

OVERVIEW & SCRUTINY BOARD SUPPLEMENTARY AGENDA

5 February 2018

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

- 4 CALL-IN OF A CABINET DECISION RELATING TO THE APPROVAL OF THE REGENERATION LOCAL LETTINGS PLAN & DECANT POLICY AND POSSESSION PROCEDURE (Pages 1 - 12)**

- 5 BACKGROUND TO DOWNSIZING SCHEME IN ALLOCATION POLICY/LOCAL LETTINGS PLAN (Pages 13 - 44)**

**Andrew Beesley
Head of Democratic Services**

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Overview Scrutiny Board 5 February 2018

Subject Heading:

Call-in of a Cabinet Decision relating to the approval of the Regeneration Local Lettings Policy.

SLT Lead:

Background to the Downsizing scheme in the Allocation Policy/Local Lettings Plan.

Steve Moore – Director of Neighbourhoods.

Report Author and contact details:

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Policy context:

Housing and Regeneration Programme, Local Lettings Plan and Decant Policy and Possession Procedure.

Financial summary:

The Local Lettings Plan and the Decant and Possession Procedure set out the offer and process that will enable the Council to gain vacant possession of Council tenanted properties involved in the 12 Sites regeneration programme. Approximately £6.9m has been set aside in the Housing Revenue Account to meet the costs of re-housing displaced tenants.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

SUMMARY

This report provides background information to the down-sizing scheme in the Local Letting Plan and the Allocation Policy relevant to the Call-in of the Cabinet decision. The information is provided to Overview & Scrutiny by way of information to inform the debate regarding the provisions contained within the various policies and the reasons for the call-in.

REPORT DETAIL

The report called-in from Cabinet on the 17th January 2018 asked Cabinet to agree a Local Lettings Plan and Decant and Possession Policy to support the 12 Sites regeneration programme, also reported to Cabinet on the same agenda. The background to those reports are contained in the January Cabinet papers and not repeated in this report.

The information in this report is specific to the call-in and provides the Board with the information relevant to the policies relied upon. Essentially the information is the supply and demand information that informs the Allocation Policy plus specific information from the tenants affected on the 12 Sites.

The Call-in states the following issues that need to be reviewed:

- 1) The aim of the Council should be to mitigate the impact on all residents who will be forced to move from their existing property to enable the essential regeneration to take place;
- 2) Council Tenants who hold secure tenancies will be amongst those most severely impacted during the regeneration period;
- 3) The Cabinet should reconsider the Plan as drafted and in particular revise part(para) 4.25 (as amended) of the plan because if implemented as proposed it will impact adversely on some secure tenants who are currently under occupiers and will penalise them at a time when they have endured a forced move.

One of the over-arching principles of the regeneration project has been the need to provide the utmost support to tenants and leaseholders directly affected; residents who are being forced to move because they currently live on the 12 sites. The level of resident consultation and engagement is one manifestation of this commitment. Whilst the strategic requirements and aims of the regeneration are clearly stated and understood, officers involved in the project have consistently identified that those needing to move home because of this are the most severely impacted and therefore need to be kept fully updated and their views sought and used to inform the processes.

The consultation process for the 12 sites has been regularly updated to Cabinet and the process specific to the 12 week consultation on the Local Lettings Plan

was reported to Cabinet in January. The Local Lettings Plan was originally presented to residents as part of the site specific meetings and feedback was taken from those events and used to inform the policy documents themselves. For example, the Local Lettings Plan documents were the subject of a Waterloo resident meeting in Winter 2016, and officers discussed the contents and ensured feedback was used to inform the final version. This was then uploaded onto the regeneration website in November 2016 and has been used ever since as the reference document for the rehousing of residents on the 12 Sites. The formal 12 week consultation period was therefore the end of the ongoing process.

The legislative and policy background to the way Havering allocates social housing is detailed within the Allocation Policy. The following wording is taken directly from that document and is useful background information to this Call-in:

1. INTRODUCTION

Havering is an area with a very high demand for social and affordable housing, and unfortunately a limited supply of homes to rent from the Council or Housing Associations, (also known as Registered Providers and Registered Social Landlords). The Council's policy has been designed to give real help to people in housing need. It also aims to reward those households who give something back to their communities through:

- *working, or*
- *fostering, or*
- *adopting, or*
- *having served in the British armed forces, or*
- *volunteering, or*
- *carer; or*
- *by choosing to release a large council property and move to a smaller one.*

Havering Council's Housing Allocations Scheme explains how we make decisions about who to let vacant properties to. It provides a framework for letting accommodation and assigning priority between those in need.

