



Private rented sector offer policy consultation

Feedback report

southampton
dataobservatory 

Data, Intelligence & Insight Team | *November 2023*

Southampton City Council undertook a public consultation on draft proposals for a private rented sector policy offer in relation to homelessness. The new draft policy would enable the Council to offer private rented sector accommodation to those that are homeless or are threatened with homelessness, in lieu of accommodation in the social housing sector, for which demand outweighs supply in the city.

This consultation took place between **21/09/2023 – 01/11/2023** and received **41** responses.

The aim of this consultation was to:

- Clearly communicate the proposed draft policy to residents and stakeholders;
- Ensure any resident, business or stakeholder in Southampton that wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have, and;
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives of the policy in a different way.

This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.

It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.

Southampton City Council is committed to consultations of the highest standard and which are meaningful and comply with the *Gunning Principles*, considered to be the legal standard for consultations:

1. Proposals are still at a formative stage (a final decision has not yet been made);
2. There is sufficient information put forward in the proposals to allow 'intelligent consideration';
3. There is adequate time for consideration and response, and;
4. Conscientious consideration must be given to the consultation responses before a decision is made.



New Conversations 2.0
LGA guide to engagement



Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

1. **proposals are still at a formative stage**
A final decision has not yet been made, or predetermined, by the decision makers
2. **there is sufficient information to give 'intelligent consideration'**
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. **there is adequate time for consideration and response**
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,¹ despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
4. **'conscientious consideration' must be given to the consultation responses before a decision is made**
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan²), which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey³), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.⁴

¹ In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

² BAILII, England and Wales Court of Appeal (Civil Decision) Decisions, Accessed: 13 December 2016.

³ BAILII, United Kingdom Supreme Court, Accessed: 13 December 2016

⁴ The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute

The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured way, helping to ensure respondents are aware of the background and detail of the proposals.

Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.

The consultation was promoted in the following ways by:

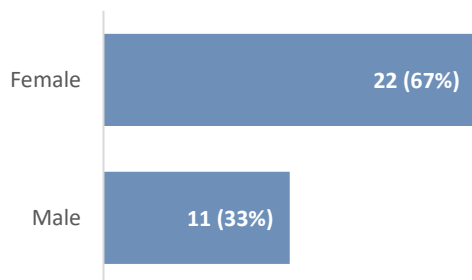
- Southampton City Council website
- Social media posts (including Facebook, LinkedIn, X/Twitter)
- Southampton City Council e-bulletins

All quantitative survey results have been analysed and presented in graphs within this report. Respondents were also given opportunities throughout the questionnaire to provide written feedback on the proposals.

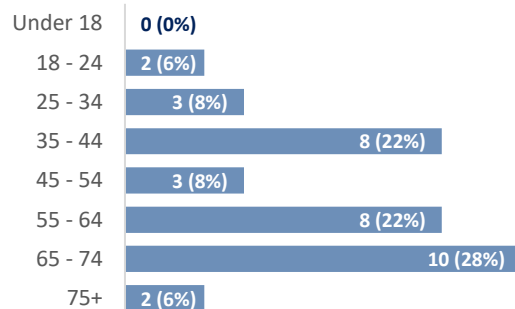
Total responses
 41 survey responses
 0 email responses
 41 total

Graphs on this page are labelled as count (percentage).

