

MAYOR AND CABINET			
Report Title	Deptford Southern Housing Sites project – section 105 housing consultation outcome		
Key Decision	Yes	Item No.	
Ward	New Cross/Evelyn		
Contributors	Executive Director for Resources & Regeneration, Head of Law		
Class	Part 1	Date:	11 September 2013

1. Summary

- 1.1 A statutory consultation under Section 105 of the Housing Act 1985 has been carried out with secure tenants directly affected by the Deptford Southern Housing sites project. The process for that consultation and the results from it are detailed in this report. The report also details the Equalities Analysis Assessment that has been carried out for the scheme.

2. Purpose

- 2.1 The purpose of this report is to inform the Mayor and Cabinet of the Section 105 consultation that has been carried out with secure tenants in blocks directly affected by the current proposals for the Deptford Southern Housing Sites projects, the results of that consultation process and the Equalities Analysis Assessment that has been carried out for the project.

3. Recommendation/s

The Mayor is recommended to:

- 3.1 Note and consider the comments made by secure tenants in response to the statutory consultation undertaken in accordance with Section 105 of the Housing Act 1985;
- 3.2 Note comments made by leaseholders and other local residents regarding the proposed redevelopment of the Deptford Southern Housing sites.
- 3.3 Note the responses provided by the project team and the proposals for on-going consultation activity
- 3.4 Note and consider the Equalities Analysis Assessment that has been completed for the project.

- 3.5 Having noted recommendations 3.1 to 3.4 agree to proceed with the Deptford Southern Housing project as detailed in the report of 1 May 2013.

4. Policy Context

- 4.1 Lewisham's Regeneration Strategy 'People, Prosperity and Place; 2008-2020' notes that Deptford is an identified 'Area for Regeneration' in the London Plan and that the town centre is a development opportunity site in the north of the borough. The Strategy also identifies housing as a key element of the town centre regeneration programme and suggests that a range of high quality housing, including affordable homes, should be delivered as part of the regeneration of the town centre.
- 4.2 The project meets several of the key principles of the Council's Housing Strategy 2009-2014;
- Increasing housing supply
 - Widening housing choice and manage demand
 - Developing a quality private rented sector
 - Expanding the housing offer
 - Greening homes and neighbourhoods
- 4.3 The Sustainable Communities Strategy highlights the significant development potential in Deptford as a key opportunity for the borough. The project also meets the aims of the 'Clean, Green and Liveable' objective within the strategy, which includes an aspiration to increase the supply and quality of housing to accommodate the diverse needs of the borough's population.
- 4.4 In the Asset Management Plan 2011-2014, the Old Tidemill school buildings and surrounding land are identified as a key site for potential housing delivery.

5. Background

- 5.1 In May 2006 Council Officers commenced initial design and feasibility work with PTEa Architects with respect to the Council's intent and aspirations in the regeneration area. A final report was published in March 2007 jointly by Lewisham Council and PTE architects called "Tidemill School, The Lewisham Lounge and Giffin Street Regeneration Area"
- 5.2 In the summer of 2007 Council Officers prepared a Business Case following on from the report referred to in paragraph 5.1 above to demonstrate the commercial and financial viability of the proposed regeneration programme and identifying the commercial approach to its development. A key element of the Business Case was the delivery of a baseline housing scheme of 251 new homes of mixed tenure and split (by habitable room) approximately 65% private and 35% social and affordable. This was phase 4 of a 6 phase scheme, the first 3 phases of which (Wavelengths extension, Frankham Street parking boulevard and Deptford Lounge/Tidemill development) have now

been completed. The report also referred to the other projects on going in Deptford town centre, including the delivery of a new station in partnership with Network Rail. The Business Case assumption that the earlier phases of the programme could be funded by the Council on the basis of projected receipts from future housing projects within the programme has underpinned the approach to programme development and to the scope of the Southern Housing Sites project.

