



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in LGF3 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 17 JANUARY 2023 AT 11.00 AM**

Susan Parsonage
Chief Executive
Published on 9 January 2023

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:

<https://youtu.be/D3cQL6X3Jf8>

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

For consideration by

Stephen Conway, Executive Member for Housing

Officers Present

Samuel Watt, Housing Policy Officer

Callum Wernham, Democratic & Electoral Services Specialist

IMD NO.	WARD	SUBJECT	
IMD 2023/01	None Specific	RESPONSE TO HOMELESSNESS LEGISLATION CONSULTATION	5 - 24

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Agenda Item IMD1

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2023/01

TITLE	Response to Homelessness Legislation Consultation
DECISION TO BE MADE BY	Deputy Leader of the Council and Executive Member for Housing - Stephen Conway
DATE, MEETING ROOM and TIME	17 January 2023 LGF3 at 11am
WARD	None Specific;
DIRECTOR / KEY OFFICER	Director, Place and Growth - Steve Moore

PURPOSE OF REPORT (Inc Strategic Outcomes)

To agree on Wokingham Borough Council's response to the Government's consultation titled 'Technical consultation to proposed changes to homelessness legislation', for submission by 25th January 2023. This consultation seeks feedback from local authorities regarding the implications on the proposed removal of Section 21 notices, fixed-term tenancies and assured shorthold tenancies as well as other minor technical amendments to the legislation.

RECOMMENDATION

That the Executive Member for Housing authorises Wokingham Borough Council to respond to this consultation as set out in Enclosure 1 of this report.

SUMMARY OF REPORT

This report summarises the response which Wokingham Borough Council intends to submit to central Government through this consultation. This response focuses on the predicted impacts that the Renter's Reform Bill and the 3 different options to changing the homelessness legislation will have on the Council's resourcing, capacity and caseloads. While the Council welcomes the removal of Section 21 notices, the options outlined all have consequences on our operations as the proposed responses in Enclosure 1 detail. Option 1 simply removes reference to Section 21 notices; Option 2 makes local authorities accept prevention duties upon issuance of a Section 8 notice regardless of the resident being threatened with homelessness. Option 3 is the recommended officer's approach as it removes Section 21 notices but gives the local authority agency over when to accept a prevention duty whilst also providing a list of reasons landlords will need to provide along with the issuance of a Section 8 notice.

Background

This consultation was released to ascertain the views of local authorities on the implications to the homelessness legislation as per the Renter's Reform Bill which is due to be submitted to the House of Commons by May 2023. This follows the Levelling Up White Paper February 2022 and the Fairer Private Rented Sector White Paper June 2022. The latter re-affirmed the commitment to end 'no-fault' evictions. The primary aims of the proposed legislation amendments is the ending of Section 21 notices and to move away from fixed-term tenancies and assured shorthold tenancies to make all tenancies either assured or periodic tenancies in the future. The purpose of this legislation is to ensure that no tenant will be evicted without good reason whilst providing landlords with a fair, yet robust, means to end tenancies in a clear set of circumstances. This comes at a time when no-fault eviction notices increased by 76% nationally between April-September 2022 with 5,940 Section 21 notices issued.

A Section 21 notice is a clause within an assured shorthold tenancy that permits landlords to start the legal proceedings to end a tenancy. This clause effectively defines an assured shorthold tenancy (AST) in which a landlord can evict a tenant without providing a reason. Therefore, the removal of Section 21 notices effectively converts assured shorthold tenancies to assured tenancies - hence the proposal to remove ASTs and strive towards making all tenancies periodic tenancies in the future. This will make Section 8 notices the only realistic means of landlords evicting tenants. Section 8 notices are only valid if a landlord provides a reason for the ending of the tenancy and the proposed changes to the legislation outline what constitutes this reasoning in Annex B of the consultation. The reasons listed are mostly related to the landlord seeking possession of the house and need to give the tenant a minimum of 2 months notice. The Council has invested in early intervention strategies with staff committed to ensuring that residents are offered support before they are owed a relief duty. This reduces the number of residents who approach the Council in crisis due to interventionist strategies. This includes targeting tailored support to individuals or families prior to presenting as homelessness by signposting key services from within the Council and the Wokingham Hardship Alliance.

