

# Housing Select Committee Supplementary Agenda

Tuesday, 18 September 2018  
**7.30 pm**, Committee Room 1 - Civic Suite  
Civic Suite  
Catford  
SE6 4RU

For more information contact: John Bardens (02083149976)

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

## Part 1

Item	Pages
6. Engaging residents on estate redevelopments	3 - 16

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<b>Housing Select Committee</b>			
<b>Title</b>	Engaging residents on estate developments		
<b>Key decision</b>	Yes	<b>Item no</b>	6
<b>Wards</b>	All Wards		
<b>Contributors</b>	Executive Director for Customer Services, Executive Director for Resources and Regeneration, Head of Law		
<b>Class</b>	Part 1	18 September 2018	

## **1 Reasons for Lateness and Urgency**

- 1.1 This report is late owing to time needed to properly consider the legal implications of this report, and the time needed to plan the public consultation approach.
- 1.2 The report is urgent and cannot wait until the next meeting of Housing Select Committee meeting as this would mean that these proposals will not be able to be presented to Mayor and Cabinet in October, which will cause a delay in the public consultation on the draft principles of the Residents' Charter. Pre-scrutiny of the proposals within this report by Housing Select Committee is a vital part of this approach
- 1.3 Where a report is received less than 5 clear days before the date of the meeting at which the matter is being considered, then under the Local Government Act 1972 Section 100(b)(4) the Chair of the Committee can take the matter as a matter of urgency if he is satisfied that there are special circumstances requiring it to be treated as a matter of urgency. These special circumstances have to be specified in the minutes of the meeting.

## **2 Summary**

- 2.1 This paper sets out draft principles for a Residents' Charter, and proposals for how these can be informed and tested through consultation with Lewisham residents.
- 2.2 This paper also sets out the GLA's requirements for estate regeneration ballots and how the Council will be adopting them.

## **3 Recommendations**

Housing Select Committee is recommended to:

- 3.1 Note the proposals for how Estate Regeneration Resident Ballots will be implemented in Lewisham and how they will work with the Residents' Charter as set out in section 6 and 7 of this report;
- 3.2 Note the proposed principles set out draft Residents' Charter in section 8 of this report;
- 3.3 Note the proposed approach to consultation on the Residents' Charter set out in section 9.

## **4 Policy Context**

- 4.1 The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:
  - Ambitious and achieving: where people are inspired and supported to fulfil their potential.
  - Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
  - Healthy, active and enjoyable: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.
- 4.2 The proposed recommendations are also in line with the Council policy priorities:
  - Strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
  - Clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment.
- 4.3 Lewisham's Housing Strategy was approved at Full Council in May 2015. This strategy sets out the Council's ambition to address the challenges in the borough through the following objectives:
  - Helping residents at times of severe and urgent housing need
  - Building the homes our residents need
  - Greater security and quality for private renters
  - Promoting greater quality in the social and private rented sectors
- 4.4 Lewisham's Core Strategy has the objective to make provision for the completion of an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26, to meet local housing need and accommodate the borough's share of London's housing needs. This aims to exceed the London Plan target for the borough. The Core Strategy also has the objective to make provision to meet the housing needs of Lewisham's new and existing population, which will include:

- provision of affordable housing
- a mix of dwelling sizes and types, including family housing
- lifetime homes, and specific accommodation to meet the needs of an ageing population and those with special housing needs
- bringing vacant dwellings back into use

## **5 Background**

- 5.1 It is now Council policy to introduce Resident's Ballots on any estate regeneration scheme that includes replacing existing homes. The Council will also create a Resident's Charter that guarantees all residents the right to remain on their estate and guarantees an increase in genuinely affordable housing.
- 5.2 The Mayor of London issued guidance in July 2018 on the introduction of Residents' Ballots for estate regeneration projects as a new Greater London Authority (GLA) funding condition for any estate regeneration project that involve the demolition of existing homes to build 150 or more new homes.
- 5.3 The Council's commitment goes beyond the GLA guidance as it applies regardless of the size of the development or whether or not funding is obtained from the GLA.
- 5.4 This report sets out some draft principles for a Residents' Charter, and how Estate Regeneration Ballots will be used in conjunction with a charter in Lewisham.
- 5.5 These principles have been based on the experience of officers who have worked with residents going through estate regeneration from both housing teams in the Council and working in Lewisham Homes. They attempt to address the key concerns that residents have raised, and to set out how Lewisham Council can bring forward sustainable and inclusive regeneration that benefits residents.
- 5.6 Council led housing delivery in Lewisham has a strong history of putting residents at the heart of the decision making process. The regeneration programme running on the Excalibur Estate, where the Council is working in partnership with L&Q, was voted for by the majority of residents following a ballot held in 2010. Both the Excalibur regeneration and the regeneration of the Heathside and Lethbridge estate in partnership with Peabody, have strong resident steering committees ensuring that the people most affected by regeneration are key to making decisions about the process.
- 5.7 The Council wants to ensure that the draft Residents' Charter principles do genuinely deliver both reassurance for Lewisham residents, and a framework on which positive work to improve local communities can be delivered. These principles need to be tested with key stakeholders in

