

Mayor and Cabinet			
Title	Adopting a Residents' Charter for Estate Regeneration		
Key decision	Yes	Item no	
Wards	All Wards		
Contributors	Executive Director for Housing, Regeneration and Environment, Director of Law		
Class	Part 1	15 January 2020	

1 Summary

- 1.1 This report sets out the responses received during the consultation conducted on draft Residents' Charter principles which ran for 11 weeks from the Monday 5th November 2018 through till Sunday 20th January 2019.
- 1.2 Based on the consultation responses received it proposes the final principles that will form a Residents' Charter for all residents in Lewisham whose homes will form part of Council led estate regeneration schemes.

2 Recommendations

It is recommended that Mayor and Cabinet:

- 2.1 note the responses received from the Residents' Charter consultation in section 5 of this report;
- 2.2 agree that the final principles set out in section 7 of this report should be adopted as the Residents' Charter for all residents in Lewisham whose homes will form part of Council led estate regeneration schemes; and
- 2.3 agree that a final Residents' Charter document should be created that includes the agreed principles alongside explanatory text, and delegates authority to the Director of Regeneration and Place to work in conjunction with the Director of Strategy & Communications to approve the final version.

3 Policy Context

- 3.1 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
- 3.2 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
- 3.3 This report also contributes to the specific objective in the Corporate Strategy 2018-2022:
- We will introduce a Residents’ Charter that guarantees all residents impacted by a regeneration scheme the right to remain on their estate, and guarantees an increase in genuinely affordable housing.
- 3.4 On 5th March 2019, Strategic Planning Committee defined social rent as homes with lifetime tenancies with rents set “between target rents and London Affordable Rent levels”.

4 Background

- 4.1 On 10th October 2018 Lewisham’s Mayor and Cabinet adopted the policy of holding Residents’ Ballots on any estate regeneration scheme that includes replacing existing homes.
- 4.2 This commitment goes beyond the GLA’s policy that requires a ballot as a condition for funding any estate regeneration project that involves the demolition of existing homes to build 150 or more new homes.
- 4.3 Lewisham’s first resident ballot for estate regeneration was held on the Achilles Street Estate in New Cross in from October to November 2019. As part of the ballot a detailed offer was prepared for all residents on the estate. The residents voted “Yes” for the regeneration to go ahead, with 72.8% of those that voted, voting in favour, with a turnout of 92% of eligible residents.
- 4.4 The principles set out this report would apply to all residents who will be impacted by estate regeneration in Lewisham, but additionally on each individual scheme a more specific offer that builds on the general principles of the Residents’ Charter will be created, such as the offer that was made to residents on the Achilles Street Estate. The Residents’

Charter provides a set of guarantees for all residents, which the specific offers, developed with directly affected residents, will build upon.

4.5 In October 2018 Mayor and Cabinet also agreed the seven draft principles to make up a Residents' Charter that would guarantee the rights of any resident impacted by estate regeneration. These seven principles were put out to public consultation to see if they were supported by Lewisham residents, if any changes should be made to the draft principles and if any additional principles should be added.

4.6 The seven draft principles were:

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.

4.7 Following approval by Housing Select Committee on the 19th September 2018, and then Mayor and Cabinet on the 10th October 2018, the draft principles were put out to public consultation on the 5th November 2018.

5 Consultation on the draft Residents' Charter Principles

5.1 The consultation launched on the 5th November and was initially set to close on Sunday 16th December after 6 weeks, however to allow more time for responses to be received over the holiday period and ensure that sufficient public events could be held, the consultation was extended by a further 5 weeks to Sunday 20th January.

5.2 The consultation was hosted on the Council's online consultation hub Citizen Space, and was promoted to Lewisham Homes' Tenants and Residents Associations through their Resident Engagement Panel. Three public consultation events were also held:

- The first with the Young Advisors on Monday 3rd December 2018.
- The second event targeted residents in the South of the borough and was held at the TNG Youth Centre with Lewisham Homes on Saturday 8th December 2018.
- The final event targeted at residents in the North of the borough at the Barnes Wallis Community Centre on the Somerville Estate on Saturday 19th January 2019.

5.3 In total combining all of the responses received through Citizen Engage, TRAs, and completed at public events 227 responses were received.

5.4 The results for the introductory questions are as follows:

224 out 227 Respondents answered this question:

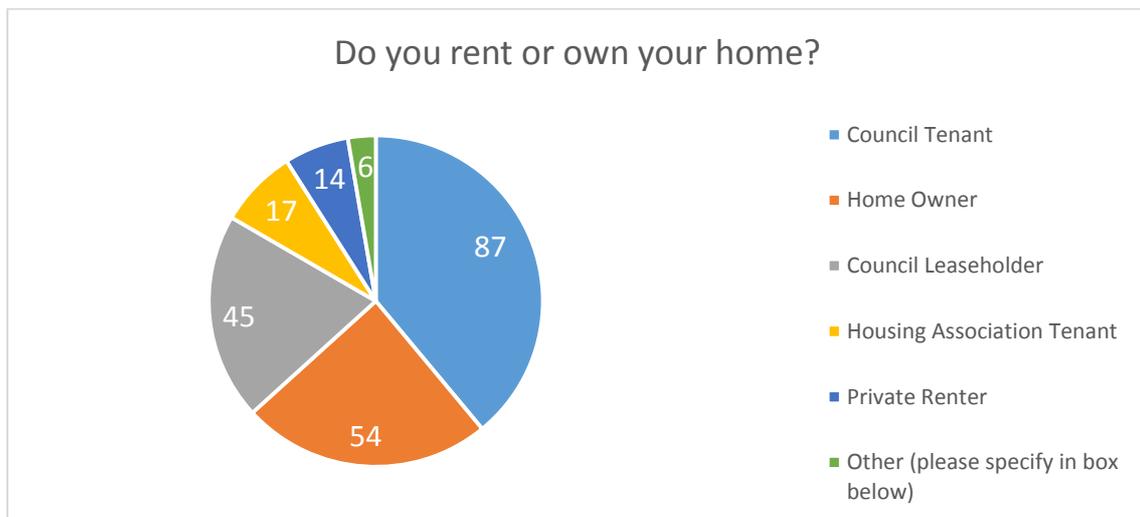
<i>Are you a Lewisham Resident?</i>	
Yes	219
No	5
Total	224

220 out 227 Respondents answered this question:

<i>Which ward in Lewisham do you live in?</i>	
Bellingham	5
Blackheath	7
Brockley	17
Catford South	3
Downham	2
Evelyn	65
Forest Hill	2
Grove Park	4
Ladywell	5
Lee Green	2

Lewisham Central	16
New Cross	45
Perry Vale	2
Rushey Green	1
Sydenham	20
Telegraph Hill	16
Whitefoot	3
Out of Borough	5
Total	220

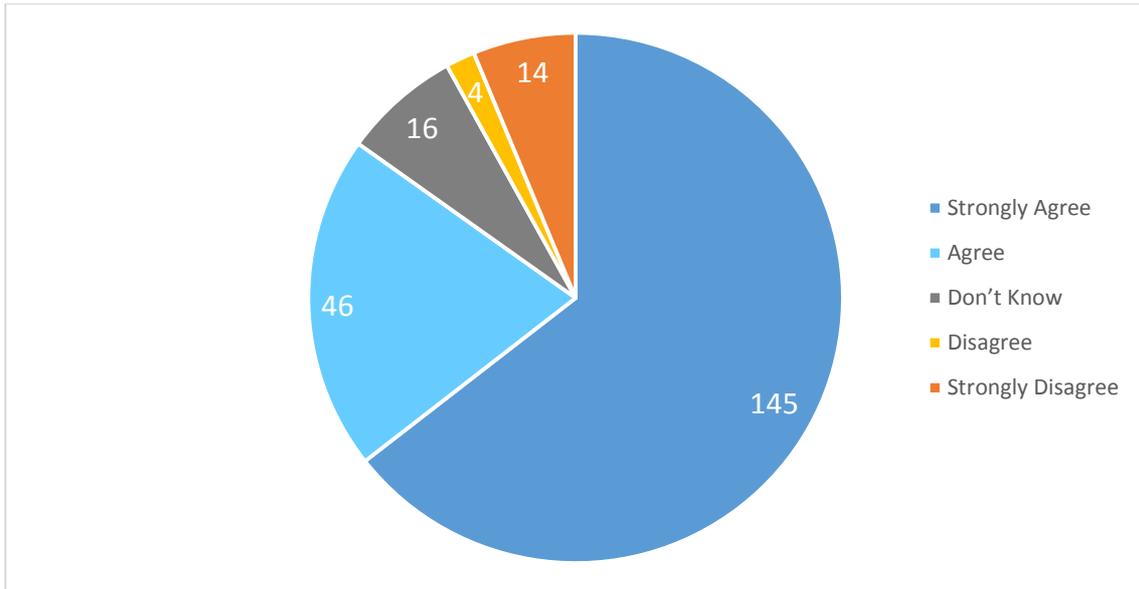
223 out 227 Respondents answered this question:



5.5 Following the introductory section each draft principle was presented in turn, where respondents were asked first if they agreed that the draft principle should form part of the final Residents’ Charter, and then if there were any changes they would like to see made to that principle.

5.6 For Draft Principle One, 225 out 227 respondents answered whether this principle should form part of the final Resident’s Charter:

Principle 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.