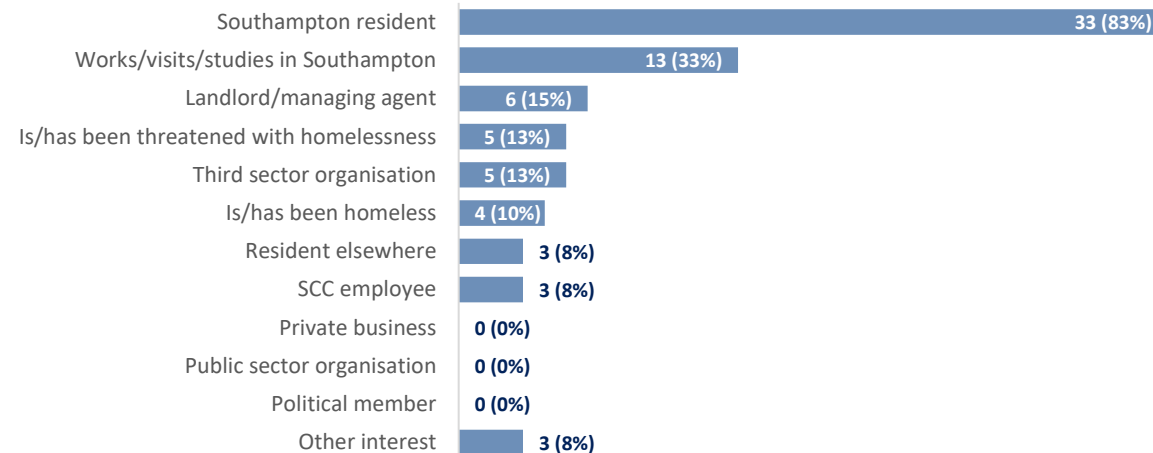
Sex



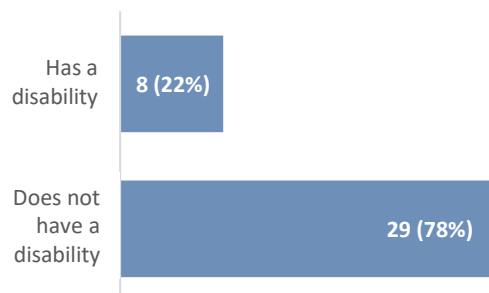
Age



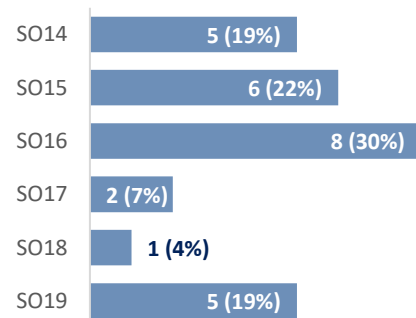
Interest in the consultation



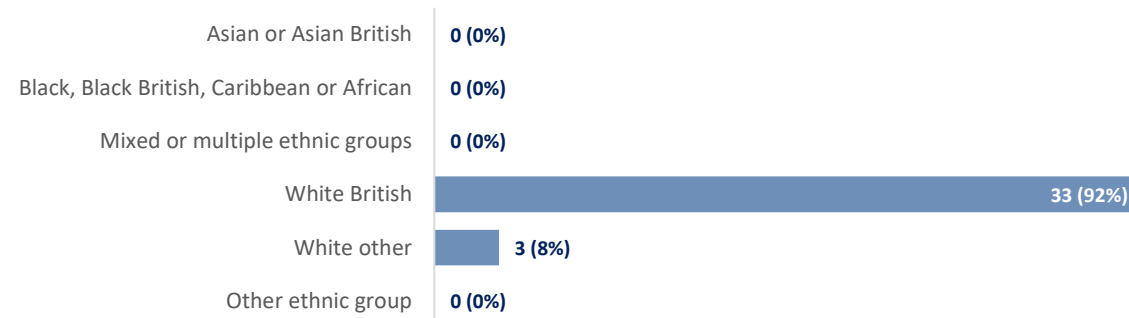
Disability



Postcode



Ethnicity



The proposed new policy



“If an individual is eligible, the Council has duties in relation to homelessness (under the Housing Act 1996, and as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017).

These duties include:

- If a household is **threatened by homelessness**, the Council must take reasonable steps to help someone ensure secure accommodation does not cease to be available to them. This is called a **prevention duty**.
- If a household is **unintentionally homeless**, the Council has 56 days to take reasonable steps to help the applicant secure accommodation for at least 6 months. This is called a **relief duty**.
- If a household is **unintentionally homeless and categorised as vulnerable**, they will have a priority need for emergency housing. If a household has not received secure accommodation within 56 days under the relief duty, and has a priority need, then the Council must provide temporary or permanent accommodation. This is called a **main housing duty**.

