

<b>MAYOR AND CABINET</b>			
<b>Report Titles</b>	Housing Regeneration Schemes Update		
<b>Key Decision</b>	Yes		
<b>Ward</b>	Blackheath, Whitefoot		
<b>Contributors</b>	EXECUTIVE DIRECTOR FOR CUSTOMER SERVICES, EXECUTIVE DIRECTOR FOR RESOURCES & REGENERATION, HEAD OF LAW		
<b>Class</b>	Part 1	Date	1 October 2014

## **1. Summary**

- 1.1 This report is seeking approval to proceed with the next stages of decant programmes for two established regeneration schemes in the borough; Heathside and Lethbridge and Excalibur.
- 1.2 Heathside and Lethbridge is an ongoing regeneration scheme being carried out in partnership with Family Mosaic. Residents in Phases 1 – 4A have been re-housed and re-housing tenants in Phase 4B is currently underway. This report seeks authority to commence the Phase 5 decant in stages with some residents having the opportunity to be re-housed in some of the new homes in Phase 3 that are expected to be complete in the Spring/ Summer 2015. This report reports back to Mayor and Cabinet with consultation that has been carried out on these proposals.
- 1.3 The regeneration of Excalibur is being carried out in partnership with L&Q Housing Trust. Vacant possession of all properties in Phases 1 and 2 has been obtained and demolition is underway. However the Council was recently required to re-designate the roads as Highways not maintainable at the public expense to end uncertainty about the status of the roads. This means that L&Q are currently going through a formal stopping up order process to close the roads before the development can commence. To ensure the scheme still progresses during this period, Officers are requesting that tenants in Phases 4 and 5 be given the opportunity to voluntarily move away from the estate through Homeseach should they wish to do so.

## **2. Purpose of Report**

- 2.1 To update Mayor and Cabinet on the progress of the Heathside and Lethbridge and Excalibur Regeneration schemes.
- 2.2 To ask the Mayor to consider the responses from residents to the formal Section 105 consultation carried out on Lethbridge Close.
- 2.3 To set out the necessary re-housing and buyback arrangements for Heathside and Lethbridge Phase 5, should the proposal be agreed.
- 2.4 To set out the proposed voluntary re-housing arrangements for tenants in Excalibur Phases 4 and 5.

### **3. Policy Context**

- 3.1 The two re-development schemes contribute to key national objectives, particularly meeting the decent homes standard and increasing the supply of affordable housing. The Decent Homes Strategy required all local authorities to carry out a stock options appraisal by July 2005 to determine how Decent Homes will be achieved for all Council housing stock.
- 3.2 Lewisham completed its stock options appraisal in June 2005 and submitted a comprehensive Decent Homes strategy to Government Office for London (GoL) setting out an investment plan for the entire housing stock to meet the Decent Homes standard.
- 3.3 The re-development will see the replacement of non decent or unusable homes with modern high quality homes in a well designed neighbourhoods. In addition, the scheme will deliver additional affordable units and a new supply of private sale units.
- 3.4 The schemes support the Sustainable Community Strategy 2008 – 2020 especially the priority outcomes Reducing inequality – narrowing the gap in outcomes for citizens; Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment and Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond.
- 3.5 Further, the re-development schemes are in line with Lewisham’s established housing policy as set out in previous reports to Mayor and Cabinet and also contributes significantly to the Councils incoming Housing Strategy for 2009 – 2014 ‘Homes for the future: raising aspirations, creating choice and meeting need’.