Lewisham, primarily residents who may be directly affected by estate regeneration; those whose homes may be demolished.

## **6 Resident Ballots in Estate Regeneration**

- 6.1 London is facing a significant housing shortage, and many residents in Lewisham are struggling to access housing that is genuinely affordable and appropriate to their needs. In line with our strategic priorities, Lewisham Council acknowledges the challenges faced by our residents and is committed to tackling those with the greatest housing need.
- 6.2 In July 2012 the Council embarked on a programme to build 500 new social homes in response to a series of on-going housing policy and delivery challenges, most notably an enduring under-supply of new affordable homes available to the Council to meet housing demand.
- 6.3 501 new social homes were submitted for planning by March 2018, and are now being delivered across the borough.
- 6.4 The new administration has set a target of a further 1000 new social homes by 2022. This process requires that the Council examines all of the land it owns to assess how new homes can be best delivered. This can be through infill developments, or by redeveloping existing homes to both increase the number of genuinely affordable homes and improve the quality of homes for the current residents.
- 6.5 Redevelopment can deliver new high-quality homes that better meet the needs of the current residents while also providing new fantastic places for people in housing need to live. Redevelopment needs to be carried out in a way that is inclusive of everyone that is impacted by the process, and sustainable; so that local people genuinely benefit.
- 6.6 Although redevelopment can bring about positive outcomes, it does represent significant change. This change can mean considerable disruption caused to people lives, for example when they have to move to new homes, or if there is construction work occurring nearby for extended periods of time. Weighing up the positive factors of regeneration against the possible disruption is very challenging, and can only be successfully done if the views of those directly affected are taken into account.
- 6.7 Residents therefore need to be at the heart of any decision as to how new homes can be provided within their communities. To ensure that this happens a Resident' Ballot will be required before any development goes ahead that will result in the demolition of existing homes to facilitate the construction of new housing.
- 6.8 Redevelopment can be a very lengthy process, and the process of planning to redevelop an estate can take years before any work starts on site. Residents' Ballot should be conducted at a very early stage in process – on principles – rather than detail, to allow those who live on an

estate a meaningful say on whether the Council should proceed with housing delivery and regeneration plans.

- 6.9 However officers recognise that by having residents vote at an early stage means that the Council needs to make a renewed commitment to greater resident involvement and influence over the design process both in the lead up to, and following a 'yes' vote.

## **7 The GLA's requirements for estate regeneration ballots**

- 7.1 On July 18<sup>th</sup> 2018 the GLA confirmed that conducting a Resident Ballot will be funding requirement for all new estate regeneration developments. The GLA set out guidelines as to how these ballots should be conducted across London to ensure that there is consistency. **Appendix A**, provides further detail on the guidelines.
- 7.2 The GLA require that Resident Ballots are carried out for all schemes that involve the demolition of any affordable or leasehold homes that will result in 150 or more new units being built.
- 7.3 The guidelines include exemptions for schemes where:
- Demolition is needed for health and safety reasons
  - Demolition is needed to facilitate major infrastructure
  - Where specialist or supported housing scheme is decommissioned by a local authority
- 7.4 Ballots are also not required on schemes that have full or outline planning permission, and will not apply retrospectively to schemes that the GLA are already in contract to support.
- 7.5 The GLA are aware and supportive of the fact that their approach to ballots will set a precedent for all estate regeneration schemes including those that they are not funding. They see this policy working in tandem with a new policy in the draft London Plan that means all affordable housing needs to be replaced on a like-for-like basis (i.e. social housing for social housing).
- 7.6 It is also a requirement that all Resident Ballots are supervised by a qualified independent body, such as Electoral Reform Services, contracted by the landlord.
- 7.7 The GLA set out that anyone that lives in a property that will be demolished if the regeneration proposals go ahead will be able to vote so long as they are 16 or over and fall within the following three groups:
- Social Tenants
  - Resident leaseholders and freeholders who have been living in the property for at least a year prior to the ballot
  - Any other resident who has been on the local authority's housing register for at least a year.