Of the 32 homelessness approaches detailing the reason for approach as 'threatened with homelessness' in Q1 2022/23 in the Borough of Wokingham, 8 were due to Section 21 notices. Historically, there is evidence that a significant portion of those who approach the Council as 'threatened with homelessness' is due to Section 21 notices. However, it is anticipated that Section 8 notices will effectively replace Section 21 notices so we would not necessarily expect a notable change in the number of applications from people who are threatened with homelessness especially given the exceptional period of economic turbulence residents are currently experiencing.

The Council intends to submit a response to central government to reflect its predictions of the impact of each of the 3 proposed options to the changes in legislation on the Council's services, duties and its residents.

Business Case (including Analysis of Issues)

The Council intends to submit a response as it is important to have our views considered on legislation that will directly impact how the Council's homelessness services operate. Whilst the proposal increases tenancy security for the Borough's residents in private and social housing stock, the method in which these technical

changes are applied, and the impacts these have on the Council, need be considered. The consultation outlines 3 options which are summarised below:

Option 1 – Completely removes the specific requirements to accept and continue prevention duties that currently apply to Section 21 notices and evictions. The Council can assess whether a prevention duty is owed, and it can be ended if 56 days have lapsed.

Option 2 – Local authorities would have to accept a prevention duty at the point of a Section 8 notice being served regardless of whether there was a risk of homelessness in 56 days. This duty would not lapse after 56 days and would continue until one of the other circumstances for ending the duty applied. A list of mandatory reasons landlords can issue Section 8 notices is also not provided.

Option 3 – Same as Option 2 except Landlords would have to give an approved reason from a list for issuing a Section 8 notice. This is the officer's recommended approach as it begins to mitigate the risk of Section 8 notices being issued without a valid reason and essentially becoming the new Section 21 notices.

Comment is required on each of these options, focusing on the effects on the Council's resourcing, caseloads, staff capacity and homelessness prevention activity. Through the proposed consultation responses, we will outline the positives and negatives of each of these options and suggest which option would have the best outcome for our residents. Through the proposed responses, Option 1 is anticipated to have a neutral impact on the Council's resourcing, staff capacity and homelessness prevention activity as there is not sufficient information to suggest the abolishment of Section 21 notices will result in an overall reduction in the pressures on the above three factors. Option 2 has been identified as having a negative impact on the Council and is not recommended for adoption as there is no evidence there will be strong enough controls on Section 8 notices to end no-fault evictions. Finally, Option 3 is outlined as the most effective at managing the abolishment of Section 21 notices, however, more information on the monitoring of Section 8 notices and the mandatory reasons for eviction in Annex B is required as well as additional funding if local authorities are expected to implement this monitoring.

The reapplication duty (ensured residents who accepted private rented accommodation were not treated differently if they re-applied within 2 years) is also proposed to be removed as will become redundant with the removal of Section 21 notices and fixed-term tenancies. This would mean that all reapplications will be treated according to current circumstances, with no distinction between those who accepted private sector or social housing offers to end their previous main duty. The Council supports this decision as there is no benefit to retaining the reapplication duty following the implementation of the Renter's Reform Bill.

The proposed responses conclude by focusing on the impact the proposed changes may have on the Council's relationship with private rented sector landlords who generally prefer fixed-term tenancies. It is important for landlords' views to be considered as part of this consultation as their stock is vital to the homelessness pathway used by the Council. Overall, the end of Section 21 notices is welcomed, however, more information is required as to how Section 8 notices will be monitored and additional funding will be required before the true impact of these changes can be effectively predicted.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A (see below)	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision

The purpose of submitting a consultation response is to put forward to Government the views of Wokingham Borough Council on our views of the expected outcomes of the various options to changes of this legislation as detailed in Enclosure 1 of this report. Any financial implications of the recommendation are entirely dependent on which option the government chooses to implement. There is no certainty that the views and recommendations of the Council will be reflected in the final decisions. It is impossible to attach a financial value to any benefit or negative incurred through this consultation response as the Council responding to this consultation does not have any direct financial implications.