### **4. Recommendations**

It is recommended that the Mayor:

- 4.1 Notes the progress of the Heathside and Lethbridge Regeneration scheme;
- 4.2 Notes the progress of the Excalibur Regeneration scheme;
- 4.3 Having considered the responses to the statutory Section 105 consultation, agrees that the Council should carry out the decant of Heathside and Lethbridge Phase 5 tenants.
- 4.4 Subject to the Mayor agreeing recommendation 4.3, the Mayor is recommended to agree that:
  - 4.4.1 where necessary, Notice of Seeking Possession is served and possession proceedings brought against secure tenants in Lethbridge Close Phase 5 blocks under ground 10 of Schedule 2 to the Housing Act 1985;

- 4.4.2 secure tenants in Lethbridge Close Phase 5 blocks are re-housed in line with section 5 of this report;
- 4.4.3 any properties in Lethbridge Close Phase 5 blocks which were previously sold under the Right to Buy be repurchased by the Council at market value (plus reasonable professional fees) where agreement can be reached with leaseholders in advance of a Compulsory Purchase order being made by the Council and to delegate authority to the Head of Asset Strategy and Development in consultation with the Head of Law to negotiate and agree the acquisition terms;
- 4.5 Agrees the voluntary decant of tenants in Excalibur Phases 4 and 5 who wish to move as set out in section 6 of this report;
- 4.6 On Heathside and Lethbridge, home loss and disturbance payments are made to displaced secure tenants and leaseholders where appropriate in accordance with the Land Compensation Act 1973; and
- 4.7 On Excalibur, home loss and disturbance payments are made to displaced secure tenants where appropriate in accordance with the Land Compensation Act 1973.

## **5. Heathside and Lethbridge**

- 5.1 Summary of the principles of Heathside and Lethbridge and progress to date:
- The Council has an overarching Development Agreement in place with Family Mosaic for 6 Phase scheme which includes a bespoke financial model.
  - Family Mosaic have outline Planning permission for the overall scheme and are required to seek detailed Planning approval for each Phase. A development contractor is sought for each Phase.
  - The Homes and Communities Agency (HCA) have committed around £30m in support of the regeneration of Heathside and Lethbridge across Phases 1 – 4.
  - The structure of the scheme is that the Council forward funds the cost of obtaining vacant possession of the site and these costs are reimbursed by Family Mosaic. For Phase 1, £2.4m was paid to the Council in October 2010 and on Phase 2, £1.67m was repaid to the Council's Capital Programme in February 2012. To date half the land assembly costs have been paid to the Council for Phase 3 with the remainder due. The same will happen in future phases of the scheme
  - Of the 150 homes for social rent currently built, around 120 are occupied by residents of the original Heathside and Lethbridge estate. Five resident leaseholders have bought into the development through shared equity.
  - Phase 1: 138 homes were built between August 2010 and October 2012. This includes 80 homes for social rent, the rest being for sale and shared ownership. There are some ongoing significant problems with aspects of the building such as heating which are being addressed by Family Mosaic.
  - Phase 2: 190 homes were built between January 2011 and April 2013, including 70 for social rent. Of these, 50 form a designated over 55's block designed to replace an over 55's block on the original estate.
  - Phase 3: Contractor Ardmore started on site in August 2013 and homes are

expected to be complete in stages during 2015 – 2016. There will be 98 homes for social rent, 8 for shared equity and 112 for sale.

- Phase 4: The Council is in the final stages of securing vacant possession of Phase 4A. Tenants in Phase 4B will have the opportunity to move into new homes being built in Phase 3 however can also choose to move away through Homesearch. The contractor is currently being selected and start on site is due at the end of 2014/ early 2015. The Planning approval required is in two stages; Minor Material Amendments and Reserved Matters. The Minor Material Amendments application was initially deferred by the Planning Committee which is going to delay the programme. This has now been approved and the Reserved Matters is due to be considered by Committee in October 2014.

## **Scheme Proposals and Features**

5.2 The overall scheme is to be carried out in broadly the same way as previously set out to Mayor and Cabinet on 25th March 2009. Key points are:

- The scheme will provide a minimum of 543 (46%) affordable homes (an uplift of 127 affordable homes), this includes 416 homes for rent (an uplift of 31 rented units).
- This means there will be enough homes for all secure tenants and leaseholders who wish to remain as well as additional affordable properties.
- All of the homes will meet the lifetime homes standard and all affordable rented homes will meet the code for sustainable homes level 4. There will be the required 10% wheelchair accessible or adaptable homes across the whole site. Homes from Phase 3 onwards meet space standards set out in the London Plan (and previously were Parker Morris standards).
- A multi function community centre will also be provided.
- The overall scheme will provide around 1192 units.
- Family Mosaic operate at target rent levels and decants are offered lifetime tenancies.