- 7.8 Each individual gets one vote, but there is no limit on the number of votes per household. This specifically excludes:
- People in TA (unless on the housing register for a year)
  - Private tenants (unless on the housing register for a year)
  - Non-resident leaseholders and freeholders
  - Businesses
  - Community groups
- 7.9 Ballots will be a yes/no vote on an offer presented by the landlord and a simple majority decides if the offer is accepted or rejected. As a minimum the offer needs to include:
- The broad vision, priorities and objectives for the estate regen
  - Details of the rights to return for social tenants
  - Details of the leaseholder and freeholder offer
  - Ongoing consultation plan commitments
- 7.10 A Residents' Charter will form a fundamental part of the offer presented to residents for a ballot. It will be a way of giving all residents a guarantee that any redevelopment proposals will benefit them and their community.
- 7.11 Officers propose that the Council adopts all of GLA's requirements for estate regeneration ballots, with the exception of the minimum criteria of 150 or more new units being built. This means that any Council led scheme that involves the demolition of affordable or leasehold homes will result in a ballot of all eligible residents to determine if it goes ahead, subject to the exemptions set out in 6.3.

## **8 Draft Residents' Charter**

- 8.1 The seven draft principles that are proposed to form the Residents' Charter are set out below:
- 1. Before any estate regeneration, a Residents' Ballot will take place to give you a say in the future of your estate.** To help you make an informed decision, we will make you a formal offer - in writing – which you can then choose to accept or reject in the ballot.
  - 2. We guarantee to build more homes for social rent.** Any proposals for estate regeneration will be driven by our priority to increase genuinely affordable homes.
  - 3. We will regularly communicate with all residents** writing to everyone at least once every three months in the run up to a Residents' Ballot and throughout the design, planning and eventual construction process, presenting transparent information that is accessible to everyone.
  - 4. Everyone will help shape the proposals** and all estate residents will be encouraged to participate in the design process and nominate individuals to form a Residents' Steering Group which will work

alongside the Council's Estate Design Team to help inform decisions through the design, planning and construction phases.

5. **If you are a Council tenant who wishes to stay, you will be guaranteed a new home at a social rent level, with the same tenancy conditions that you have today** and a Housing Needs Assessment will ensure you are provided with a home that matches your requirements.
  6. **If you are a resident leaseholder or freeholder who wishes to stay, you will be guaranteed to remain in home ownership.**
  7. **We will always strive to create and strengthen thriving communities that are inclusive and sustainable for existing and new residents**, supporting new jobs, choice of shops, leisure and high quality open space wherever we can.
- 8.2 These principles are not final, and more work must be undertaken to consult with Lewisham residents to test these principles, and to ensure that these principles do genuinely protect and empower Lewisham residents so that they can benefit from sustainable and inclusive development that supports their communities.

## **9 Proposed Approach to Consultation**

- 9.1 The intention is to present the draft principles that are proposed to go on to form the Residents' Charter to Mayor and Cabinet on 31<sup>st</sup> October 2018. This section sets out some proposals for consulting with Lewisham residents on the Residents' Charter. These proposals will be developed into a full consultation plan to be presented to Mayor and Cabinet.
- 9.2 The Residents' Charter will be applicable to all residents who will be directly impacted by any Council development work that involves the demolition of homes to facilitate the building of new homes.
- 9.3 To allow all Lewisham residents to have the opportunity to contribute their views on the Residents' Charter the Council's online consultation portal will be used, with the consultation open for 6 weeks. The consultation will be advertised on the Council's website and through the Council's social media channels so that all residents are able to participate.
- 9.4 The majority of the Council's development work will take place on land the Council owns, and therefore Lewisham Homes tenants, and tenants within the Brockley PFI are most likely to be affected by development. During the consultation period the Council will work with both organisations to engage with their residents through their existing Tenants and Residents Association networks and Resident Engagement Panels.