The Housing Allocations Scheme applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including homeless people. When we refer to 'applicant' in this document, it will refer to new applicants including homeless people and tenants wishing to transfer, (unless otherwise stated).

This Housing Allocations Scheme has been applied fairly to everyone who applies to join, or is already on the Housing Register, (sometimes known as the housing waiting list) and has been effective from July 2016.

1.1. Legal context

This Housing Allocations Scheme meets the requirements of the Housing Act 1996, (as amended by the Homelessness Act 2002), and the Localism Act 2011.

The Housing Act 1996, (as amended), requires local authorities to give 'Reasonable Preference' in their allocation policies. This means that we have to give priority for housing to people with high levels of assessed housing need. This could include:

- o *Homeless people,*
- o *People who need to move on welfare or medical grounds where their situation is being made worse by their current housing,*

- o People living in unsanitary, unsatisfactory or overcrowded housing, and
- o People who would face hardship unless they move to another area.

The Act also requires local authorities to state within their policy what their position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 9.

This Housing Allocation Scheme complies with the requirements of:

- *Housing Act 1996 (as amended)*
- *Government's Code of Guidance*
- *Localism Act 2011*
- *Equality Act 2010*
- *Havering Housing Strategy*
- *London Housing Strategy*

1.2 Aims of the Housing Allocations Scheme

It is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives. The Council is also committed to preventing homelessness and the Allocation Scheme focuses on supporting residents to actively pursue suitable alternatives to avoid becoming homeless.

The key objectives of this Housing Allocations Scheme are to:

- *Provide a fair and transparent system by which people are prioritised for social housing.*
- *Help those most in housing need.*
- *Recognise residents who make a contribution to a local community.*
- *Make the best use of Havering's social housing including those of our partner Registered Social Landlords*

In addition, the Housing Allocations Scheme has considered:

- *The Council's statutory obligations and discretion as to who is eligible for housing allocation.*
- *The Council's statutory obligation to provide 'reasonable preference' to certain categories of applicants set down by law, such as those who must be given a 'head start' under the Council's Allocations Scheme.*
- *The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with 'reasonable preference'.*
- *The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy.*
- *The Council's participation in other mobility schemes including the Greater London Authority's Pan-London mobility scheme.*

The Housing Allocations Scheme is supported by a housing options approach giving applicants realistic advice and promoting other housing options.

Legal Principles

In order to adopt an Allocations Policy that is compliant with the legislation and good practice, the Council need to ensure the Allocation Policy meets the identified needs in the Borough within the resources it has. Where it is unable to meet those needs it needs to be able to show how it mitigates any adverse impact on the protected groups in particular.

The Allocation Policy is the process by which the Council ensures properties are allocated to those in most need and that the property best meets the needs.

The specific reasons for the LLP were included within the January Cabinet report and are therefore not repeated here. With regard to the issue raised in the call-in, the LLP merely applies the same rules as set out in the primary Allocation Policy

Supply and demand in the Borough

Unfortunately, there is a supply and demand gap in the borough where we have more families needing housing than we have properties for.

The table below identifies the level of demand and supply for the different property sizes in relation to the stock available and the type of property needed for those on the housing register and those impacted by the regeneration programme:

	Bedroom Requirement				
	1	2	3	4	5
Council Stock Supply	107	113	64	5	0
Regeneration Demand	166	84	70	20	1
Housing Register Demand	475	858	528	87	15
Net Supply of available properties	-534	-829	-534	-102	-16

The deficit supply of Council stock available to house residents permanently results in the use of temporary accommodation or people living in unsuitable permanent housing.

Any expenditure associated with homelessness is a General Fund pressure on the Council. The pressure this year is approximately £1.5m and expected to increase as a result of increased homelessness and homelessness duties due to come into force in April 2018 with the Homelessness Reduction Act 2017.

The table below is a snapshot showing the current number of households in temporary accommodation.

	Non-Secure Tenants	Hostel	PSL	Grand Total
LSA Licence 205			155	155
Managed General Needs 209			65	65
Non Secure Tenancy	139		802	941
Private Sector Leasing (APU) 203			1	1
Temp Accommodation		76		76
Grand Total	139	76	1023	1238
Average Weekly Rent charged to residents for 2 bedroom properties	£145	£117	£185*	

* Council may pay extra charge to Landlord

The Allocation Policy was reported to Cabinet in June 2016 and followed a period of formal consultation as required by the Housing Act 1985.