5.3 It has always been a key feature of the scheme that should the housing market improve throughout the life of the programme, private units will be built as part of future phases in order to reduce the amount of grant required and diversify tenure. There are 62 sale units in Phase 2 and 112 in Phase 3 with sale units envisaged throughout the later Phases, depending on the housing market. Family Mosaic have had significant success over recent years in sales of private and shared ownership units and are prepared to take the risk on building these units. Interest and sales in sales units to date has been very positive. There is a fixed number of affordable rented homes across the scheme to make sure that all current residents can be re-housed in the new development and ensure an increase in affordable homes.

5.4 The terms of the Development Agreement are that should the scheme provide private sale units, any income into the scheme is carried over into the next phase to improve financial viability. At the end of the scheme, any remaining surplus is to be split between the HCA and Council on a 60/40 basis with any money received by the Council being treated as a deferred payment for the land.

## Section 105 Consultation and Re-housing Proposals

- 5.5 The Council and Family Mosaic have continually sought to ensure that the decant process is carried out as quickly and efficiently as possible and that existing residents receive priority for the new homes. This requires a flexible approach from the Council responding to the build programme and the speed of decant is affected by the number of residents who choose to move away from the estate or into the new build.
- 5.6 Currently tenants from Melville House in Phase 4B of the scheme have the opportunity to either be re-housed away from the estate or wait for new homes being built for completion in 2015.
- 5.7 This now means that the Council is able to start looking at re-housing tenants in Phase 5. This comprises Lethbridge Close blocks 57-106, 107-134, 135-162 and 163-190. Due to the build programme for the new homes, it is proposed that tenants in Phase 5 would be re-housed in different stages, which are outlined below.

Timeframe	Where move to	What's available
Spring/ Summer 2015	Phase 3, Block A	limited homes (around 30). There is no parking available for these homes.
Summer 2015	Off site decant commence	Open to all
Spring / Summer 2016	Moves into Phase 3 block E	Around 50 (limited parking available)
Spring / Summer 2017	Moves into Phase 4, block F *	Around 40 new homes. There will be 30 homes a dedicated over 55's block will be available for those in 57 – 106 Lethbridge Close. (limited parking available)
Spring / Summer 2017	Moves into Phase 4, block D *	Around 80 new homes. These homes could also be used to re-house tenants in Phase 6. (limited parking available)
Spring/ Summer 2017	All Phase 5 tenants re-housed	

\* Please note the homes in Phase 4 are currently subject to detailed Planning approval

- 5.8 There are 116 tenants in Phase 5 and 43 tenants in Phase 6. Overall there are sufficient homes being provided in the new development, Parkside, to re-house all tenants remaining in Lethbridge Close. However as the homes will be built at different times, this affects when tenants will be able to be re-housed. Should there be more residents that wish to be re-housed in new build than there are homes available at that time, the Council will prioritise people in housing need. This means that tenants who are overcrowded, under occupying or who have a medical reason to be re-housed will be re-housed into available new build first. This is in accordance with the Council's Allocations Policy.
- 5.9 All tenants will also have the option of moving elsewhere in Lewisham through the

Council's choice based lettings system Homesearch.

- 5.10 Where tenants are re-housed, the empty properties will not be re-let to secure tenants. These properties will either be used as temporary accommodation or property guardians. Where the property is in a poor condition, it may be left vacant and secured with grills.