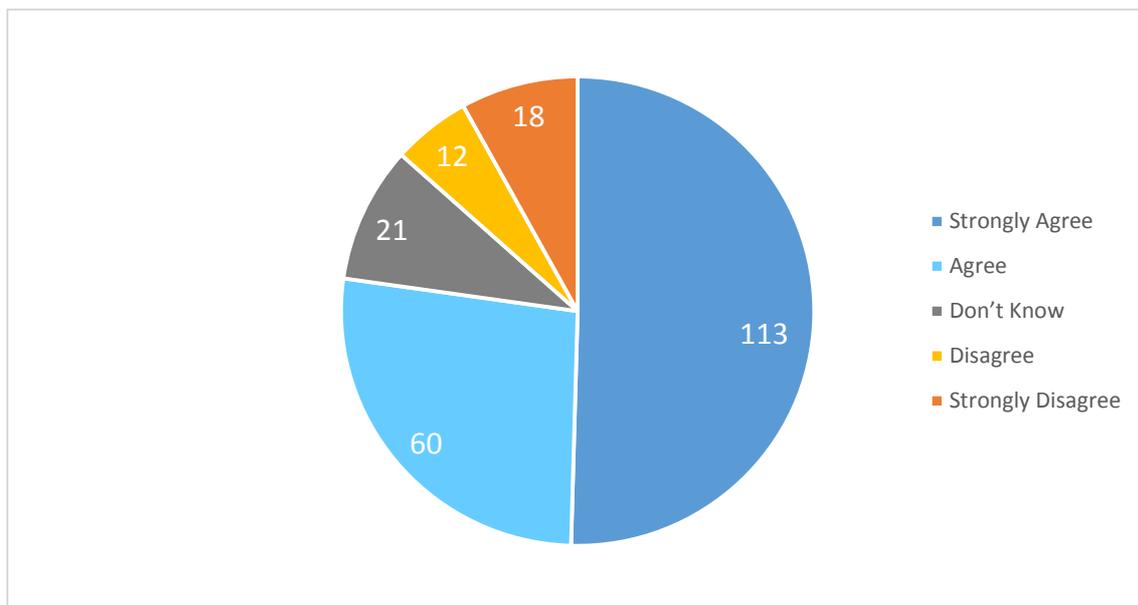
5.7 There were 78 responses that proposed changes to Principle One. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 1?</i>		
Theme	Number	Example Comment
More information on what will be included in the formal offer to residents	31	“Any offer should also include a tenancy or lease in any new build at no extra cost to residents. ie like for like”
More information needed about how a Residents’ Ballot will work	25	“Information available on how the ballot works - how many people need to vote against something to prevent it happening, is the ballot legally binding etc”
Ongoing consultation and resident input	11	“Residents should be not just consulted but leading decisions on their homes right from the start. Regeneration plans should be drawn up by residents working with architects who report directly to them, not to council officers or private developers”

Alternative Options should be presented	5	“Ballots should only be held when there are a range of different options, accompanied by detailed plans, for people to consider”
Treatment of tenants and leaseholders	4	“As a leaseholder in a council building would I get a say too?”
Other	17	“Give people a better house.”

5.8 For Draft Principle Two, 224 out 227 respondents answered whether this principle should form part of the final Resident’s Charter:

Principle 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.



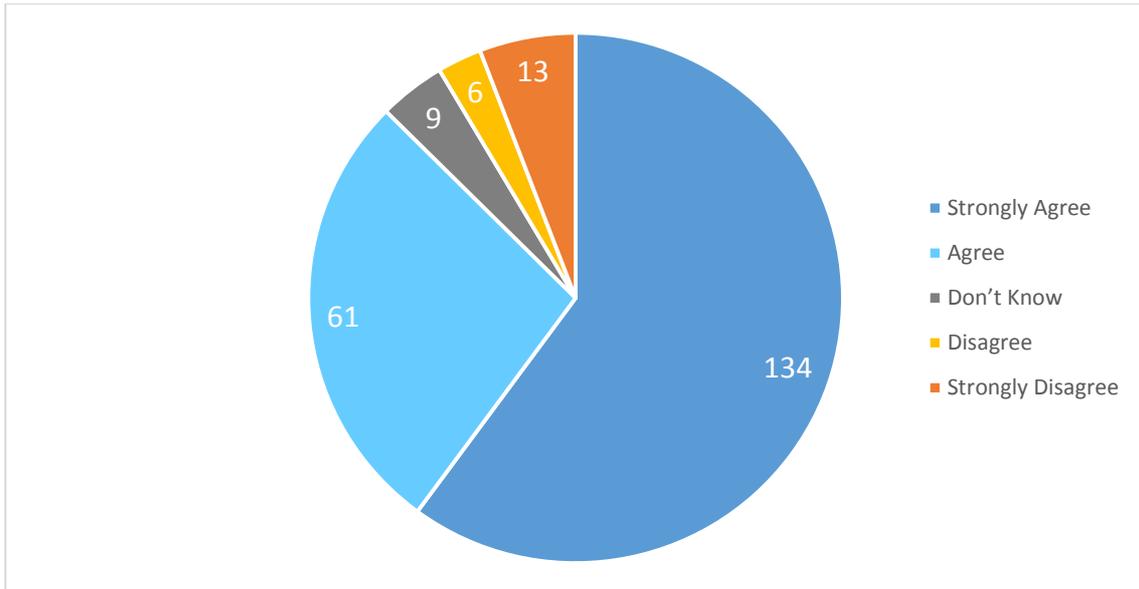
5.9 There were 84 responses that proposed changes to Principle Two. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 2?</i>		
Theme	Number	Example Comment
More information on how Social Rents are calculated	16	“Maybe think about adding extra information in relation to how it is affordable (e.g. the rent set will be... and how

		much the rent will be charged at).”
More on information on how Lewisham Council defines genuinely affordable homes	14	“What is affordable? There should be a chart based on circumstance not just wage.”
Supportive of new homes	10	“This is VERY important. Those in existing accommodation need to be less selfish regarding redevelopment as it can allow those who are not currently housed to have a chance.”
Creating mixed communities	9	“Affordable rental properties is great, but a genuine social MIX, reflective of London more broadly and not just the present incumbent residents is most important. No social ghettos.”
Principle needs to guarantee increase in social homes	7	“It should say 'We guarantee to increase the number of homes available for social rent.'”
Consideration of the environment	5	“Increased social housing must be part of the package, but not at the expense of adequate space and environmental standards.”
Other	16	“Housing for over crowding tenants”

5.10 For Draft Principle Three, 223 out 227 respondents answered whether this principle should form part of the final Resident’s Charter:

Principle 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.