In Southampton, the demand for social housing outweighs the supply. Therefore, many homeless households are unable to access affordable housing within the social housing sector.

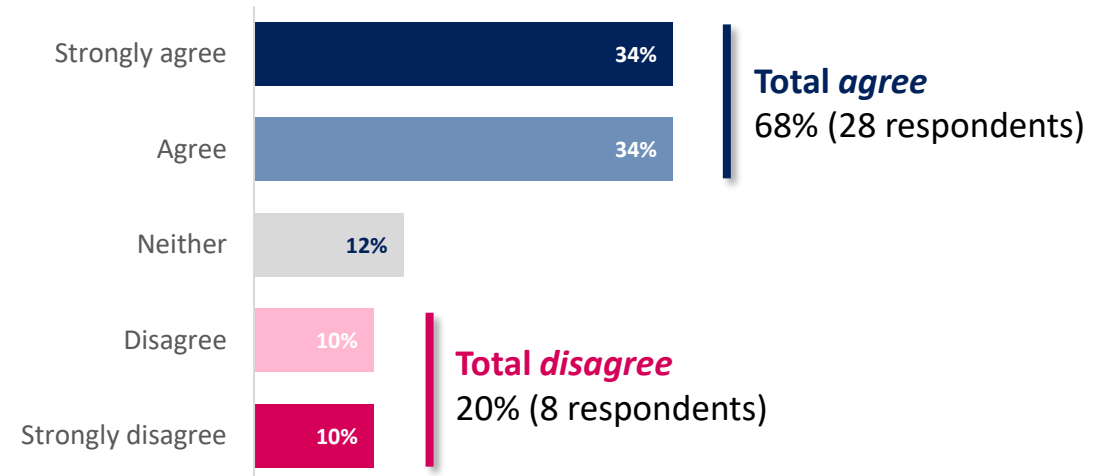
Therefore, we have drafted a new policy which would enable the Council to instead offer private rented sector accommodation to people who are homeless or threatened by homelessness.”

“The aims of this draft policy are to:

- Make the best use of good-quality private sector accommodation;
- Use the private rented sector to fulfil the Council’s responsibility to provide accommodation for people who are homeless or threatened by homelessness;
- Widen the choice of housing solutions available to homeless applicants;
- Enable applicants to find appropriate housing quickly;
- Build positive relationships with private-sector landlords;
- Reduce reliance and pressure on temporary accommodation, including reducing B&B use, and;
- Ensure movement and pressure relief on the Housing Register.”

Question 1 | To what extent do you agree or disagree with the Council offering private rented sector accommodation to people who are homeless or threatened with homelessness?

Responses | 41



Over half (68%, 28 of 41 respondents) agreed with the draft policy, with 20% (eight respondents) saying that they *disagreed*.

Question 2 | If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details

Responses | 13

“A lot of private accommodation is of a very poor standard, eg mould present, so it must be checked properly. People who can afford to pay are being expected to pay for this! I feel the council should be stopping this.”

“This should not stop councils building quality, affordable homes to rent/buy. If people in this private rented accommodation want to work, they will need to earn enough to cover rent. This will prevent many from starting work, while risking benefit sanctions if this isn't possible at their skill level. Rents must be carefully managed so Landlords cannot use this need as a further tool to push up rents. They should also be strictly monitored to ensure they meet their obligations for safe, well maintained property. Where council tenants abuse property or deliberately fail to maintain it (not through genuine ill health) they should be moved to private rented property and the council property let to conscientious tenants.”

“My only concern would be around reducing available private rented accommodation to other people as a reduction in the rental sector could lead to increased competition/prices for those whose only option is to rent as they are unable to buy.”