### **Section 105 Consultation**

- 5.11 Section 105 of Part IV of the Housing Act 1985 makes it a requirement for a landlord authority to consult with those of its secure tenants who are likely to be substantially affected by a matter of housing management. The Act specifically identifies a new programme of improvement or demolition to be a matter of housing management to which Section 105 applies.
- 5.12 On Monday 11th August tenants were hand delivered the formal Section 105 consultation letter as well as a covering letter to explain the proposals and process. Leaseholders in the remaining blocks were also given a letter to explain the consultation and implications for the timescales for the buy back of their properties. These letters gave tenants four weeks to respond in writing to the proposals.
- 5.13 This statutory consultation has been undertaken four times before (in January 2008, August 2009, November 2011 and August 2012). As the Phase 5 decant process has minor changes from the previous Section 105 consultation which was carried out two years ago, Officers decided to once again carry out this formal consultation. In all previous instances, the Mayor decided that there was general support for the scheme and agreed the overall decanting and demolition of Heathside and Lethbridge and proposals set out.
- 5.14 The Council has received 19 responses to the consultation proposals out of 159 possible remaining tenanted properties (a 12% response rate). The full responses (with replies from Council Officers) have been made available in the Members room.
- 5.15 16 of the responses received were from residents in Phase 5 and 3 were from Phase 6. Responses can be classified in the following way:
- In favour of the proposals: 10 responses
- Neutral to the proposals: 9 (of which 6 had no comments)
- 5.16 The responses in favour of the proposals made comments such as that the proposal:
- ‘ I accept the future proposal and hope that it will speed up the moving process’
- ‘This is an amazing opportunity to finish our long term over crowded living conditions’
- ‘Thanks so much together with your team for the well done job.... I can't wait to be re-housed’
- 5.17 Some responses asked questions or raised concerns. These are explained further below:

Issue or concern	Response
The moving process	The dedicated Decant Officer is experienced in providing individual support during the moving process. In addition, the removals service (paid for by the Council) can include packing where necessary and the contractor is asked to provide a handy man service for vulnerable and elderly residents in the new homes.
Mobility / medical concerns	Each resident moving can complete a medical form for consideration by the Council's medical Officer. Following an individual assessment of medical need, the medical Officer then makes recommendations on such aspects such as heating; stairs and access.
Private outdoor amenity space	The new build homes all have either a balcony or terrace for private outdoor space. Should the household move away, they will be able to choose the property through Homesearch (unless court action becomes necessary). Allocation policies of many providers mean that gardens are kept for those with children.
Rents in the new build	Family Mosaic operate at 'target rent' as opposed to the new higher 'affordable rent' levels, although there is an increase in rent and service from the existing blocks to the new build which reflects the nature of the homes. Family Mosaic and Lewisham Homes provide individual benefits and financial advice and rent implications are discussed with each tenant prior to moving.
Over crowding	A number of responses were from tenants currently over crowded. The decant process requires each person to provide identification so that the Council re-houses the correct household. The process also re-houses tenants by housing need which means that over crowded (and under occupiers) are re-housed in properties in accordance with the Council's and Family Mosaics Allocations Policies.
Phase 6 resident would like to move early	The Council will strive to bring forward the decant of tenants in Phase 6 however the precise dates will be dependent on the moving process for those in Phase 5 and the build timetable.
Would like to stay at Lethbridge Close near local connections	The Decant Officer will talk to each household about their preferences and local connections etc they may have. The new build will accommodate all existing residents who particularly want to stay in the area.

5.18 Following on from this consultation, Officers request that the Mayor agrees the decant process for tenants in 5 as set out here.

5.19 Officers propose to return to Mayor and Cabinet prior to the start of the Phase 6 decant and buy back process.

### **Leaseholders and Compulsory Purchase Order (CPO) Powers**

5.20 Resident leaseholders have the option of being bought back by the Council and

moving away. They also have the option of buying again in the new development under the shared equity scheme with Family Mosaic. Five leaseholders in Phases 3 and 4 bought into and now live in new homes in Phases 1 and 2. The Council does not offer re-housing for non-resident homeowners or their tenants. In cases of financial hardship, the Council may offer to re-house resident leaseholders as tenants.