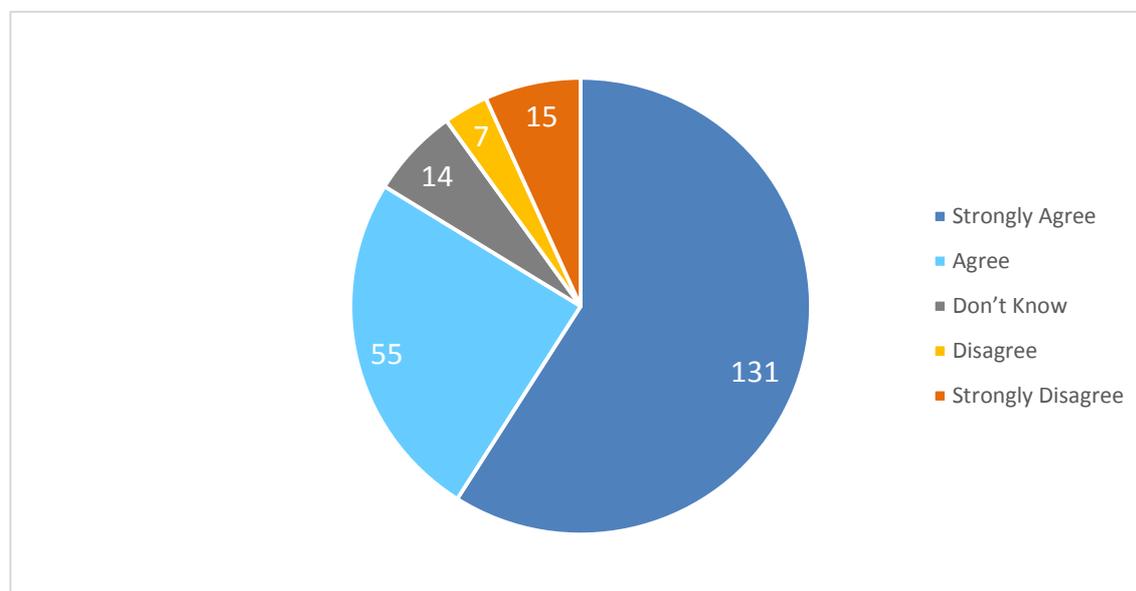
5.11 There were 63 responses that proposed changes to Principle Three. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 3?</i>		
Theme	Number	Example Comment
Frequency of communication	21	“Perhaps a one monthly rather than three monthly as a base target for communications updating on developments. Meaningful consultation is difficult without frequent reference to the target audience.”
Importance of regular communication	15	“It is very important as resident to be part of the communication process. this will enable all resident to bring ideas that will benefit the future of any construction process. it is also for the voice of residents to be heard.”
Provide multiple methods for engaging with residents	15	“This information MUST be made available online as well in a library

		so that residents can review all communication from any time, whenever they need to. This is absolutely necessary.”
Scrutiny and transparency of communications	12	“Transparency of all details involving and relating to developers, housing associations and other stakeholders involved in the estate regeneration should be communicated and independently scrutinised.”
Other	3	“I’m not sure”

5.12 For Draft Principle Four, 222 out of 227 respondents answered whether this principle should form part of the final Resident’s Charter:

Principle 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.