- 5.3 Following consultation with residents and stakeholders, officers agreed to review plans and investigate if the existing housing blocks at Reginald Road and Giffin Street could be brought into the scope of the regeneration programme. This work commenced in summer 2008 but was mainly suspended until summer 2011 due to;
- the recession and the associated problems with the private sector housing market
 - the changes announced to the national funding regime for new affordable homes
 - the need to prioritise other elements of the Deptford regeneration programme already in delivery
- 5.4 From summer 2011, officers worked with PTE architects to revise the 2007 feasibility report and produce a revised design proposal for the southern housing sites that included the demolition and replacement of the existing Giffin Street and Reginald Road blocks as part of the proposals. This scheme was reported to Mayor & Cabinet on 11th April 2012 and agreed as the design position for the scheme, replacing the baseline scheme, subject to consideration of the response to the statutory consultation with secure tenants on the revised design proposal under Section 105 of the Housing Act 1985 and the Equalities Analysis Assessment (EAA) which officers were instructed to carry out in relation to the enhanced scheme.
- 5.5 The response to the consultation was reported back to and considered by Mayor & Cabinet on 11th July 2012. At that time, Mayor & Cabinet noted that the EAA was still in the process of being completed and would be reported back to M&C for consideration in due course.
- 5.7 The new Tidemill school and Deptford Lounge building was completed in January 2011 and the new Deptford station, which has been progressed alongside the Council-led regeneration programme, was completed in early 2013. The lease of Block R to L&Q was completed on 1 June 2012. The Council took a lease back of the artists studios and gallery on the ground floor and these are now occupied by Temporary Contemporary Studios.
- 5.8 A housing needs assessment exercise was carried out with residents in both the Giffin Street and Reginald Road blocks in June 2012. This showed that there are various re-housing need issues including overcrowding and accessible homes requirements. This exercise will need to be repeated with the directly affected tenants under any scheme option, at an appropriate point during the procurement and development process, depending on when the

decant of those blocks is proposed in scheme phasing proposals. These will be discussed and agreed with the preferred developer as part of the procurement process.

- 5.9 On 1 May 2013 a report was agreed by Mayor & Cabinet that altered the scheme proposals to a hybrid option of previous schemes, which included the demolition of 2-30A Reginald Road and left the Giffin Street blocks in situ. The report also agreed to a revised timetable for the procurement of a development partner via a competitive dialogue process.
- 5.10 Agreement to this revised scheme was on the basis that the results of a further Section 105 consultation and an Equalities Analysis Assessment would be reported back to the Mayor & Cabinet prior to commencement of the dialogue stage of the procurement exercise.

6. Section 105 Consultation process – Summer 2013

- 6.1 On 29 May 2013, a letter was sent to all secure tenants in Reginald Road and Giffin Street informing them of the revised scheme proposals and inviting their comments as part of the statutory Section 105 consultation. The letter, which detailed the proposals, provided a masterplan image of the scheme and gave information on the Lewisham Homes Major Works standard, is attached as appendix 1. Letters were also sent to leaseholders informing them of the proposed changes and inviting comments.
- 6.2 The letters invited all residents to respond with comments via email, in writing or by attending one of 2 drop in sessions held at Deptford Lounge. The sessions were organised to accommodate all residents with a day time and early evening time slot being available in the local library, which is fully accessible. A Frequently Asked Questions (FAQs) document was produced to give to residents at these events. The project team met 4 tenants and 1 leaseholder at these events.
- 6.3 3 email and 6 written responses were received during the initial consultation period, including a letter written on behalf of the residents of the Reginald Road block dated 14 June that requested further information was provided to enable residents to make informed responses to the consultation. This letter did not have signatures from all residents and was rather written as a group letter. This letter was not received by the project team until 28 June. A response was sent via email to the email address from which an electronic copy was sent including a copy of the FAQs document. However this response was not acknowledged. The individual responses received were generally in support of the proposals and raised some individual housing issues.
- 6.4 Further to the extension of the deadline a petition with 108 signatures was received on 11 July. This petition, which is attached here for reference, included signatures from 11 residents in the Reginald Road block affected by the scheme and 33 Giffin Street residents with the remainder of the signatures being from other local residents.

6.5 Due to the fact that the closing date for the Section 105 consultation was set at 12 July, that the group letter raised some further issues to be considered and the fact that petition was received a day before the end of the proposed consultation period, the project team decided to extend the consultation period to 2 August to allow residents additional time to respond. All directly affected residents were informed of this decision in a letter on 19 July, which is attached to this report. Subsequent to this extension, no further written representations were received.

7. Section 105 Consultation outcomes

7.1 As a result of the comments and questions raised during the consultation period, an updated 'Frequently Asked Questions' document was produced and circulated with the letter of 19 July referred to at 6.5 above. The FAQs provide responses to all issues that have been raised during previous consultations on the project and during the current section 105 consultation. A copy of this document was sent to all those who had signed the petition and is attached to this report for reference.

