

Mayor and Cabinet			
Title	Engaging residents on estate developments		
Key decision	Yes	Item no	
Wards	All Wards		
Contributors	Executive Director for Customer Services, Executive Director for Resources and Regeneration, Head of Law		
Class	Part 1	10 October 2018	

1 Summary

- 1.1 This report sets out draft principles for a Residents' Charter, and proposals for how these can be informed and tested through consultation with Lewisham residents.
- 1.2 This report also sets out the GLA's requirements for estate regeneration ballots and how the Council will be adopting them.
- 1.3 An earlier version of this report was presented to Housing Select Committee on Tuesday 18th September 2018, and has been updated to reflect their comments.

2 Recommendations

It is recommended that Mayor and Cabinet:

- 2.1 agree 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 5 and 6 of this report;
- 2.2 note the proposed principles set out for the draft Residents' Charter in section 7 of this report;
- 2.3 agree the consultation approach for the Residents' Charter set out in section 9 of this report, which will be starting from Monday 5th November, and running for six weeks up until Sunday 16th December; and
- 2.4 note that once the consultation is completed the results will be presented back to Mayor and Cabinet so that a final version of the Residents' Charter can be adopted.

3 Policy Context

- 3.1 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.
- 3.2 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.
- 3.3 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
- 3.4 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

4 Background

- 4.1 The Council is proposing to introduce Residents' Ballots on any estate regeneration scheme that includes replacing existing homes. The Council will also create a Residents' Charter that guarantees all residents the right

to remain on their estate and guarantees an increase in genuinely affordable housing.

- 4.2 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.
- 4.3 The Council's commitment goes beyond the GLA guidance as it will apply regardless of the size of the development or whether or not funding is obtained from the GLA.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.

5 Resident Ballots in Estate Regeneration

- 5.1 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.

- 5.2 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.
- 5.3 501 new social homes were submitted for planning by March 2018, and are now being delivered across the borough.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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 Residents' 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.
- 5.8 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. A 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.
- 5.9 However officers recognise that 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.

6 The GLA's requirements for estate regeneration ballots

- 6.1 On July 18th 2018 the GLA confirmed that conducting a Resident Ballot will be a funding requirement for all new qualifying estate regeneration developments seeking GLA funding. 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.
- 6.2 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.
- 6.3 The guidelines include exemptions for schemes where:
- Demolition is needed for health and safety reasons which can't be reasonably addressed through other means
 - Demolition is needed to facilitate major infrastructure
 - Specialist or supported housing scheme is decommissioned by a local authority (on estates exclusively made up of this type of housing)
- 6.4 Ballots are also not required on schemes that had secured full or outline planning permission on or before 18 July 2018, and will not apply retrospectively to schemes that had secured contractually committed GLA funding on or before 18 July 2018.
- 6.5 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 funding condition 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).
- 6.6 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.
- 6.7 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.
- 6.8 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

- 6.9 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
- 6.10 Officers propose that the Council applies all of the GLA's requirements for estate regeneration ballots to its own Residents' Ballots, with the exception of the minimum criteria of 150 or more new units being built.
- 6.11 This means that any Council led scheme that involves the demolition of affordable or leasehold homes will require a ballot of all eligible residents to determine if it goes ahead regardless of how many new homes are built, subject to the exemptions set out in 6.3.
- 6.12 In Lewisham, 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 Draft Residents' Charter

- 7.1 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.** You will be given the opportunity to transfer the equity from your current home, into a new home.
 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.
- 7.2 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.

8 Comments from Housing Select Committee

- 8.1 An earlier version of this report was presented to Housing Select Committee on Tuesday 18th September 2018 for pre-scrutiny.
- 8.2 Housing Select Committee welcomed the report and noted its contents.
- 8.3 Comments were made about the lack of a commitment in the Residents' Charter for the private tenants of non-resident leaseholders and freeholders, who would be affected if their homes were redeveloped. These tenants are not eligible to vote in the criteria set out by the GLA, unless they have been on the local authority housing register for more than a year. An additional question asking what sort of commitment should be made to private tenants will be added to the consultation on the Residents' Charter, so that Lewisham Residents can help inform what sort of principle would be appropriate.
- 8.4 A comment was also made about the potential unclearness of the offer to resident leaseholders and freeholders. To address this more detail has been given in the commitment above, and a detailed explanation of how all of the principles that form a final version of the Residents' Charter will work in practice will be included in the final version of the Residents' Charter.

9 Consultation on the Residents' Charter

- 9.1 The Residents' Charter will be applicable to all residents who will be directly impacted by any Council led scheme that involves the demolition of affordable or leasehold homes to facilitate the building of new homes.
- 9.2 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 from Monday 5th November 2018 to Sunday 16th December 2018. 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.
- 9.3 The majority of the Council's development work will take place on land the Council owns, and therefore tenants in properties managed by Lewisham Homes, 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.
- 9.4 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. One event will be held in the North of the borough, one event in the South to increase the opportunities for all residents to contribute their views. Additional events may also be held depending on demand and response rate.
- 9.5 This approach will mean that all Lewisham residents, and everyone who may be potentially affected by any Council led scheme that involves the demolition of affordable or leasehold homes to facilitate the building of new homes 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.
- 9.6 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.
- 9.7 A small budget of £1,000 will be made available from within existing HRA resources to cover costs relating to holding consultation events. Current staffing costs will be also met from existing HRA resources.

10 Financial implications

- 10.1 Although current costs to develop the Resident's Charter can be met from existing resources, it should be noted that the future implementation and operation of Residents' Ballots may require additional staffing and support resources.

10.2 This will include preparation and printing of ballot papers, communications and independent advisors for residents and to oversee the ballot process etc. As noted above, it is expected that the required staffing resources to develop the Resident's Charter will be met from within existing HRA resources. However, future resource implications will need to be considered in detail and a requirement for additional resources will be assessed once the final terms of the Resident's Charter are known.

11 Legal Implications

11.1 The GLA 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 There is no current legal requirement for the Council to undertake ballots on regeneration schemes. Once finalised and formally adopted, this will therefore be a voluntary policy over and above the requirements of current legislation and the GLA Resident Ballot Requirement. Where residents vote No, the Council will be bound by that result and will need to develop alternative proposals for meeting housing need.

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 This report primarily deals with the consultation surrounding the draft principles for the Residents' Charter. The consultation will be conducted in line with the Council's Engagement Guidance and the Council's Corporate Equality Policy to ensure that it is conducted in a fair and accessible way.

13.2 As part of the consultation equalities information on protected characteristics will be gathered, so that as part of reporting the consultation results back to Mayor and Cabinet a full Equalities Analysis Assessment will be carried out to assess the equalities implications of implementing a Residents' Charter.

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 Osama Shoush, Housing Delivery Manager on 020 8314 7692.

Appendix A - GLA Resident Ballot Funding Condition - Summary