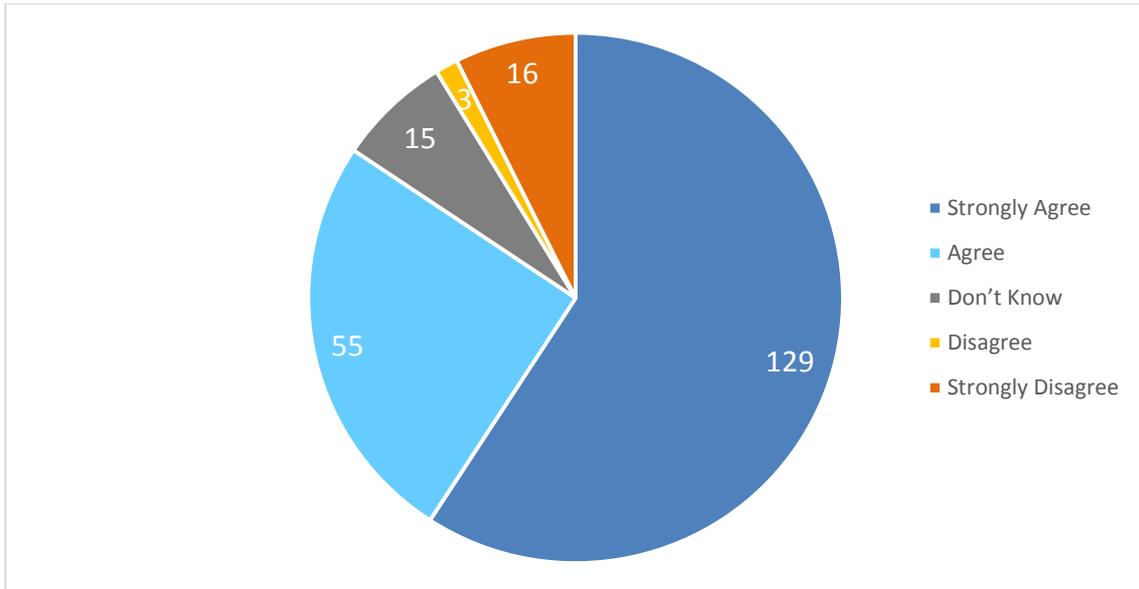


5.13 There were 57 responses that proposed changes to Principle Four. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 4?</i>		
<i>Theme</i>	<i>Number</i>	<i>Example Comment</i>
Need to ensure that Residents' Steering Groups are inclusive and representative	11	"Very important to get a diverse view from a range of residents"
Need for clarity on what powers resident steering groups will have	8	"Will residents have the opportunity to reject regeneration proposals?"
Independent support should be available for steering groups if required	7	"The group will need to be supported adequately, perhaps with external support"
Steering groups should only be for estate residents	4	"Why it's only estate residents will be provided with information?"
Other	30	"Yes, but again residents should not be decision makers they do not see the bigger picture and their motivations are often selfish."

5.14 For Draft Principle Five, 218 out 227 respondents answered whether this principle should form part of the final Resident's Charter:

Principle 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.

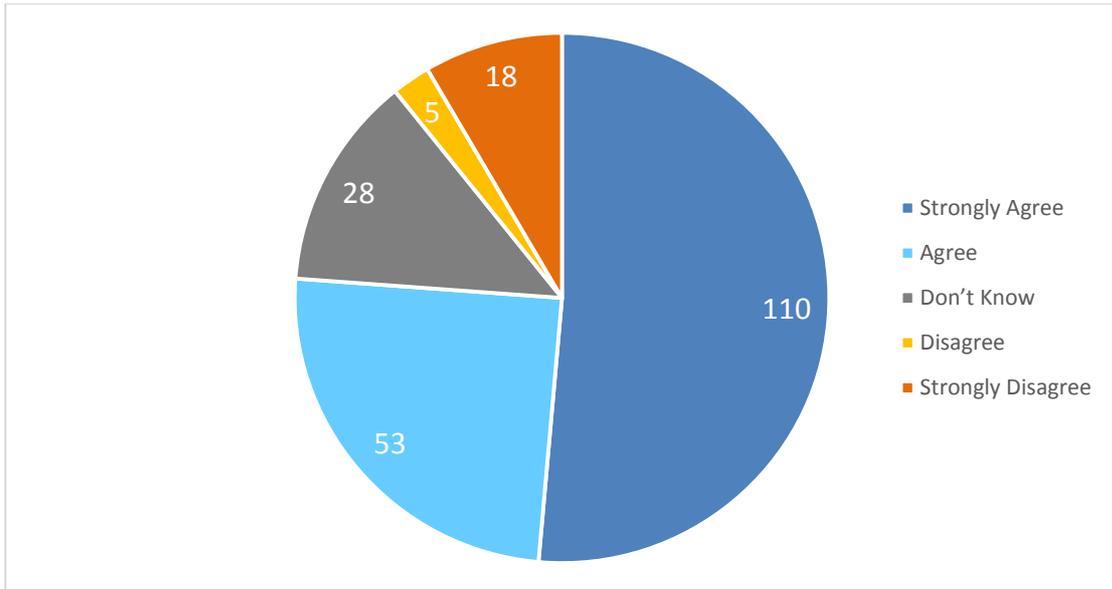


5.15 There were 60 responses that proposed changes to Principle Five. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 5?</i>		
Theme	Number	Example Comment
Social rent needs to be clearly defined	15	"Please define social rent level"
No resident should have to downsize	11	"No one should be forced into smaller housing"
Desire for this commitment to be legally binding	5	"unless guarantees are legally binding, this has no use for residents."
New homes for social tenants to be provided on the same estate	5	"Want to make sure residents can return to the same estate."
Other	28	"This sounds fair."

5.16 For Draft Principle Six, 214 out 227 respondents answered whether this principle should form part of the final Resident's Charter:

Principle 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.

