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1. Purpose and scope

- 1.1 This sets out our approach to the protection of goods and belongings to persons who are homeless or threatened with homelessness, to whom Lewisham Council owe a housing duty.
- 1.2 This policy covers applicants entering temporary accommodation, transferring between existing temporary accommodation and exiting temporary accommodation.

2. Legislation and regulation

- 2.1. Relevant legislation relating to this policy includes:
- 2.2. Housing Act 1996
 - 211 - Protection of property of homeless persons and persons threatened with homelessness, and
 - 212 - Protection of property: supplementary provisions.
- 2.3. These responsibilities apply to applicants to whom housing duties are owed under:
 - s 188 (accommodation pending enquiries)
 - s 193 (full duty)
 - s 190 (temporary accommodation for the intentionally homeless in priority need)
 - s 195 (accommodation for those threatened with homelessness, unintentionally and in priority need)
 - s 200 (accommodation for those who are or have been the subject of a local connection issue)
- 2.4. A duty is owed to certain homeless applicants where we, as the local authority, have reason to believe that:
 - there is a danger of loss of, or damage to, any of the homeless applicant's personal property; and
 - the danger arises because the homeless applicant is unable to protect or deal with that property; and



- no other suitable arrangements have been or are being made.
- 2.5. **Note:** Section 212 allows that an applicant can ask us to move the property to a particular location nominated by them. If we deem the request to be reasonable, we can discharge our responsibilities (under section 211) by doing so. Following which, we have no further duty or power to take action in relation to that property. If no request is made (or, if made, is not acted upon), we will also cease to have any duty to take action when we believe the property is in no further danger of loss or damage by reason of the applicant's inability to deal with it.
- 2.6. Where items are unclaimed, Section 41 of the Miscellaneous Goods Act entitles to provide applicant notice in writing that they are required to collect their belongings by a date specified in the notice. Where items are unclaimed the property will vest in the Authority from that date.

3. How we can assist

- 3.1. Applicants who are owed a statutory duty in line with the above, will be asked about their plans regarding their personal property, as part of the homelessness assessment process.
- 3.2. Applicants will generally be expected to make their own arrangements to protect their belongings, such as planning for removals and storage, and to fund these arrangements.
- 3.3. Applicants who indicate they will require assistance with either removal and/or storage arrangements will be given advice and assistance to consider and access a range of options, to help them to determine how best to meet an immediate need.
- 3.4. An applicant may ask us to assist them with arrangements to move belongings to a location of their choice. This may include their new accommodation, a storage facility, or with family or friends. The applicant will be recharged any costs associated with removals, and making their own storage arrangements. Where we deem the request to be reasonable, and will prevent immediate risk of loss or damage to their belongings, we will confirm in writing that this discharges our duty regarding protection of their property.
- 3.5. Where LBL is under a statutory duty (see 2.4), an applicant will be required to fully reimburse any costs incurred by LBL for arranging a storage, including but not limited to storage fees, removal fees, access fees to that storage by an applicant, disposing of any items not collected by an applicant following notification of discharged duty to an applicant. LBL may be able to provide assistance with upfront costs towards removal, and/or storage in exceptional cases only. Such an assistance to be approved by the service manager.. , it will be a condition that:
- arrangements for removal, storage, and insurance will be in the applicants name and will be the applicants responsibility throughout
 - costs must be repaid in full by the applicant, and arrangements to do so will be put in place at the same time
 - the applicant is expected to use any such assistance period to make alternative arrangements to protect their property in the longer term, such as reviewing the items in storage, moving their possessions to new accommodation, or choosing what storage arrangements they will want to use and fund in future (see 3.4).



- If an applicant refuses to pay the charges set by LBL which are considered to be reasonable, LBL is entitled to discharge its duty under s211 to hold an applicant's belonging in a storage by giving appropriate notice in writing under s212(4) and providing reasons why the duty has been discharged (see 3.7).
- 3.6. Where the tenancy has been ended and there are items left in the property, or where the homeless applicant is no longer subject to the duty under S211 (because for example, the applicant has been moved into unfurnished accommodation), we will serve notice under Section 41 of the Miscellaneous Goods Act.
- 3.7. We will serve a copy of the notice to the tenant to their last known whereabouts and will also make all reasonable attempts to contact through any contact information we have on file. We will keep a record of all attempts to contact them. We will store items for a period of one month, in accordance with this legislation. Once the notice period has expired, we will arrange for sale and/or disposal of the remaining items.

4. Monitoring and controls

- 4.1. We will review the implementation of this policy to confirm that we are applying it properly, and providing information clearly and consistently.
- 4.2. We will monitor spend and any recharging arrangements for removals, storage, and disposal, in line with this policy.
- 4.3. Complaints will be considered in line with our housing complaints policy and processes.

5. Related documents

- Rechargeable Costs Policy

6. Equality, diversity, and inclusion

- 6.1. An Equality assessment has been undertaken as part of the review of this policy.

7. Communication

- 7.1. This policy will be communicated through Lewisham Council's website. We will also explain the policy to applicants at the point of assessment.
- 7.2. We will provide a copy of the policy to previous applicants, who currently have items stored under previous arrangements, to prepare them to make alternative arrangements.

New Policy	
Date approved: October 2024	Effective date: 27 January 2025
Next review: October 2029	
Approved by: Mayor & Cabinet	



Housing Services

TA Protection of belongings policy

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