by the introduction of FTTs unless they wish to move. The Council expects RPs to retain a secure or assured tenancy when an existing tenant moves and to commit to a target rent as a minimum.

Lewisham supports increased mobility for tenants needing to move to be closer to work, family etc. and is working with the GLA on the *housingmoves* scheme. It has been agreed that around 61 lets be made available in 2012-13 to *housingmoves*.

Under-occupation and 'down-sizing'

Overcrowding is of major concern in Lewisham, therefore support is given to any landlord taking positive action to facilitate a move to more suitable accommodation where tenants circumstances change, their current home is too large or indeed where the accommodation is too small.

RPs should work with Lewisham to identify schemes and properties that may be suitable for under occupiers. The Council is doing a lot of work in this area to ensure the best use of existing stock and a protocol for working with RPs will be developed.

RPs should be aware of the impact of housing benefit restrictions on bedroom size from April 2013 (for working age households) and facilitate any moves for financial reasons for tenants affected.

Under occupancy is linked to the provision of appropriate advice and assistance at the end of a fixed tenancy where a review will be carried out.

Properties with Adaptations

An adaptation is made to homes to make it easier to access facilities within it. Adaptations usually mean structural changes are needed to a home such as adapting the home for wheelchair (for example widening doors, installing a ramp).

As adaptations can be expensive it is important that adapted properties are lived in by those needing the adaptations. Where there is a change in circumstances and the tenant no longer requires an adapted property, Lewisham is of the view that it is important that, where possible and where a FTT tenancy allows, the tenant is offered a new property and the adapted property is allocated to someone requiring these adaptations. This will ensure that the best use is made of that property and a scarce resource is made available to as many applicants as possible.

Lewisham is also supportive of the Accessible Housing Register and, at a future date, will be considering its use in the allocating of properties via the choice based lettings system.

This is linked to advice and assistance at the end of a fixed term tenancy.

Advice and Assistance at the end of a Tenancy

Unless there has been a significant change in circumstances following a review, the tenancy will be renewed for a further period.

Lewisham has established some initial views in discussion with RP partners about the review process at the end of the fixed term tenancy.

It is expected that unless there has been a significant change in circumstances the tenancy will be renewed for a further period following a review.

Suggested instances where tenancies in a particular property may not be renewed:

Under occupation	A property of a more suitable size could be identified for the tenants circumstances, however consideration should be given to families that may grow in the future and/or may need to remain in an area for support from extended family.
Overcrowded circumstances	At the point of renewal of a tenancy any identified overcrowding issues should be addressed. RPs will need to work with Lewisham in finding suitable accommodation however it remains the RPs responsibility to facilitate.
Suitability of the property	Consideration should be given to the layout or location of the property and the tenants needs - for instance adaptations no longer being required.

While some movement within the stock is recognised as a benefit, Lewisham has concerns that unnecessary moves will cause an unmanageable churn in the housing stock. It could prevent sustainable communities forming and result in resource issues for RP housing management staff and Lewisham teams such as the Homeseach team and Re-housing Development team. Therefore non-renewal of tenancies is expected to be exceptional rather than standard practice.

Succession Rights

The Localism Act 2011 removes the statutory right of those other than spouses and partners to succeed to a secure tenancy

The Act also enables landlords to grant additional succession rights for assured tenancies.

All new secure and flexible tenancies will only have a statutory right of succession to a spouse/partner and not to other members of the household.

Tenancies commenced before these sections come into force are not affected by these changes therefore existing tenants' right to succession will not be affected.

Conversion of Stock

Conversion of re-lets to be kept to a minimum

While we accept that RPs are encouraged to convert a proportion of their re-lets to the new affordable rent levels and introduce FTT, we would expect these to be kept to a minimum.

RPs should remain aware of the Councils large housing regeneration programme and the decants required to allow this to happen and ensure that enough homes with lifetime tenancies are available via Homesearch to ensure that decants do not lose the security that they currently have. This approach would also apply to underoccupiers.

Disposals of Stock

Disposals to be kept to a minimum

We expect the disposal of stock to generate funding for development to be kept to a minimum and for RPs to inform the Council about any property that will be disposed of (in the same way as disposals for asset management purposes are discussed).

Local Lettings Plans

For some new developments it may be necessary to draft a Local Lettings Plan to ensure a sustainable community and prevent future housing management problems. A plan can be requested by either the RP or Lewisham.