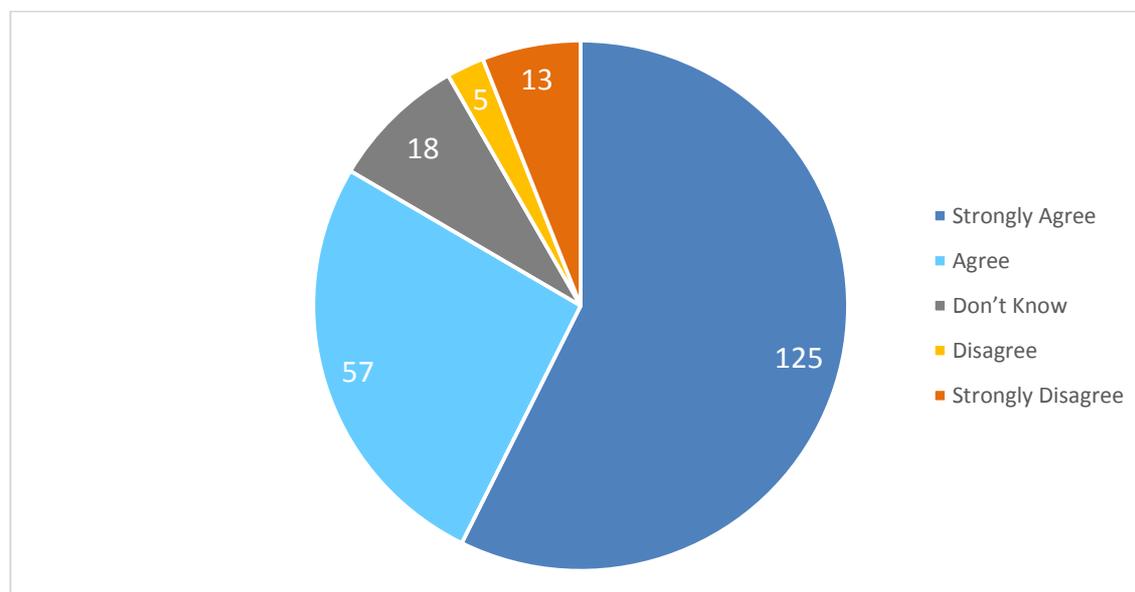


5.17 There were 70 responses that proposed changes to Principle Six. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 6?</i>		
Theme	Number	Example Comment
More detail needed on how this principle works	30	"I don't know what this means from the wording given? It is very broad and unlikely to be reassuring."
This should guarantee no increase in costs for leaseholders	10	"We should not have to pay any more than our current mortgage level. We should be protected like the social rent tenants."
New properties should be like for like	9	"Only if the home matches the current home"
More information on how homes will be valued	7	"Id like to see something about the value of my house in there"
More protection for non-resident leaseholders	3	"ALSO Non resident leaseholders' Any owner."
Other	25	"No changes good support"

5.18 For Draft Principle Seven, 218 out of 227 respondents answered whether this principle should form part of the final Resident's Charter:

Principle 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.



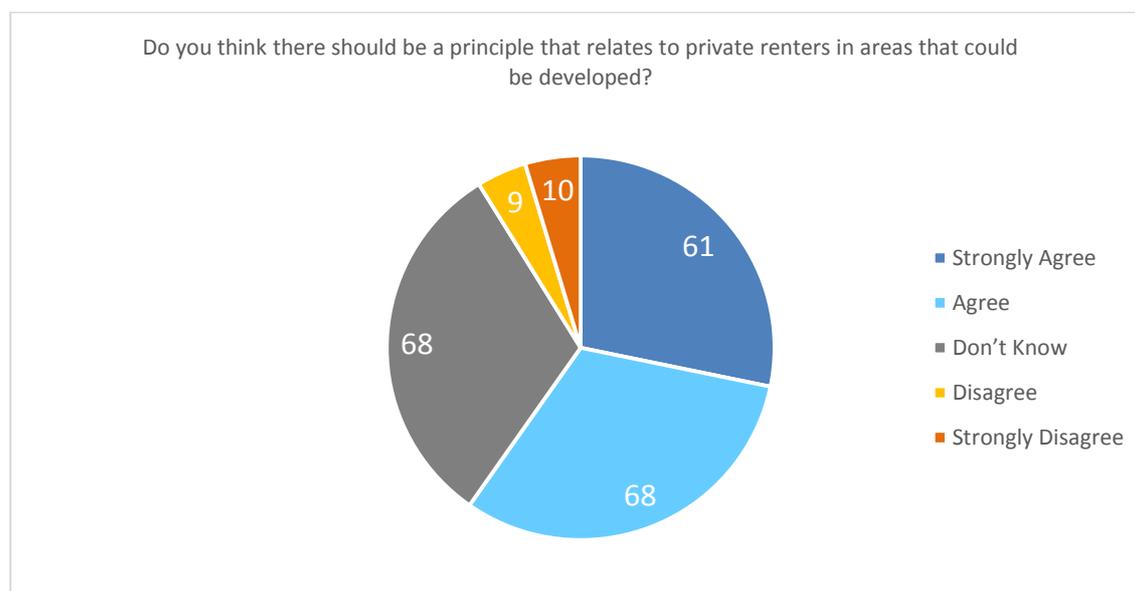
5.19 There were 63 responses that proposed changes to Principle Seven. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any changes you would make to the wording of Principle 7?</i>		
Theme	Number	Example Comment
Careful consideration needed when new shops space are created	11	"there should be serious consideration given to the proposed provision of shopping amenities"
More detail on how this will work	10	"This principle should be more transparent, what spaces?"
Principle should be stronger	8	"Not were ever you can but it's have to be a priority"
Importance of green spaces	7	"Green spaces, parks and playgroups are a must!"
Preserving existing communities important	6	"We will actively allocate resources to support neighbourhoods and will

		always strive to create and strengthen thriving communities that are inclusive and sustainable for existing and new residents”
Provide new community spaces	4	“bring back opportunities to form Tenant/Resident Associations and local places for TRAs to meet”
Promote jobs and opportunities for residents	4	“supporting new jobs and opportunities (the reason for word change is to include the arts and volunteering)”
Other	16	“You have name it all, no changes”