“To what degree will the Council carry out DBS checks on these landlords, and will you ensure support is in place for those renting are not given inappropriate notice to leave for no reason at all”

“Council should provide housing”

“Probably the least bad option.”

“What safeguards or regulations will be in place to ensure that private rentals are safe, non-exploitative and suitable?”

“How will the prospective tenant provide references and a deposit? As a landlord, I would need to be sure the tenant would care for my property. Would the Council provide the deposit and take responsibility if the tenant stops paying the rent or damages the property?”

“As a private landlord I worry i will be forced into accepting a tenant if the council deem my property suitable. Will I achieve the market rent for it?”

“As a person who the council forced into private rented when I was made homeless, privately rented accommodation is two expensive and also doesn't allow adequate adaptations to the property for disability needs. Also what happens when private sector interests go up. We have been in this property coming up a year and if they put the rent up we will become homeless again”

“Private rental properties should be for professionals or working people, students etc. not for people on benefits.”

“Private rental properties should only be available to renters who do not collect benefits.”

“However, we know that private landlords will use this to manipulate prices upwards to extract as much 'free money' (for them) from the council as they can (and our council tax will go up). They will view the council and vulnerable tenants as low-maintenance, pushing standards down for the rest of us in private rented accommodation (c.f student lets and HMOs). They will then come to view this easy option as preferable to other tenants, and the private rented housing available to the rest of us reduces further, pushing prices up and consequently more of us into unaffordable/ insecure housing situations. Something needs to be in place to ensure these consequences don't automatically follow. City-wide rent controls for one. If private landlords don't like it because they're suddenly not making enough money, they can sell up, releasing homes onto the market that those in a position to buy can then do so, removing themselves from the rental sector and in turn reducing competition for the remaining rentals.”

“Eligibility of applicants

An offer of a private rented tenancy is likely to be suitable for the majority of households that approach the Council for housing assistance. This includes households who are about to become homeless and those who are already homeless and in temporary accommodation, waiting for long-term accommodation to become available.

There are a few exceptions where the Council may believe a household is not suitable for an offer of private rented accommodation. These would include:

- those who require supported accommodation or are unlikely to be able to adequately sustain a private rented tenancy, and;
- those who require significant disabled adaptations to the property which could not be met in the private rented sector.

Suitability of the offer

The Council will ensure that the property is suitable for the tenant by considering the following:

- **Location.** For example, considering the significance of any disruption caused by the location to employment, caring responsibilities, or education of the household.
- **Affordability.** The Council will consider whether the applicant can afford the housing costs without being deprived of basic essentials such as food, clothing, heating, transport and other essentials specific to their circumstances.
- **Property size and standards.** For example: ensuring the property is not overcrowded; is in reasonable physical condition; it meets required safety standards in relation to gas, electrics, and fire safety; there is no evidence to suggest the landlord cannot be considered a ‘fit and proper person’.”