7.2 The project team have drawn the following conclusions from the consultation exercise;

- Giffin Street residents who responded individually support blocks remaining in situ. Dealing with individual housing need is key issue.
- The directly affected residents in Reginald Road still have some queries about how they will individually be affected by the scheme. The project team should endeavour to carry out some individual contact with these residents to discuss their concerns further.
- The majority of queries raised by residents have been considered by the project team and addressed in the parameters for the procurement of the development partner for the scheme.
- The level of resident engagement/response is low. This could be due to the length of time that the project has been in development. The project team needs to ensure that regular, consistent communications are sent to residents and should continue to offer to support a resident steering group.
- The mailing list for the next update needs to be extended to include surrounding blocks.

7.3 The project team were contacted by some residents as a result of the consultation who didn't have comments on the proposals specifically but had some other issues that required Council support to resolve. These included referrals to the occupational health team and signposting residents to information on their re-housing options.

8. Financial implications

8.1 No new expenditure commitments are proposed as part of the recommendations in this report. Financial implications associated with the procurement of a development partner were detailed in 1 May 2013 report to

Mayor & Cabinet and will be updated according to the outcome of the procurement process.

9. Legal implications

- 9.1 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of Housing development. Section 105 specifies that a matter of Housing Management would include demolition of dwelling houses let by the authority and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. Section 105 further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the development proposals in question. For this reason, it was necessary to carry out consultation on the hybrid housing solution and for the Mayor to consider the response to the consultation before it is implemented.
- 9.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 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.
- 9.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are

legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

9.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

9.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Crime and Disorder Implications

10.1 The new development will be expected to meet 'Secure by Design' standards.

11. Equalities Implications

11.1 An Equalities Analysis Assessment was carried out on the project in August 2013. This was based on information gathered from ward profile data, the June 2012 housing needs assessment and information gathered during the Section 105 consultation and considered the potential effects of the project, both in terms of housing decant and construction, on those with protected characteristics.

11.2 The EAA includes an action plan to ensure that the project team and development partners have a clear set of tasks to carry out in order to ensure equality issues are given due regard throughout the project. This document will be reviewed on at least an annual basis or more often if required by the project timetable.

12. Environmental Implications

12.1 There are no direct environmental implications from the recommendations in this report.

13. Conclusion

13.1 The Section 105 consultation has provided directly affected tenants, leaseholders and the wider community with the opportunity to raise queries about the scheme. Many of the queries raised were points that the project team had considered over the course of project development and responses were provided. However, there is further work to be done to ensure that all directly affected residents are fully aware of the proposals and the project team will continue to communicate with residents over the coming months as the procurement process progresses. The selected development partner will be expected to continue this process in partnership with the Council.

Background Documents

List the name, date and location/author of all relevant background documents.

Short Title Of Document	Date	Contact Officer
"Tidemill School, The Lewisham Lounge and Giffin Street Regeneration Area" Feasibility Study, PTE Architects	Mar 2007	Eleanor Hoyle
Business Case for the Giffin Street Regeneration Programme	Aug 2007	Eleanor Hoyle
Giffin Street Regeneration Programme – Business case and the Commercial Approach	November 2007	Eleanor Hoyle
Giffin Street Regeneration Programme – deliverables and timescales	November 2007	Eleanor Hoyle
Appointment of the RSL partner and land sales that arise as a consequence under the Giffin Street regeneration programme	June 2008	Eleanor Hoyle
The Future of Deptford Town Centre Regeneration Programme – Update on deliverables and timescales	July 2009	Eleanor Hoyle
The Future of Deptford Town Centre Regeneration Programme – Update on the financial arrangements and the commercial approach	July 2009	Eleanor Hoyle
Deptford Town Centre Regeneration Programme: Delivery of the Southern Housing Site component of the regeneration programme.	April 2012	Eleanor Hoyle
Deptford Town Centre Regeneration Programme: Approval of the shortlist of developers for Southern Housing	July 2012	Eleanor Hoyle

Deptford Town Centre Regeneration Programme: Southern Housing Sites project update	May 2013	Eleanor Hoyle
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If there are any queries on this report please contact **Eleanor Hoyle, Capital Project Manager**, 020 8314 9462.

Attached Appendices

Masterplan
Equalities Analysis Assessment – August 2013

Appendices available on Council website

Section 105 consultation letter – 29 May 2013
Resident petition – 11 July 2013
Section 105 follow up letter – 19 July 2013
Deptford Southern Housing FAQs