

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

**DRAFT AS AT 13.05.16**

**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.

- (c) Applicants who 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Other circumstances which demonstrate an exceptional need which cannot be met outside of the London Borough of Lewisham.

### **Duty accepted before Pre-November 9<sup>th</sup> 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 9<sup>th</sup> 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 13<sup>th</sup> May 2016**