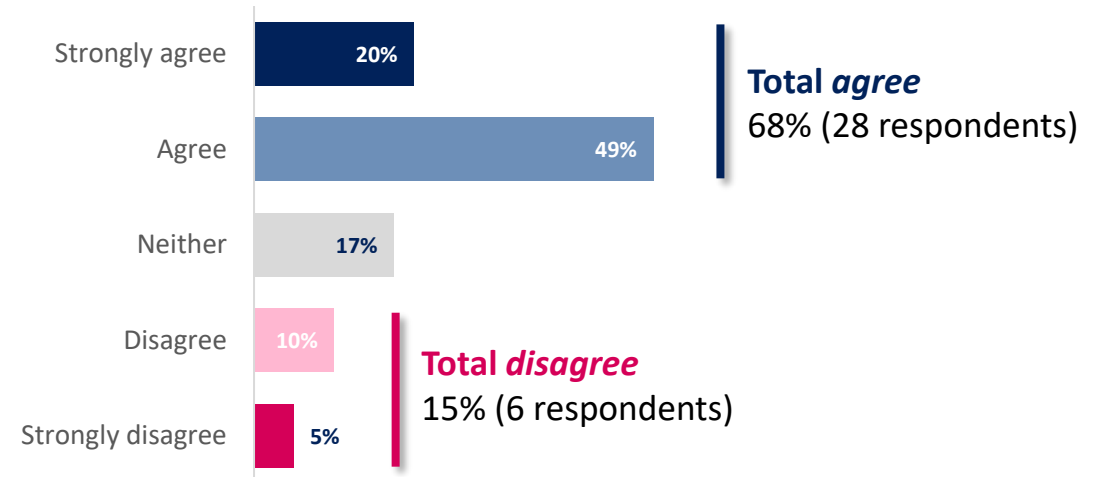
“The offer process

A letter will be sent to the applicant before an offer is made, setting out the following:

- the duty under which the offer is being made;
- possible consequences of refusal or acceptance;
- the right to request a review of the suitability of accommodation;
- that the Council is satisfied that the accommodation is suitable;
- if the PRSO is under the main housing duty, the letter will provide information on the re-application duty.”

Question 3 | To what extent do you agree or disagree with the commitments of the draft policy?

Responses | 41



Over half (68%, 28 of 41 respondents) agreed with the commitments of the draft policy, with more responding *neither* than *disagree* (17% to 15%, seven to six respondents respectively).

Question 4 | If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details

Responses | 9

"If the person does not agree that the accommodation is suitable will there be an opportunity to discuss why?"

"On this page above, it is "adaptations", not "adaptions". We speak English here, not American. Another exception should be made for those applicants who have a history of antisocial activity, including but not exclusively, drug abuse, threatening or intimidating behaviour (including minors or other dependants), noise, uncontrolled pets (particularly dogs), alcohol abuse especially consumption in public places."

"If the person refuses the offer, the reasons should be analysed and not simply punished with another offer. This housing could be given to another person, as there will surely be many on the waiting list who will accept this housing."

"Who decides whether the property meets an individual's needs? Putting a female with mental health problems and a history of domestic abuse into shared accommodation with only men is not going to be adequate for their mental wellbeing. I have seen this offered to someone."

"I think that many people (especially those I work with with English as an additional language) have very little understanding about the differences between private sector, council housing and housing association accommodation other than the firm belief that council housing is the safest and best option. It would be useful to have some easy read and / or translated guides on the differences between the types of accommodation and tenants/landlord responsibilities for each. We have been running workshops to upskill our clients on these topics and making them aware of the situation."

"You will be forcing down rental values and availability of property doing this. Where is the commitment with property developers to build and provide truly affordable/social housing they ALL promise at planning stage?!"

"SCC should be building more houses"

"Does the private landlord have a say in this decision or it all down to what the council decides? If I was a landlord, I would not want a homeless person in my flat."

*"There's quite a lot unsaid in that final point "If the accommodation is appropriate and suitable, but the applicant refuses the offer, then no further accommodation offer will be made" and it's quite easy to see how this could be used to simply wash your hands of a problem because "well, we tried >massive shrug<" One very easy way to bring down the homelessness numbers is to simply cross people of the list for being 'unreasonable', 'uncooperative', 'uppity'. There can be quite legitimate reasons a person/family has for refusing a place that a nameless, faceless, office bot has seemed acceptable (for *other* people, not themselves). Is there support/negotiation to help people adjust to their new place? Is there an appeals process? Will the process remember that homeless people are still people with preferences and wishes and would like to be able to exercise choice?"*

Question 5 | If implemented, what impact do you feel the draft policy would have on the following aims of the policy?



Question 6 | Please use the following space to tell us more about the potential impact the draft strategy and if there is anything else we should consider

Responses | 17

"Anything that provides more options for those facing homelessness seems positive to me. I wonder if you will find landlords willing to provide such accommodation though as many don't even want to take people on Universal Credit. Sorting out deposits and the rent will need to be managed."