Equalities and Diversity

Lewisham expects RPs to carry out Equality Analysis Assessments (EAAs) for their tenancy policies. The EAA for Lewisham's Tenancy Strategy is at Appendix D

The EAA should cover any impact on the protected characteristics as defined by the Equality Act 2010 – race, sex, disability, age, sexual orientation, gender reassignment, pregnancy/maternity, religion or belief and marriage/civil partnership.

An EAA involves assessing the likely or actual effects of policies or services on people in respect of a protected characteristic and any mitigation required. It helps to make sure the needs of all groups are taken into account when a new policy is developed and implemented.

10 Communication/Consultation

Discussions around proposed changes flowing from the Localism Act 2011 have been underway since the summer of 2011. A stall at Lewisham Peoples Day asked for views on the key changes, details have been taken to various groups/meetings including Lewisham Affordable Housing Group and Lewisham Pensioners Forum.

A consultation survey was launched in February 2012, the responses from which were fed into the revised Housing Allocations Scheme and this document.

A summary of the responses and comments received can be found at Appendix C

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APPENDIX A – SELHP Position Statement

Lettings by Registered Providers

This statement is based on the following principles:

1. Best use of existing stock
2. Achieving a balance between churn and long term stability
3. Minimising operational cost
4. Ensuring administrative simplicity, fairness and transparency
5. Providing vulnerable households with an adequate degree of security
6. Providing the necessary advice and options to tenants who may need to move on from a fixed period tenancy
7. Supporting local authority efforts to meet housing needs
8. Supporting and incentivising employment and training

Affordability

Detailed guidance on affordability is beyond the scope of this statement. However, it is recommended that rents be set at a level that is within, and that remains within, the applicable Local Housing Allowance level and that ensures that tenants are able to afford to pay their rent from within the Universal Credit cap.

1. Type of tenancy to offer

Fixed term tenancies may be offered.

2. Circumstances in which different tenancies may be offered

Assured tenancies or lifetime tenancies that involve no less security than that associated with assured tenancies should normally be offered to any household transferring from, or relinquishing, an existing assured or secure tenancy on the grounds of:

- Decant
- Under occupation
- Fleeing violence, intimidation, harassment or hate crime

In addition to this category a lifetime tenancy should normally be offered to:

- any person aged over 60 for whom there is no prospect of under occupation in the future
- any single person or couple who become tenant of a wheelchair accessible property for whom in the future there is no prospect of under occupation or no prospect of accessible accommodation not being needed

For families a minimum tenancy term of more than 5 years should be linked to at least the 18th birthday of the oldest child.

3. If set term, minimum length

The minimum fixed term for a tenancy is 5 years – in addition to a probationary period of up to 18 months.

Any exceptions (tenancies of between 2 and 5 years) should derive from the characteristics of the property (e.g. due for demolition) rather than the characteristics of the household.

4. Circumstances under which further term would be granted

It is assumed that a further term will normally be granted if there are no significant changes of circumstance but exceptions to this may include:

- the tenant has breached the terms of their tenancy and has failed to reach or maintain an agreement to remedy this breach
- under occupation. (In which case of landlords will need to have made an offer of suitable alternative accommodation at least 6 months before the end of the fixed term).
- No further need for purpose built wheelchair accessible accommodation or for accommodation to which substantial adaptations have been carried out

Responsibility for housing options and financial advice lies with the landlord, though for priority cases early notification should be given to local authorities. A charge may apply to referrals to local authorities for housing options advice or for access to alternative or private rented sector accommodation.

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APPENDIX B - Lewisham Interim Position on Affordable Rents – Published in 2011

Interim position statement on Affordable Rent and fixed term tenancies

This statement provides guidelines for developers and Registered Providers wishing to provide affordable homes in Lewisham. It is an interim position, agreed at the [Council's Mayor and Cabinet meeting on 20th April 2011](#) (click for full details).

The introduction of Affordable Rents in Lewisham would cause significant difficulties and would be unaffordable to most people in Lewisham in need of affordable homes. Proposed universal credit caps of £500 per week for families and £350 per week for single people and couples will not be sufficient to cover 80% market rents on any size property and will not be sufficient to cover the costs of 60% or 50% market rents on properties with more than 2 bedrooms.

Income levels are generally very low in Lewisham. [The Housing Market Assessment \(2007\)](#) indicated that while 23% of households in Lewisham had a salary of over £40,000, 42% of households had a salary of £15,000 or less (excluding housing benefit). Our interim position takes account of this and other evidence, including work carried out by the South East London Housing Partnership (SELHP).