- 9.5 Additionally the Council will hold focused consultation events to allow Lewisham residents to come and discuss the draft principles for the Residents' Charter in person with Council officers.
- 9.6 This approach will mean that all Lewisham residents, and everyone who may be potentially affected by redevelopment in Lewisham will have an opportunity to shape a Residents' Charter that will provide a framework for how all Council led development will work across the borough.
- 9.7 Over the next few weeks, officers will work to develop the above consultation proposals into a full consultation plan in line with the Council's own consultation guidelines. At present, all required resources will be met from within existing staffing budgets, but this will be properly assessed and any budgetary implications set out.

## **10 Financial implications**

- 10.1 Although there are no direct financial implications arising from the recommendations in this report, it should be noted that the future implementation and operation of Residents' Ballots will require both staffing and support resources, such as preparation and printing of ballot papers, communications etc. At present, it is expected that the required staffing resources will be met from within existing staffing budgets. However, future resource implications will need to be considered in detail and a requirement for additional resources may arise from this process.

## **11 Legal Implications**

- 11.1 The Resident Ballot Requirement ("RBR") applies to Strategic Estate Regeneration Projects benefitting from GLA funding. Strategic Estate Regeneration Projects are defined as those involving:
- demolition of any affordable or leasehold homes whose freehold or long leasehold a Registered Provider owns on an existing social housing estate, and/or the demolition of any freehold properties previously acquired under the Right to Buy, Right to Acquire, or Social HomeBuy schemes on an existing social housing estate; and
  - construction of at least 150 new homes, regardless of tenure, within the boundaries of an existing social housing estate.
- 11.2 The GLA Funding Guide sets out the criteria for 'voter eligibility requirements'.
- 11.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

11.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

## **12 Crime and Disorder Implications**

12.1 There are no specific crime and disorder implications arising from this report

## **13 Equalities Implications**

13.1 As part of the consultation equalities information on protected characteristics will be gathered, so that the equalities implications of these proposals can be assessed.

## **14 Environmental Implications**

14.1 There are no specific environmental implications arising from this report.

## **15 Background documents and originator**

15.1 If you would like any further information on this report please contact Jeff Endean, Housing Strategy and Programmes Manager on 020 8314 6213.

## **Appendix A - GLA Resident Ballot Funding Condition - Summary**

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# Resident ballot funding condition: summary

## Introduction

On 18 July 2018, the Mayor introduced a requirement which means that any landlord seeking GLA funding for a strategic estate regeneration project which involves the demolition of social homes must demonstrate that they have secured resident support for their proposals through a ballot. This is to make sure that GLA funding only supports estate regeneration projects if residents have had a clear say in plans and support them going ahead. There are some exemptions to the requirement which landlords can apply for, including transitional arrangements to help manage the introduction of the requirement.

Full details are outlined in the [Resident Ballot Requirement funding condition](#), which is part of the Mayor's [Affordable Housing Capital Funding Guide](#) (the rules and procedures for providing housing with funding from the GLA).

**Please note, the information below is only a summary and should be read in conjunction with the full [Resident Ballot Requirement](#) funding condition.**

## What triggers the requirement for a ballot?

A ballot is required on any estate regeneration project seeking funding from the GLA which involves the demolition of any homes owned (or previously owned and subsequently sold through the Right to Buy or similar projects) by a housing association or council **and** the construction of 150 new homes (regardless of tenure).

## What is the Landlord Offer and what information does it need to include?

The Landlord Offer is the document outlining the details of the proposed estate regeneration project and associated ballot, including the question to be put to residents in the ballot and the timing of the ballot. It must provide sufficient information for residents to make an informed decision about the future of their estate. As a minimum, the Landlord Offer must include details of:

- the broad vision, priorities and objectives of the project, including the estimated number of new homes and the mix of tenures;
- the full right to return or remain for social tenants;
- the offer for leaseholders and freeholders; and
- commitments to ongoing consultation and engagement.

## Who is eligible to vote in a ballot?

Ballots must be open to all residents aged 16 years or older living on an existing social housing estate – not just those currently occupying homes that are due to be demolished – who meet one or more of the following three eligibility criteria:

- Social tenants, including those with secure, assured, flexible or introductory tenancies, named as a tenant on a tenancy agreement dated on or before the date the Landlord Offer document is published.
- Resident leaseholders or freeholders who have been living in their properties as their only or principal home for at least one year prior to the date the Landlord Offer is published and are named on the lease or freehold title for their property.
- Any resident whose principal home is on the estate and who has been on the local authority's housing register for at least one year prior to the date the Landlord Offer is published, irrespective of their current tenure.