"With more residents unable to afford the high cost of private-sector properties we still need to provide more social housing in Southampton and build more council housing."

"It has been well documented around the country that council properties are being rented out illegally and also used as air bnbs. Councils should have checks in place to ensure these properties are identified and reallocated. Where the council is involved in any right to buy or shared ownership schemes, there should be clause that these properties can't be let. I've tried to buy a shared ownership several times to later find it has been rented out by the purchasers. How is this happening!?"

"Bi sexual, same sex couples should be treated equally, available council staff available to contact in respect of any impass between the landlord and tenants"

"It will also help those who no longer wish to be landlords be able to sell their houses without having tenants who cannot move out. Will also relieve the stress on estate agents when tenants are unable to move out despite notice being correctly served"

"I am a private landlord but my tenants tend to stay in my property for years. Would the council pay housing benefit direct. What happens if the tenant causes significant damage"

"If people are being evicted because they cannot pay rent, how will this help?"

"I'm not sure what the question is asking for here"

"Local Authorities should build more housing stocks for people rather than changing policies all the time. Stop making excuses and start building!!"

"There is currently a shortage of good quality private rented accommodation for applicants, so it is difficult to see how the Council will persuade landlords to take homeless people unless it was an HMO."

"I think many people are worried about the affordability of private sector accommodation - particularly in relation to Local Housing Allowance and therefore are likely to feel they will not be able to afford private sector accommodation. This may not be a popular policy. I think there is also a general lack of knowledge about the duties of the council around homelessness, so having guidance documents people can easily understand makes sense."

"Feels like being done unto. Would want to hear far more about the realities and commitments to private landlords if such a policy was enacted."

"I feel the council already doesn't follow the rules and consistently lies within their departments, this policy will enable them to lie and conceal the truth more. What the council actually needs to do is actually help the people of Southampton and not just those who are here on asylum. I find it such an insult as a person who served his country was poorly treated by this council"

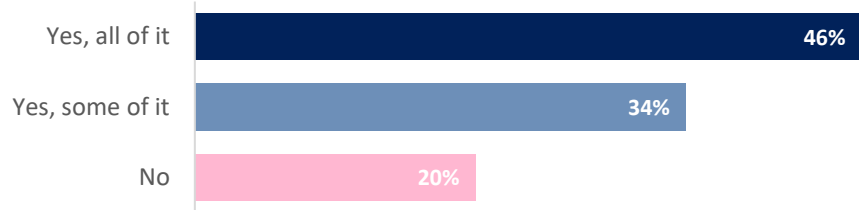
"My responses are optimistic rather than confident: I want to believe that the policy would have these impacts but this does require a bit of a leap of faith. The private rented sector is not a panacea and it has its own problems. A lot of properties in this sector wouldn't meet the quality threshold indicated by the policy, much will therefore depend on how the policy is implemented."

"It would add more pressure on the housing market for private renters, who would now be competing with the council for housing!"