We will carry out further consultation with partners and stakeholders over the coming months in order to establish a final position which will be published as part of our Strategic Tenancy Policy by April 2012. As part of this process, we will also be carrying out a review of the Council's Allocations Scheme.

We do not expect developers and Registered Providers to deviate from these guidelines in Lewisham without full discussion and agreement with the borough's strategic housing team.

The Council also supports the [guidance](#) issued by SELHP relating to the provision of affordable housing through the Affordable Rent model.

The council's interim position

Affordable Rents

1. Housing costs should be able to be met within 30 - 40% of net disposable income, especially for claimants in receipt of the new universal credit.
2. The Council will work with providers on a scheme by scheme basis to minimise 80% rents and set a range of rents up to 60% but no higher unless agreed as an exception.
3. The Council will not support schemes where all rents are at 80% of market rents.
4. The Council supports parity of rent levels at a lower rate across a wider tenant group to minimise the high end impacts.
5. Social or "target" rents will still be needed (for instance for decanting households from regeneration schemes and for under-occupiers). The Council will look at schemes on a case by case basis and planning permissions and section 106 legal agreements will refer to social or target rents as well as the new affordable rent models as necessary.

Conversion of re-lets

The Council feels that the Affordable Rent regime will result in a reduction in the number of relets coming forward and wishes to encourage partners to minimise the number of relets converted to Affordable Rent.

We wish to see similar restrictions on rent levels as outlined above for new homes, and will aim to reach agreement with individual partners on the percentage that would be converted to Affordable Rent.

Conversion of schemes under development

The Council does not support the conversion of schemes under development that have already received funding.

Fixed Term Tenancies

Lewisham is adopting a cautious approach on tenure and is reluctant to pull back from security of tenure until all the effects of the welfare benefit proposals and changes are better known. Early indications are that our partner Registered Providers have no appetite for tenancies shorter than 5 years. We will continue to consult on this area and a final position will be part of our Strategic Tenancy Policy.

Quantity, size and tenure mix of affordable housing

Our starting point for planning negotiations with developers and Registered Providers is contained within the Council's [Local Development Framework Core Strategy](#), due to be adopted in the summer of 2011 and [Planning Obligations Supplementary Planning Document](#). Any proposal to depart from this framework would need to be developed through negotiation with the Council and through production of evidence including a financial viability assessment where appropriate.

Local Development Framework documents were developed prior to the government's proposals for the new Affordable Rent tenure being announced. However, the recent consultation on the revision of Planning Policy Statement 3 (PPS3) makes it clear that affordable housing (including Affordable Rent) should be at a cost low enough for eligible households to afford, taking into account local incomes and local market values. For this reason, the Council requires developers to engage the Council and the Registered Provider in discussions on tenure early in the planning process.

Disposals

We do not expect to see Registered Providers increasing the number of disposals of properties in the borough as a result of the new HCA grant regime.

We would be concerned about high volumes of disposals in the borough, particularly family homes and particularly in areas where there is a relative shortage of affordable housing. We will continue to discuss disposals with providers as part of their asset management strategies.

For further information, please contact Louise Spires: louise.spires@lewisham.gov.uk (0208 314 6649) or Karen Cleverly: karen.cleverly@lewisham.gov.uk (0208 314 9163).

APPENDIX C – CONSULTATION RESPONSES

Tenancy Strategy – Consultation Responses

Introduction

The Localism Act 2011 (Section 126) includes new powers relating to allocations and flexible tenancies; it requires local authorities to produce a Tenancy Strategy that sits alongside the Housing Strategy, Homelessness Strategy and Allocations Policy.

The legislation will require the Strategy to cover:

- What kind of tenancies to offer;
- Circumstances in which the landlord will grant a tenancy of a particular kind;
- Where a tenancy is set for a term, the length of term;
- Circumstances where the landlord will grant a further tenancy on the ending of the existing tenancy.

Consultation focussed on the issue of fixed term tenancies and was undertaken at the same time as the consultation for the Review of the Allocations Policy.

Who was consulted?