Cross-Council Implications

The consultation responses respond to 3 different options proposed by government. The Council's response evaluates these 3 options but there is no guarantee that these views would be considered when government choose which option to progress. Overall, the Renter's Reform Bill will impact the homelessness prevention and environmental health teams most significantly and the extent of this impact will depend on which option the government decides to progress. The consultation response itself will have no impact on Council operations. All affected teams have been consulted as part of the process of forming the proposed consultation responses.

Public Sector Equality Duty

As part of this decision, due regard has been taken to the Public Sector Equality Duty. The equalities implications of the recommendation were discussed, and an Initial Equality Impact Assessment (Stage 1) document has been completed accordingly as per Enclosure 2. A Stage 2 assessment is not required as no negative impacts on groups have been identified.

SUMMARY OF CONSULTATION RESPONSES	
Director – Resources and Assets	No comment
Monitoring Officer	No comment
Leader of the Council	No comment

Reasons for considering the report in Part 2
N/A

List of Background Papers
<p>Enclosure I – Proposed consultation responses</p> <p>Enclosure II – Stage 1 Equality and Impacts Assessment</p>

Contact Samuel Watt	Service Place Commissioning
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Consultation Responses

Option 1 – Completely removes the specific requirements to accept and continue prevention duties that currently apply to Section 21 notices and evictions. The council can assess whether a prevention duty is owed, and it can be ended if 56 days have lapsed.

Option 2 – Local authorities would have to accept a prevention duty at the point of a Section 8 notice being served regardless of whether there was a risk of homelessness in 56 days. This duty would not lapse after 56 days and would continue until one of the other circumstances for ending the duty applied. A list of mandatory reasons landlords can issue Section 8 notices is also not provided.

Option 3 – Same as Option 2 except Landlords would have to give an approved reason from a list for issuing a Section 8 notice. This is the officer's recommended approach as it begins to mitigate the risk of Section 8 notices being issued without a valid reason and essentially becoming the new Section 21 notices.

Q1a. What will be the impact of option 1 on local authority resourcing? Please provide comments for your answer.

It is anticipated that the overall impact on local authority resourcing would be positive. This is because there would be no further no-fault evictions due to the removal of Section 21 notices. It is noted that the local authority can decide if a prevention duty is owed and that prevention duties will end after 56 days. As the local authority can decide whether prevention duty is owed from a valid notice being issued, the change in wording in Option 1 itself is not anticipated to increase pressure on local authority resourcing.

However, it is anticipated that Section 8 notices will likely replace the function previously provided by Section 21 notices and so it is important that the valid reasons for issuing a Section 8 notice are robustly monitored to ensure that no-fault evictions aren't now pursued through Section 8 notices. Annex B as outlined in Option 3 is welcomed as a good option towards preventing this outcome, but more detail must be provided on how this will be monitored. If the local authority is expected to monitor landlord's use of notices in place of Section 21s then specific funding must be provided.

Q1b. What will be the impact of option 1 on local authority caseloads? Please provide comments for your answer.

We anticipate that there would be a neutral impact on local authority caseloads as this legislation would decrease the number of cases for officers working with residents under the prevention duty through Section 21 notices. However, it remains to be seen how landlords will react to this change in legislation and maintain the mobility of their stock and is therefore difficult to predict the caseload of the council once the legislation is implemented. It is also noted that it is at the Council's discretion as to whether an applicant, who has received a valid notice to leave a tenancy, will be owed a prevention duty through Option 1.

Q1c. What will be the impact of option 1 on the demand on time for local authority staff? Please provide comments for your answer.