5.21 If the proposals are agreed by Mayor and Cabinet, the Council would start negotiating with leaseholders to buy back properties from mid 2015. This would be leaseholders in Lethbridge Close blocks 57-106, 107-134, 135-162 and 163-190.

5.22 As this scheme follows a development programme, it is anticipated that the Council will seek to put in place CPO powers and a report will come back to Mayor and Cabinet in due course.

## **6. Excalibur**

6.1 Summary of the principles of Excalibur and progress to date:

- Phase 1 and Phase 2 have been taken forward together. All 32 tenants have been re-housed and 7 freeholders bought back. The empty properties have now been demolished and the vacant site is secured. Building works are delayed while L&Q seek to obtain a stopping up order due to re-designation of the roads from estate roads to highways not maintainable at the public expense.
- Phase 3 consists of 48 properties including 9 freeholders. Tenants who would like to move away from the estate are doing so; 10 tenants have done so and 3 freeholders have been bought back. Many of the remaining 30 tenants would like to be re-housed in the new homes to be built in Phase 1 of the development.
- There is a development agreement and financial model agreed with L&Q and approved by Mayor and Cabinet in December 2012. This is due to be signed once the stopping up order has been obtained.
- The structure of the scheme is that the Council forward funds the cost of obtaining vacant possession of the site and these costs are to be reimbursed by L&Q at the point of start on site for each Phase.

6.2 There has been significant consultation with residents generally about the overall regeneration scheme as detailed in previous Mayor and Cabinet reports. In summary, alongside some key project dates this has included:

- 2006 – 2008 estate wide consultation about stock transfer
- March 2009 – DCMS list 6 properties
- April 2009 – February 2010 - scheme redesign in order to accommodate listed properties and economic downturn, funding sought to make revised scheme deliverable.
- February 2010 – HCA confirm that funding could not be made available to a stock transfer, only a regeneration scheme. Residents are consulted, results of which are fed back in a report to Mayor and Cabinet.
- July - September 2010 – independent ballot seeking yes/ no vote on L&Q's regeneration proposals which demonstrated that 56% residents supported the regeneration scheme.



- October - November 2010 – Section 105 consultation on the regeneration proposals and Mayor and Cabinet approval to progress the redevelopment of the Excalibur Estate
- December 2011 – January 2012 – further Section 105 consultation was carried out in order to add properties to the Phase 1 / 2 site area.

## **Scheme Proposals**

6.3 The scheme proposals remain unchanged from the report that was agreed by Mayor and Cabinet on 15th September 2010. Some key points are:

- There will be mix of homes and bed sizes including bungalows in the new development.
- Affordable homes will meet code for sustainable homes level 4.
- Affordable homes will be built to Parker Morris Space Standards plus 10%.
- All homes will meet lifetime homes standards.
- 49 (13%) of the homes will be for wheelchair users.
- Residents who wish to remain in the new development would be offered a bungalow or 2 bed house as a minimum and every child in a household could be allocated their own bedroom (up to a maximum of 4-bed properties) on the new estate. In accordance with Lewisham's Allocations policy there is scope for a local lettings plan to be set up for these kind of exceptional circumstances.
- Housing on the new estate to be offered/ preference advertised for Excalibur decants/residents exercising their request to return before being opened up to the wider community
- A bespoke L&Q Tenancy Agreement for the Excalibur estate.
- Resident Freeholders would still be able to access L&Q's 4 options of outright sale, equity and shared ownership (on the new estate and elsewhere in L&Q properties) and, outright sale and reverting to tenancy (as an L&Q tenant on the new estate or elsewhere).
- L&Q have been keen to maintain an offer to re-house any freeholders on a temporary basis that require it throughout the build process. In addition, L&Q wish to retain the commitment to pay the difference in any rent increase for tenants or freeholders during the decant / temporary move process.
- Sensitive inclusion of the 6 listed properties.