5.20 For Draft Principle Seven, 218 out 227 respondents answered whether this principle should form part of the final Resident’s Charter:

5.21 There was then a question asking whether an additional principle should be introduced to provide a guarantee for any private tenants of non-resident leaseholders, whose homes would be affected by estate regeneration. 216 out 227 respondents answered:



5.22 The final question asked if there were any additional principles that should be included in the Residents’ Charter. There were 84 responses that suggested additional principles. These responses have been summarised into the following key themes, with some comments falling in to multiple categories:

<i>Are there any additional principles you would like to be included in a Residents' Charter?</i>		
Theme	Number	Example Comment
Additional principles relating to engagement	18	"Continue to build respectful, long-term relationships with communities and actively encourage our workforce to listen to local concerns and be considerate and accountable for their actions at all times."
Additional principles relating to private renters	12	"Perhaps for a tenant who has been renting for over 5 years, but shorter term tenants need not be considered to keep the process simple."
Additional principles relating to affordability	11	"All new development will include the highest possible proportion of traditional council housing at council rents, with reduced emphasis on RSLs and so-called "affordable" housing."
Questions on the rules of the resident ballot	10	"No demolitions without consent of an 80% super-majority of residents."
Additional principles relating to design	9	" the local area should also be made just as appealing to the eye as the new blocks"
Additional principles relating to refurbishment	8	"Estate repairs and improvements prioritised over demolition and rebuilding."
Additional principles relating to environmental principles	6	" Protect green spaces and minimise the pollution from building projects"
More information needed	5	"Times and durations of proposed regeneration programme."

Other	21	“Maybe that it should be reviewed in 5 years time, to consider changes that will take place over that period. It may have to be adapted or changed or added to after this period of time.”
-------	----	--

6 Analysis of Responses

- 6.1 The first main point is that all of the seven draft principles received very strong support through the consultation. All seven principles were strongly agreed with by over 50% of respondents, and if both the “Strongly Agree” and “Agree” answers are combined then every principle was supported by between 76%-87% of respondents.
- 6.2 On that basis all seven of the draft principles will form part of the final Residents’ Charter.
- 6.3 There are a range of individual amendments that will be made to each of the seven principles to make the intention clearer based on the comments received.
- 6.4 Principle 1 will be adopted with only minor wording changes for clarity. The majority of comments were asking for more detail on how Resident Ballots for Estate Regeneration work, and this will be addressed through additional explanatory text.
- 6.5 Principle 2 will be changed to say that we guarantee to build “an increased number of homes for social rent” instead of “more homes for social rent” as this reflects comments that were concerned there would be no overall increase in the amount of social housing created.
- 6.6 Principle 3 will be changed to reflect the importance of using multiple methods of communication, and our desire to keep residents up to date with all development
- 6.7 Principle 4 will be will be adopted with only minor wording changes for clarity. As with Principle 1 the majority of comments were asking for more information on how steering groups would operate in practice, and what rules were in place to regulate their membership and powers. This will be addressed through additional explanatory text.
- 6.8 Principle 5 will be changed to make it explicit that council tenants will be offered new homes for social rent on the same estate. The additional explanatory text will also clearly define social rent.

- 6.9 Principle 6 will be changed to widen the scope for an offer of housing to resident leaseholders/freeholders. The majority of comments on this principle were seeking more detail on how this principle will work in practice taking into account that each homeowner will have individual circumstances. It is not possible to give detailed information as part of the Resident Charter given the varied circumstances of each homeowner and each estate regeneration, but this information will be contained within the formal offer that will be sent to all resident leaseholders/freeholders in advance of a ballot. The amended principle is that resident leaseholders/freeholders will be guaranteed an offer of housing on the rebuilt estate. The additional explanatory text will define those who will be considered as resident leaseholders/freeholders.
- 6.10 Principle 7 will be changed to also include the promotion of volunteering opportunities and to reflect our desire to create and improve high quality green spaces.
- 6.11 The question asking whether the charter should include a principle in support of private tenants received more mixed answers, with both “Don’t Know” and “Agree” tying for the most selected response with 31% of responses.
- 6.12 However when both “Strongly Agree” and “Agree” are combined 60% of respondents supported a principle being included in the charter. This was backed up by the majority of the 12 comments that suggested text for this principle.
- 6.13 There are a vast range of different circumstances for people living in the private rented sector, and private tenants on Lewisham estates will range from students on short term time lets through to families that have been living in a property for years and who have an established support network and links to the local area. How these different tenants may be affected by estate regeneration will then vary in line with their individual circumstances. This makes setting a principle that will apply to all private tenants, across all future Council led estate regeneration schemes, difficult, as the principle needs to respond to each individual.
- 6.14 On that basis the following principle will be added to the Residents’ Charter as Principle 8:
- All private tenants whose homes are affected will be assisted on a one-to-one basis to help secure an alternative home. This will include assessing households for eligibility for an offer of Council accommodation.
- 6.15 Another key theme of the responses was a request for more detail on how all of the principles would affect different individuals. It is clear that explanations of how these principles will work, written in plain English are required.