It is expected that there would be little change to the demand on time for staff despite the anticipated decrease in the number of people who would be owed a prevention duty resulting from Section 21 notices. This is because caseloads are continuing to increase due to the current socio-economic climate and it is difficult to predict the impact of this legislation in ending no-fault evictions as rogue landlords may abuse Section 8 notices without robust legislation and monitoring in place preventing this. There is potential that without robust safeguards in place, landlords may resort to pre-1988 unlawful tactics to force tenants to move out without due process. This is a concern and would require additional council resources to make sure it is effectively challenged.

Q1d. What will be the impact of option 1 on homelessness prevention activity and success rates within local authorities? Please provide comments for your answer.

It is anticipated that there would be a decrease in the number of people owed a prevention duty specifically from Section 21 notices.

However, there is concern that this legislation may impact local authorities' ability to effectively engage with private rented sector landlords who will require assurances that this change in legislation will not affect their ability to protect their property. This would decrease homelessness prevention activity success rates as there would potentially be less provision available to residents owed the prevention duty.

Q1e. Do you have any additional comments on the impacts of option 1 which have not been covered in your response to Q1a-d? **No.** If yes, please provide comments for your answer.

No comment.

Q2a. What will be the impact of option 2 on local authority resourcing? Please provide comments for your answer.

It is anticipated that this option would place additional stress on resourcing as all residents who receive a Section 8 notice are owed a prevention duty. The council's homelessness prevention team would therefore require additional resources to cope with the increased number and length of prevention cases arising from Section 8 notices. Although it is noted that there would no longer be any duties owed from Section 21 notices. There are also no proposed controls on the valid reasons a landlord can use to issue a Section 8 notice which in practise does not differentiate greatly from a Section 21 notice.

Q2b. What will be the impact of option 2 on local authority caseloads? Please provide comments for your answer.

It is anticipated that caseloads would increase in both quantity and length. The quantity is expected to increase as all residents who are issued a Section 8 notice are owed a Prevention Duty. Whilst the length of cases is expected to increase as the duty is owed even when 56 days has lapsed.

Q2c. What will be the impact of option 2 on the demand on time for local authority staff? Please provide comments for your answer.

Following the answer provided in Question 2b, staff capacity is expected to reduce in a team that is already at full capacity. If this Option 2 was pursued, support would be required for homelessness prevention teams to ensure that staff capacity is protected to ensure the effective delivery of key services.

It is also noted that the local authority will be required to assess at what point it is no longer reasonable for the applicant to continue to occupy, which would incur a relief duty. This would also have a reductive impact on staff capacity if residents offered Section 8 notices may also be required to be offered a relief duty in certain circumstances. Option 3 effectively mitigates this uncertainty with the inclusion of mandatory landlord circumstance grounds in Annex B – if robustly monitored.

Q2d. What will be the impact of option 2 on homelessness prevention activity and success rates within local authorities? Please provide comments for your answer.

It is expected that homelessness prevention activity would increase owing to the number of residents owed a prevention duty from Option 2's proposal. The absence of a set of lawful reasons a landlord can provide for the issuance of a Section 8 notice means they can effectively be used as a Section 21 previously. Success rates are also likely to decrease if local authority resourcing and staff capacity is not considered as part of this legislation.

Q2e. Do you have any additional comments on the impacts of option 2 which have not been covered in your response to Q2a-d? **Yes.** If yes, please provide comments for your answer.

Option 2 is not recommended for inclusion within the Renter's Reform Bill as it does not require a landlord to provide a valid reason for the issuing of a Section 8 notice. The purpose of this change in legislation is to end no-fault evictions and the council does not see Option 2 as an effective method to achieve this.

Q3a. What will be the impact of option 3 on local authority resourcing? Please provide comments for your answer.