## **Decant Proposals**

- 6.4 Tenants in Phases 1 and 2 have been re-housed generally either in void prefabs in later Phases or across the estate through Homesearch. Tenants in Phase 3 who wish to move away from the area are doing so through Homesearch. Others would currently prefer to wait for the new build homes in Phase 1 to be built by L&Q.
- 6.5 The process of carrying out the stopping up order could take several months. In the meantime, residents in Phase 4 were expecting to be able to move from March 2015 and the Council had set aside a budget to be able to start moving tenants during 2014-15. The proposal is to allow residents in Phases 4 and 5 to move away permanently away from the estate should they wish to do so. The prefabs do not

meet the decent homes standard and many residents have expressed an interest in being able to move away voluntarily.

- 6.6 There are 51 tenants in Phase 4 and 31 in Phase 5. It is not expected that all tenants would wish to be re-housed early and those who remain will continue to be part of the regeneration scheme as planned. However this does not mean that all tenants would be able to re-housed directly into new homes, although it is hoped that majority will be able to do so. Others may be required to move away on a temporary basis and then return, this will depend on the new build programme and demand amongst estate residents.
- 6.7 Tenants who wish to move now voluntarily would be paid statutory home loss and disturbance payments however would not be able to move back into the new homes at a later date.
- 6.8 In accordance with the report agreed by Mayor and Cabinet in June 2012, the empty prefabs will not be re-let. They may be used by other estate residents if required through the decant process otherwise they will be secured using property guardians or with the use of grills.
- 6.9 If the proposal is agreed, all tenants would be written to and any interested in being re-housed would be visited by the dedicated Decant officer who would then commence the re-housing process. Although all tenants in Phases 4 and 5 will be advised of the opportunity to be re-housed voluntarily, depending on interest, if necessary Officer will prioritise moves in Phase 4, which would support the development programme.
- 6.10 As this proposal would involve residents being re-housed voluntarily, no further formal consultation on the decant proposals is required at this stage. Officers would undertake formal Section 105 consultation prior to the formal start of the Phases 4 and 5 decant process and Mayor and Cabinet approval would be sought accordingly.
- 6.11 As the proposal is a voluntary process for tenants, it is not proposed to buy back any freeholders in Phases 4 or 5 at the current time.

## **7. Legal Implications**

### **Heathside and Lethbridge**

- 7.1 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 management to which the section applies. The section specifies that a matter of housing management would include demolition of dwelling houses let by the authority under secure tenancies 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. The section 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.
- 7.2 The Council has power under the Housing Act 1985 to acquire land for the provision

of housing accommodation. This power is available even where the land is acquired for onward sale to another person who intends to develop it for housing purposes. The 1985 Act also empowers local authorities to acquire land compulsory (subject to authorisation from the Secretary of State) but only where this is in order to achieve a qualitative or quantitative housing gain.

- 7.3 Section 84 of the 1985 Act provides that the Court shall not make a possession order of a property let on a secure tenancy other than on one of the grounds set out in Schedule 2 to the Act, the relevant ground in this case being ground 10.
- 7.4 Ground 10 applies where the local authority intends to demolish the dwelling house or to carry out work on the land and cannot reasonably do so without obtaining possession. The demolition works must be carried out within a reasonable time of obtaining possession.
- 7.5 Where the Council obtains possession against a secure tenant it is required to provide suitable alternative accommodation to the tenant. This is defined in the 1985 Act and requires consideration of the nature of the accommodation, distance from the tenants' family's places of work and schools, distance from other dependant members of the family, the needs of the tenant and family and the terms on which the accommodation is available.
- 7.6 There is a more limited statutory re-housing liability for leaseholders whose properties are re-acquired by the Council under CPO or shadow of CPO powers. The duty imposed by Section 39 of the Land Compensation Act 1973 is to secure that any person displaced from residential accommodation is provided with suitable alternative accommodation where this is not otherwise available on reasonable terms. In order to facilitate early possession of properties which have been sold under the Right to Buy, Family Mosaic has a range of flexible options for resident leaseholders who wish to invest in a new home in the development.
- 7.7 In accordance with the Land Compensation Act 1973, secure tenants will be entitled to home loss and disturbance payments. Leaseholders will be entitled to receive market value for their properties as well as home loss and disturbance payments where appropriate in accordance with the Land Compensation Act 1973. In both cases, the Land Compensation Act 1973 provides for these payments to be made whether or not the secure tenant or leaseholder (as the case may be) gives possession by agreement rather than requiring a possession order or CPO to be obtained.