Consultation was carried out over a period of approximately 8 months and consisted of:

- General public at People's Day 2011 – surveys and interactive exhibits;
- General public through the web survey (live from 2 Feb to 9 March);
- Elected Members through officer attendance and discussion at Housing Select Committee;
- Discussion at Lewisham Affordable Housing Group and sign posting to web survey;
- Letter to over 19,000 housing register applicants to sign post them to the web survey;
- Sign posting to the web survey from Lewisham Homes website, Phoenix Community Housing's website and through the Council's social media such as Twitter;
- Sign posting to web survey from Homesearch;
- Sign posting to web survey via local groups and media through council press office including:
 - ↳ Brockley Central Blogspot
 - ↳ DAGE (Deptford Action Group for the Elderly)
 - ↳ VAL (Voluntary Action Lewisham)
 - ↳ SE8 news
 - ↳ The Gate Post (NX paper)
 - ↳ East London Lines (Goldsmiths media students for their online 'paper')
 - ↳ Deptford Dame (blogger from Deptford!)
 - ↳ Several Sydenham forums
 - ↳ Ladywell Village Improvement Group
 - ↳ Re-present Radio (DAB radio station based in Peckham, broadcasts in Lewisham, listeners are under 25s)
 - ↳ London Housing News (e-news bulletins)
 - ↳ Lewisham Housing News.

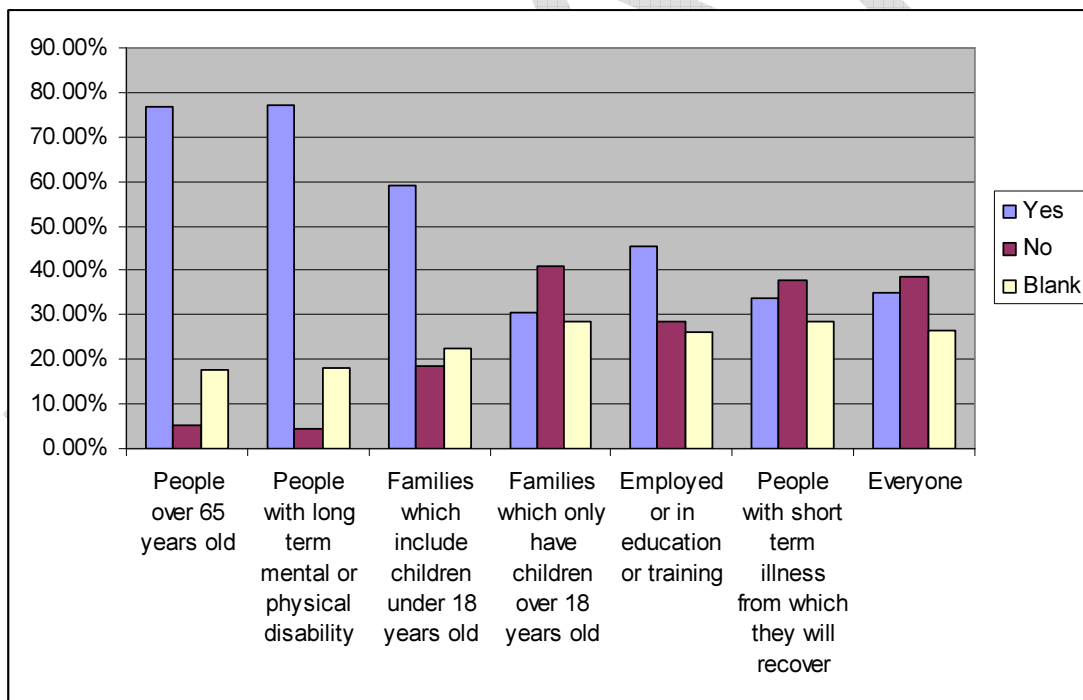
- Older persons at Lewisham Pensioner’s Forum – presentation, discussion and surveys – also sign posting to web survey;
- Disabled persons and representatives – discussion with the Chair of Lewisham Disability Coalition and presentation and discussion at Housing & Disability Group – also sign posting to web survey;
- Attendance at various Local Area Assemblies, Lewisham Homes Area Panel and Regenter B3 Area Panel – officers gave a presentation and sign posted to web survey where possible;
- Housing Needs staff at briefings and team meetings;
- Colleagues in Children & Young People’s Services, Adult Social Care Services, Neighbourhood Community Safety, Alcohol Delivery Group and MARAC were also sign posted to the web survey.