Whilst the impact on resourcing is expected to be less than that of Option 2, as landlords are required to provide a valid reason for issuing a Section 8 notice, a neutral impact is still anticipated on local authority resourcing. This is because local authorities would accept the prevention duty where a valid Section 8 notice has been issued and cannot close it on the basis that 56 days have lapsed. Although there will be a reduction in the number of homelessness presentations because of Section 21 notices, there is not sufficient information provided here to effectively predict the impact of this proposed change in legislation on local authority resourcing.

Q3b. What will be the impact of option 3 on local authority caseloads? Please provide comments for your answer.

It is expected that local authority caseloads will increase, albeit by less than Option 2, as local authorities would accept the prevention duty when a valid Section 8 notice is issued. The requirement for landlords to provide a valid reason as per Annex B is the reason why caseloads are expected to increase by less than Option 2 which does not legislate for this requirement. The extent to which this anticipated increase is because of the proposed changes to legislation or a consequence of increased pressures on residents remains to be seen.

Q3c. What will be the impact of option 3 on the demand on time for local authority staff? Please provide comments for your answer.

Staff capacity is expected to decrease as there is anticipated to be significant administration in the monitoring of landlords providing valid Section 8 notices as per Annex B's list of mandatory landlord circumstance grounds. There is also expected to be an increased number of prevention cases and the length of these cases is expected to increase also due to the 56 days having lapsed not being eligible criteria for the end of a prevention duty. Although this will be somewhat mitigated by the end of Section 21 notices.

Q3d. What will be the impact of option 3 on homelessness prevention activity and success rates within local authorities? Please provide comments for your answer.

The number of residents owed a prevention duty is expected to increase although the inclusion of Annex B is welcomed as, if robustly implemented, this should legislate for the end of no-fault evictions. That all residents who receive a valid Section 8 notice, regardless of if they are threatened with homelessness, would be eligible for a prevention duty means caseloads would be expected to increase. Whilst the length of cases is also likely to increase as the 56-day limit does not apply.

Without additional resource and support for staff from central government there is concern that success rates may decrease following the implementation of Option 3 as it is unclear how Annex B would be effectively monitored to ensure valid reasons are provided for the issuing of Section 8 notices.

Q3e. Do you have any additional comments on the impacts of option 3 which have not been covered in your response to Q3a-d? **Yes**. If yes, please provide comments for your answer.

The council would be interested in the penalties applied to landlords who do issue a Section 8 notice without a valid reason as outlined in Annex B.

Q4. Do you have any comments on the proposed option to remove the reapplication duty from the homelessness legislation? **Yes**. Please provide comments for your answer.

The removal of the reapplication duty is supported as the Renter's Reform Bill renders it redundant with the removal of Section 21 notices.

Q5a. Do you have any comments on the proposed approach to minor technical changes? **No**. Please give your comments.

No comment.

Q5b. Do you have any comments on the proposed minor technical changes? **Yes.** Please give your comments.

Whilst we welcome the end of no-fault evictions through the removal of Section 21 notices, we are wary of the additional implications to local authority resources, staffing costs and the homelessness prevention and relief duties which will need to be recognised as part of the Renter's Reform Bill to ensure local authorities are supported to cope with any additional pressures resulting from this change in legislation. The Council would require additional funding to manage these changes in legislation to increase staff capacity and minimise the impacts on our homelessness prevention caseload and success rate.

It is also noted Section 8 notices will become the likely route for landlords to evict tenants. Therefore, it is vital that the list of reasons a landlord can provide to instigate a Section 8 notice, as per Annex B of the consultation, is robustly applied to ensure no-fault evictions are ended with Section 21 notices. It is for this reason that option 3 is the supported option for Wokingham Borough Council as it is the most effective method proposed to end no-fault evictions and mitigate the consequential impacts on local authority staffing, resourcing, and prevention duties. However, additional support will be required from central government to ensure local authorities are able to support this change in legislation through additional capacity and outlining effective mitigations for the risks identified in the council's consultation response.

Further information is sought on any exceptions to the ending of ASTs and fixed-term tenancies. For example, it may be useful to maintain fixed-term tenancies for student-letting so that the landlord can receive the property back at the end of the academic year.