## **Excalibur**

- 7.8 Formal consultation under Section 105 of the Housing Act 1985 was carried out with all secure tenants on Excalibur and considered by the Mayor prior to a decision being made to proceed with the scheme. As the proposal in this report would involve residents in Phases 4 and 5 being re-housed on a voluntary basis only, no further formal consultation on the decant proposals is required at this stage as no tenant will be required to move. Officers will undertake formal Section 105 consultation prior to the formal start of the Phases 4 and 5 decant process and Mayor and Cabinet approval will be sought accordingly.
- 7.9 As stated at paragraph 10.6, secure tenants who move on a voluntary basis are still

entitled to payments under the Land Compensation Act 1973 as set out in that paragraph.

## **8. Financial implications**

8.1 The financial implications are contained in the Part 2 report.

## **9. Human Rights Act 1998 Implications**

9.1 The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention.

9.2 The rights that are of particular significance to Members' decision in this matter are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions).

9.3 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1<sup>st</sup> Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.

9.4 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.

9.5 Therefore, in reaching his decision, the Mayor needs to consider the extent to which the decision may impact upon the Human Rights of estate residents and to balance this against the overall benefits to the community which the redevelopment of Heathside and Lethbridge will bring. The Mayor will wish to be satisfied that interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

9.6 It is relevant to the consideration of this issue, that should the scheme proceed all displaced secure tenants would be offered re-housing in accordance with the Council's re-housing policy. Resident leaseholders will be offered a range of flexible options to acquire a new home in the new development. The Council retains the discretion to enable resident leaseholders who cannot afford to purchase a new home to rent a home on an assured tenancy in order to prevent homelessness. Secure tenants will be entitled to home loss and disturbance payments. Leaseholders will be entitled to receive market value for their properties as well as home loss and disturbance payments where appropriate in accordance with the Land Compensation Act 1973.

9.7 In relation to Excalibur, the decant is completely voluntary at this stage and no secure tenant will be required to move. Accordingly, there is not considered to be any impact upon the Human Rights of the residents concerned at this stage.

## **10. Environmental Implications**

10.1 The new homes to be built on both schemes will be more thermally efficient than the existing ones and will generate less greenhouse gases.

## **11. Implications for Law & Disorder**

11.1 Both schemes will meet the police's Secured by Design standards and should lead to a reduction in crime and the fear of crime.

## **12. Equality Implications**

12.1 Mayor and Cabinet approved the Equalities Impact Assessment for the regeneration of Heathside and Lethbridge in November 2009 and for Excalibur in October 2010. Officers have since taken the new Equalities Analysis Assessment (EAA) additional categories into account in considering the impact of the regeneration scheme and regularly review the Impact Assessments to ensure that any equalities implications are considered. There are equalities implications in the decanting and re-building process and there will also be benefits in the completed scheme that will impact on some of the most disadvantaged in the community. The Council's approach to re-housing tenants means that all residents needs such as language and medical are individually taken into account.

## **13. Conclusion**

13.1 This report provides an update on scheme progress and seeks approval to proceed with decant and buy back processes to ensure timely continuation of both schemes.

## **14. Background papers and author**

14.1 **There are no background papers to this report.**

14.2 For more information on this report please contact Genevieve Macklin, Strategic Housing on 020 8314 6649.