- 6.16 Subject to the final principles being adopted by Mayor and Cabinet, each principle will be accompanied by explanatory text that explains how the principles will work in a clear, concise and easy to understand way.
- 6.17 A significant proportion of comments across all of the principles related to the rules of Residents Ballots for Estate Regeneration. These are set out in GLA guidance, and were adopted by Lewisham's Mayor and Cabinet on the 10th October 2018. However it is clear that these rules need to be clearly stated and the final text of the Residents' Charter needs to include information on how Resident Ballots will work.
- 6.18 Based on the suggestions received, and the Climate Emergency declared by Lewisham Council on Wednesday 27th February 2019, two additional principle will be added to the final Residents' Charter that sets out the Council's commitment to limiting pollution and any disruption caused by demolition and constructions works, and to build sustainable homes:
- We will work with all contractors on estate regeneration projects to minimise the pollution and disruption caused by demolition and construction works.
 - In line with our commitment to tackling the climate emergency and to be a carbon neutral borough by 2030, we will ensure that all new homes are energy efficient and as environmentally sustainable as possible.

7 Final principles of the Residents' Charter for Estate Regeneration

- 7.1 The final ten principles of the Residents' Charter for Estate Regeneration are:
1. Before any estate regeneration takes place, we will hold a Residents' Ballot to give you a say in the future of your estate. To help you make an informed decision, we will make you a formal, written offer. You can then choose to accept or reject the offer in the ballot.
 2. We guarantee to build an increased number of homes for social rent. Any proposals for estate regeneration will be driven by our priority to increase genuinely affordable homes.
 3. We will communicate regularly with you, using a range of channels. We will write to all affected residents every three months in the run up to a Residents' Ballot. Throughout the design, planning and construction processes, we will be transparent and ensure that information is accessible to everyone.
 4. You will be able to shape the proposals and we will encourage all estate residents to take part in the design process and work with us to establish a steering group. This group will work alongside us to help inform decisions throughout the design, planning and construction phases.

5. If you are a Council tenant who wishes to stay on the estate, we will guarantee you an offer of a new home at a social rent level on the rebuilt estate. You will have the same tenancy conditions that you have today. A Housing Needs Assessment will ensure that you have a home which matches your needs.
 6. If you are an existing resident leaseholder or freeholder on the estate, we will guarantee you an offer of a new home on the rebuilt estate.
 7. We want to establish and strengthen thriving communities that are inclusive and sustainable for existing and new residents. As part of this approach, we will aim to create new jobs and opportunities, local amenities, and high-quality open and green spaces.
 8. All private tenants whose homes are affected will be assisted on a one-to-one basis to help secure an alternative home. This will include assessing households for eligibility for an offer of Council accommodation.
 9. We will work with all contractors on estate regeneration projects to minimise the pollution and disruption caused by demolition and construction works.
 10. In line with our commitment to tackling the climate emergency and to be a carbon neutral borough by 2030, we will ensure that all new homes are energy efficient and as environmentally sustainable as possible.
- 7.2 Additional explanatory text will be prepared to accompany all of the ten principles set out above, and will be published as part of the Residents' Charter.

8 Financial implications

- 8.1 This report recommends that the mayor and cabinet notes the responses received from the consultation on the contents of residents charter, agrees the principles to be adopted and that a final Residents' Charter document is created that includes the agreed principles alongside extended explanatory text, with delegated authority to the Director of Regeneration to work in conjunction with the Director of Strategy & Communications to approve the final version.
- 8.2 Although current costs to develop the Resident's Charter have been met from existing resources, it should be noted that the future implementation and operation of Residents' Ballots may require additional staffing and support resources.
- 8.3 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 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 and ballots progress.

- 8.4 Adopting the Resident Charter as currently proposed will invariably commit the authority to potential financial liability and risks relating to the re-provision of housing for tenants and non-tenants on estates. These financial liabilities and risks will need to be considered individually as each regeneration project proceeds and scheme specific offers are made.
- 8.5 Some of these risks can be mitigated via the scheme specific final offer put to non-tenants, such as through the offer of shared ownership/Equity. This will be set-out in more detail in the formal offer which will accompany each individual scheme.
- 8.6 The financial implications of any potential estate regeneration scheme will need to include any offers made to residents as part of the resident charter process and included in the financial viability analysis for these schemes. These will be reported on individually as and when they are sufficiently developed and brought forward for approval by Mayor and Cabinet

9 Legal Implications

- 9.1 The Council has power under the Housing Act 1985 to acquire land for the provision of housing accommodation. 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.
- 9.2 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.
- 9.3 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.
- 9.4 There is a more limited statutory re-housing liability for leaseholders/freeholders 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 line with the Council's previous regeneration schemes, the

Residents Charter goes beyond this and guarantees all leaseholders/freeholders an offer of a new home on the rebuilt estate. This will be subject to eligibility and a detailed assessment of individual circumstances including financial circumstances. Other considerations are set out in the financial implications and these will all need to be considered individually on each estate regeneration project.

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Members must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

9.10 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

10 Crime and Disorder Implications

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

11 Equalities Implications

11.1 The Equalities Implications of this report are addressed in the Residents’ Charter Equality Analysis Assessment which is attached as Appendix A.

12 Environmental Implications

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

13 Background documents and originator

13.1 If you would like any further information on this report please contact Director of Regeneration and Place on 020 8314 9021.

Appendix A – Residents’ Charter Equality Analysis Assessment