A proposed addition to Annex B is the property requiring essential works to avoid disrepair that would require vacant access. This would need to be monitored but would enable private and social housing landlords to keep their properties safe and compliant with contemporary building safety standards. Another potential addition to Annex B is 'as a requirement of a local authority enforcement notice' due to an HMO being overcrowded. Currently, the local authority can force the landlord to move a tenant on to prevent overcrowding through Section 21 so an alternative method should be proposed as part of this change of legislation.

The abolishment of assured short-hold and fixed-term tenancies and the ambition to make all tenancies periodic in the future is positive in that it increases tenancy security amongst the Borough's rental sectors. However, most landlords prefer fixed-term tenancies as it offers a more effective toolkit to increase stock mobility and business planning. As the Council relies on private sector landlords for temporary accommodation for homelessness, it is vital that landlords have confidence in renting their properties to social housing tenants. Therefore, if fixed-term tenancies are abolished then safeguards should be considered to prevent private sector landlords from selling and encourage them to rent to social housing landlords or residents seeking to live in the private rented sector.

Finally, Wokingham Borough Council have invested in creating and maintaining a strong relationship with our private rented sector. There is a concern that the removal of Section 21 notices may impact our partner landlords' appetite to let properties to the council without relevant mitigations to protect their properties. Sourcing private rented sector stock is vital to the council successfully fulfilling its prevention and relief duties. A reduction in private rented stock will increase pressures on the council's already stretched temporary accommodation budgets. Therefore, it is important that the concerns of private rented sector landlords are considered when developing this proposal to ensure continued cooperation between the private rented and social housing sectors.

Q6. Do you think that any of the proposed changes could give rise to any impacts on people who share a protected characteristic? Yes. Please give your comments.

Overall, we anticipate a positive impact on people with protected characteristics as these demographics are there will be no more no-fault evictions resulting from Section 21 notices. National statistics show that people from a range of the protected characteristics are more likely to be housed in rented accommodation, so the removal of Section 21 notices provides greater tenancy security.

Furthermore, the increase in refugees being accepted and housed by local authorities, registered providers and private landlords means that this group will also benefit from greater tenancy security.

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Equality Impact Assessment (EqIA) form: the initial impact assessment

1. Process and guidance

The purpose of an EqIA is to make sure that the council is meeting the needs of all our residents by ensuring we consider how different groups of people may be affected by or experience a proposal in different ways.

The council has a two stage EqIA process:

- Stage 1 - the initial impact assessment
- Stage 2 - the full impact assessment

This form is for use at Stage 1 of the process. This must be completed when undertaking a project, policy change, or service change. It can form part of a business case for change and must be completed and attached to a Project Initiation Document. The findings of the initial impact assessment will determine whether a full impact assessment is needed.

Guidance and tools for council officers can be accessed on the council's Tackling Inequality Together intranet pages.

Date started:	15/12/2022
Completed by:	Samuel Watt
Service:	Economic Development and Growth
Project or policy EqIA relates to:	Technical Consultation on consequential changes to homelessness legislation
Date EqIA discussed at service team meeting:	16.12.2022
Conclusion (is a full assessment needed?):	No
Signed off by (AD):	Rhian Hayes
Sign off date:	30/12/2022

2. Summary of the policy, project, or service

This section should be used to summarise the project, policy, or service change (the proposal).

What is the purpose of the proposal, what are the aims and expected outcomes, and how does it relate to service plans and the corporate plan?

To agree on Wokingham Borough Council's response to the Government's Technical consultation on proposed changes to homelessness legislation.

How will the proposal be delivered, what governance arrangements are in place and who are the key internal stakeholders?

The proposal consists of a consultation response, so delivery of this will consist of submitting the response through the online consultation form, once the submission has been agreed through the Individual Executive Member Decision.

Who will be affected by the proposal? Think about who it is aimed at and who will deliver it.