Web Survey

The questions relating to the Tenancy Strategy in the web survey, and the responses to them, are outlined below;

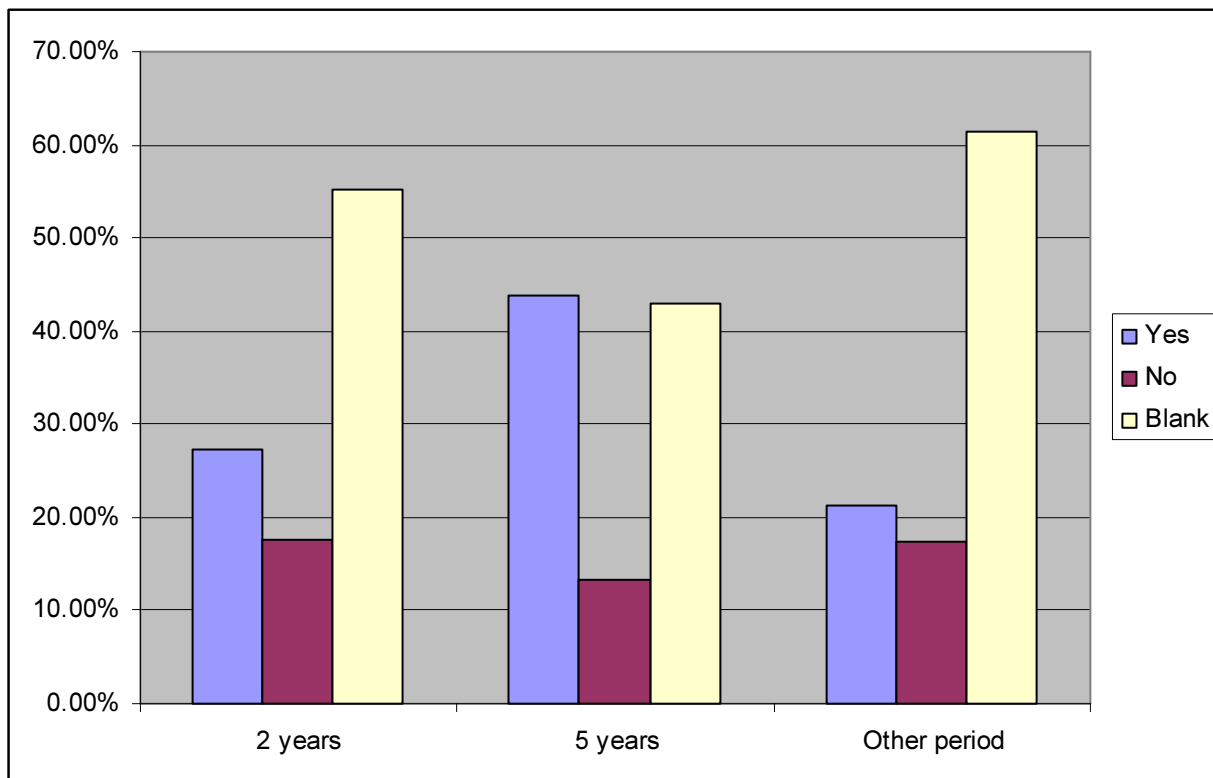
➤ Who should get a lifetime tenancy?

People with long term mental or physical disability (77.29%) and people over 65 years old (76.93%) were the most strongly supported categories for lifetime tenancies.



➤ **How long do you think the minimum period should be for the grant of a flexible tenancy?**

5 years was the most popular choice as the minimum period for a flexible tenancy (43.78%).



People's Day 2011

Consultation at People's Day took place on 9 July and took a different format to the questions asked in the web survey as these were not developed until late 2011. The conclusions were as follows:

- The majority of respondents said they would be prepared to pay a higher rent if the home better suited their needs, except for housing association tenants;
- Respondents selected persons over 65 years old and persons with long term mental or physical disability as groups who should get lifetime tenancies;
- Many respondents made no comment about the length of a social tenancy. Of those who did, 5 or 10 years were the most popular.

Lewisham Pensioner's Forum

Consultation at LPF took place at a meeting on 15 August and took a different format to the questions asked in the web survey as these were not developed until late 2011. The conclusions were as follows:

- The majority of respondents said they would be prepared to pay a higher rent if the home better suited their needs, except for housing association tenants;

- Respondents selected persons over 65 years old and persons with long term mental or physical disability as groups who should get lifetime tenancies;
- Many respondents made no comment about the length of a social tenancy. Of those who did, permanent for disabled, 10 years and 40/50 years were suggested.

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APPENDIX D – EQUALITIES ANALYSIS ASSESSMENT

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