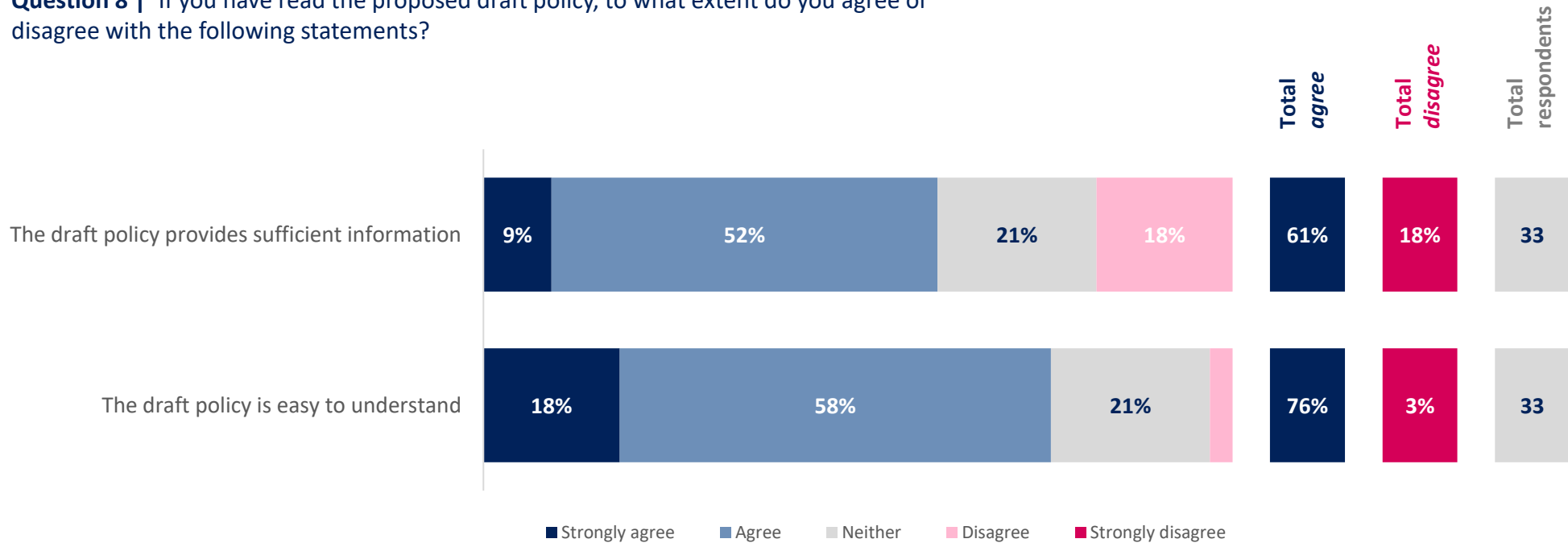
"I rent and I work full time, when my land was selling my place I had to move and finding a property to rent was a nightmare. Even though I work full time I don't earn that much (grand 4 council) Places I had arranged to view were cancelled due to being taken less than 24 hours after making viewing. Stop giving out money and discounts to students, single mums and people who can't be arses to work due and help hard working people fine places to live first."

Question 7 | Have you read the proposed draft policy?

Responses | 41



Question 8 | If you have read the proposed draft policy, to what extent do you agree or disagree with the following statements?



Question 9 | If there were parts of the draft policy that you did not understand or you feel need more information, please provide further details **Responses** | 12

"I understood the policy. There are many groups that are mentioned as being at risk of homelessness, but there was one I could not find. Those given leave to remain when they have come here seeking asylum but are not part of one of the schemes you mention (e.g. Syria, Afghanistan, Ukraine) now can have only 7 days in which to find accommodation before they are thrown out of the accommodation provided while they were still seeking asylum. The Home Office is speeding up its processing and many people are being given leave to remain, and these people urgently need housing. Many are young men who come low down the priority list as families with children are prioritised. This need for more housing is rising rapidly."

"More clarity on how the Council will manage landlord pressure for rent rises."

"I would like more information on protection and incentives for landlords to rent to homeless people, who rightly or wrongly are perceived as high risk tenants."

"It doesn't provide for those with complex needs. Homelessness often results in other issues which require support to overcome. This scratches at the surface without sorting out the underlying problems."

"I don't think only offering private rented sector accom once is sufficient. People should be afforded choice, perhaps up to 3 or 5 refusals. This supports dignity."

"Sections dealing with homeless client's refusal or acceptance of an offer"

"Commitments to and protections for private landlords. How will you safeguard from the availability of such property not being sold off to avoid being commandeered by the council and putting even more pressure on those of us left?"

"No it was easy to understand. It's a rubbish policy."

"It is easy enough to understand but the intricacies and complexity of the legal context makes it hard to grasp the details. For this reason, the summary version is much easier to follow and so I think the final version - which of course must be couched in formal terms, including references to all the relevant legislation - must include a "plain text" summary."

"N/A Don't change policy. Leave private landlords out of the equation and start building"