If the proposal made by Wokingham Borough Council is taken forwards by the Government, then there will be a largely positive impact on customers with protected characteristics within the Borough as Landlords will have to provide robust reasons for evicting tenants in both the private rented and social housing stock with the proposed removal of Section 21 notices. It should be noted, however, that the Council's response to this consultation will not directly nor definitively cause any changes but the government may consider the Council's views when progressing this change to the homelessness legislation.

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3. Data & Protected Characteristics

This section should be used to set out what data you have gathered to support the initial impact assessment.

The table below sets out the equality groups that need to be considered in the impact assessment. These comprise the nine protected characteristics set out in the Equality Act 2010 and other priority areas defined by the council.

Age	Disability	Gender reassignment	Marriage and Civil Partnership	Pregnancy/Maternity
Religious belief	Race	Sex	Sexual Orientation	Socio-economic disadvantage

What data and information will be used to help assess the impact of the proposal on different groups of people? A list of useful resources is available for officers on the Council's Tackling Inequality Together intranet pages.

The information used to understand the impact of the proposal on different groups is the data and experiences of WBC officers, its private rented sector landlords and social housing landlord partners. in relation to providing rented housing in the Borough. This is the same intelligence which informed the proposal itself. Additionally, more general, widely publicised information relating to the impacts of removing Section 21 notices, fixed-term tenancies and assured shorthold tenancies increases and the rising cost of living, in terms of the groups which statistically it would affect the most, has also been used to help assess the proposal's impact.

4. Assessing & Scoring Impact

This section should be used to assess the likely impact on each equality group, consider how significant any impacts could be and explain how the data gathered supports the conclusions made.

Scoring impact for equality groups	
Positive impact	The proposal promotes equality of opportunity by meeting needs or addressing existing barriers to participation and/or promotes good community relations
Neutral or no impact	The proposal has no impact or no disproportionate impact.
Low negative	The proposal is likely to negatively impact a small number of people, be of short duration and can easily be resolved.
High negative	The proposal is likely to have a significant negative impact on many people or a severe impact on a smaller number of people.

Referring to the Scoring table above, please give an impact score for each group, explain what the likely impact will be, and briefly set out how the data supports this conclusion.

Equality group	Impact score	Impact and supporting data
Age	Positive impact	People in certain age groups e.g. younger people are more likely to be housed in rented accommodation and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies.
Disability	Positive impact	People with disabilities are more likely to be housed in rented accommodation, especially housing association stock, and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies.
Gender reassignment	Positive impact	LGBT+ people are more likely to be housed in rented accommodation and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies.
Marriage and Civil Partnership	Neutral or no impact.	There is no evidence to suggest people in a civil partnership are more likely to be housed in rented accommodation so this consultation response would not likely have any impact on this demographic.
Pregnancy/Maternity	Positive impact	Being pregnant can increase the likelihood of someone being housed in rented stock and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies.
Religious belief	Neutral or no impact	There is no evidence to suggest any religious groups are more likely to be housed in rented accommodation so this consultation response would not likely have any impact on this demographic.

Race	Positive impact	People from ethnically diverse backgrounds are more likely to be housed in rented stock and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies
Sex	Neutral or no impact	There is no correlation between gender and the likelihood of being housed in rented accommodation so this consultation response would not likely have any impact on this demographic.
Sexual Orientation	Positive impact	LGBT+ people are more likely to be housed in rented accommodation and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies
Socio-economic disadvantage	Positive impact	People who are socio-economically disadvantaged are more likely to be housed in rented stock and this consultation is to seek views on how best to improve tenancy security for this demographic by abolishing Section 21 notices and Assured Shorthold Tenancies.

5. Conclusion and next steps.

Based on your findings from your initial impact assessment, you must complete a full impact assessment if you have identified any groups as having a low or high negative impact.

If no impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must include reference to the initial assessment in any associated reports, and it must receive formal approval from the Assistant Director responsible for the project, policy, or service change.