For the avoidance of doubt, residents living in temporary accommodation and private rented sector tenants are not eligible to vote, unless they have been on the local authority housing register for one year or more (regardless of how long they have lived on the estate).

Eligible residents are entitled to one vote per person, but there is no limit on the number of votes per household.

### **Who will be responsible for undertaking the ballot?**

Landlords must appoint an independent body with appropriate knowledge and expertise to undertake the ballot.

The independent body should review processes for registration of voters, distribute the Landlord Offer, advise landlords on the question to be put to ballot, ensure that votes are accurately recorded and counted, and confirm the overall ballot process meets GLA requirements.

### **When should the ballot take place?**

Generally, the ballot should take place before a landlord:

- appoints a partner to redevelop the estate;
- finalises the design of the new estate;
- relocates existing residents for the purposes of redeveloping the estate; or
- obtaining planning permission for the new project.

Where projects are already underway at the time that the funding condition was published, or one of the above milestones has already passed, the project may be covered by the transitional arrangements (see below).

### **Are there any exemptions to the ballot requirement?**

The GLA will publish on its website details of projects granted an exemption to the funding requirement. There are two types of exemption.

#### General exemptions

For some projects, landlords may apply for one of three general exemptions, where the demolition of social homes is required to:

- i. facilitate **major infrastructure projects** that have statutory underpinning (such as a [Hybrid Bill](#) or a [Transport and Works Act Order](#)) or because they present a physical barrier to delivering major rail/tube improvements.
- ii. address concerns about the **safety of residents** and where these safety concerns can't be reasonably addressed through other means (landlords will need to provide evidence to justify this).
- iii. reconfigure provision of **supported and/or specialist housing** (this exemption is only available on estates which are exclusively made up of this type of housing).

It is up to landlords to consider whether they think their project should be exempt from the requirement to hold a ballot. If they believe their project qualifies for an exemption, they must apply to the GLA for an exemption. The GLA will consider applications for exemptions to the ballot requirement on a case-by-case basis. Where the GLA agrees to an exemption to the ballot requirement, it still expects landlords to follow the principles set out in [Better homes for local people: the Mayor's good practice guide to estate regeneration](#). The GLA will publish on its website details of projects granted an exemption to the funding requirement.

#### Transitional exemptions

To recognise that estate regeneration projects are often long term, and many are currently underway, there are two transitional exemptions. Landlords may apply for an exemption from the funding condition where projects, which would be subject to a ballot requirement if they were new projects in the future, have:

- i. secured planning permission (either outline or full) on or prior to 18 July 2018;
- ii. secured contractually committed GLA funding on or prior to 18 July 2018.

Where a landlord seeks to amend a planning permission or a GLA funding agreement to include demolition of additional social homes, the GLA may choose to apply the ballot requirement.

The GLA decided not to sign any funding contracts for new estate regeneration projects between 2 February 2018 when the draft ballot condition was published for consultation, and 18 July 2018 when the final condition was published. In practice therefore, a project would have to have secured contractually committed GLA funding prior to 2 February to benefit from the second transitional exemption above.

#### **What if residents have already been relocated from an estate in order to facilitate the estate regeneration project?**

Where the ballot requirement applies, a ballot should be undertaken before residents are relocated for the purposes of delivering an estate regeneration project. This may not be possible where landlords began relocating residents before the resident ballot requirement was introduced. In these cases, relocated residents otherwise meeting the eligibility criteria are entitled to vote if they have a right to return to a new home on the estate.

## **How will the GLA know whether landlords are complying with the funding condition?**

Landlords must demonstrate compliance with the funding condition by returning a copy of the GLA Resident Compliance Checklist to us, signed by the landlord and the independent body who undertook the ballot. The GLA will undertake further compliance checks as the project progresses to ensure that the Landlord Offer is adhered to (see below).

## **What happens if the landlord doesn't comply with the funding condition?**

The GLA will continue to check compliance at key points throughout the project. It may terminate a funding allocation and/or reclaim any funding paid on a project where the ballot requirement applies if in its view:

- the planning permission secured for a project materially deviates from the proposals set out in the Landlord Offer to residents;
- a progress report to residents highlights that a project materially deviates from the proposals set out in the Landlord Offer to residents; and/or
- the completed project materially deviates from the proposals set out in the Landlord Offer to residents.