The Downsizing Scheme proposed by the policy and reviewed in the Housing Board Report May 2017 seeks to release under occupied properties to enable the Council to transfer/rehouse tenants, who are in need of larger properties.

As demonstrated in the table below, Council housing in the greatest demand by far is 2 bedroom properties.

<u>Waiting List data</u>		<u>Bedroom Requirement</u>					
Totals		0	1	2	3	4	5
Number of Households on the waiting list	2305	0.1%	27.8%	40.9%	25.9%	4.6%	0.7%
Number of Households on the waiting list (minus regeneration tenants)	1964	2	474	858	528	87	15
Overcrowded	715		76	306	292	34	7
Downsizers	180	1	96	73	10	0	0
Homeless	722		84	416	179	36	7
Other	347	1	218	63	47	17	1

*286 Homeless Duty, but do not meet residency criteria but adds to the demand pressure

Housing Advice and Homelessness

The Housing Advice team is the first point of contact for all residents who are seeking advice with regards to their housing circumstance.

Since 2015 there has been a continued increase in residents approaching the Council for housing advice. With the implementation of the Homeless Reduction Act 2017, the increase is set to continue as more applicants approach the service to exercise their rights in line with the new legislation.

Research and trials have shown that the number of residents approaching the Council is likely to increase by up to 45%. This will place significant pressure on the Housing Demand Service.

Housing Advice Approaches	Bed size required								
Year	1	2	3	4	5	6	7	8	Grand Total
2015/16	1179	619	187	40	2	1			2028
2016/17	1067	507	227	93	20	7	2	1	1924
2017/18	760	469	217	54	21	6	4		1531
Grand Total	3006	1595	631	187	43	14	6	1	5483

Following this first point of contact, the Housing Advice team work with each applicant to find a solution to their housing need.

Based on the current out turn from 2016/17 (1611) the team will be assisting more applicants in 2017/2018 (estimated). It is estimated that approximately 1900 applicants will be provided with assistance in 2017/2018 to resolve their housing need.

	2016/17	2017/18 Q1	2017/18 Q2	2017/18 Q3	2017/18 Q4 est.	2017/18 Outturn
Number of residents at risk of homelessness	1611	485	569	371	475	1900

Where all Housing advice and Prevention work have failed, the cases are referred to the Homelessness team.

The information below details the cases where a homeless duty is owed and permanent accommodation has to be provided.

This naturally comes at a cost to the Council in the form of extra payments to landlords and also the cost of managing the spiralling cost of the PSL portfolio.

There is going to be an increase in the number of applicants owed a homeless duty in line with the Homeless Reduction Act 2017. At present the highest demand for accommodation are the 2 bedroom families, these are also the most expensive accommodation to source locally.

Owed Homeless duty	Bed size required							Grand Total
	1	2	3	4	5	6	7	
2015/16	72	222	63	12	2	1		372
2016/17	79	111	62	21	8	2	1	284
2017/18	63	105	55	13	8	1	1	246
Grand Total	214	438	180	46	18	4	2	902

The assessed housing needs of tenants on the 12 sites

The process for identifying the needs of each tenant on the 12 Sites has been reported to Cabinet several times, the last being in the January 2018 Cabinet on the selection of the JVLLP preferred bidder. It is therefore not repeated here in detail other than where it is needed in response to the Call-in.

Item 1 and 2 of the call-in relates to the stressful situation of the regeneration process. The meetings with residents to understand their **housing needs** are captured in their rehousing assessment form.

It is this form that officers then use to help identify suitable properties. This form is also used to record any additional information or issues that the residents and their families want us to take account of when finding alternative homes.

We ask that all information is provided to us and that any changes in tenant's situations or needs are notified to us. We also ensure that the information is checked at the point of a property being identified so that we can be certain that the property meets the identified needs, including any special requirements notified to us.

Using the rehousing assessment form has enabled officers to achieve the high level of first time matches for tenants on the estates and the overall satisfaction levels with the entire process.

The rehousing assessment of the tenants affected by the regeneration programme demonstrated that 22% of tenants were currently living in a property that exceeded their housing need. Conversely 15% of households on the regeneration site were overcrowded.

		General Needs	Sheltered
Total Households affected by Regeneration		454	255
Living in a property that	Meets housing need	288 (63%)	255
	Overcrowded	66 (15%)	0
	Under-occupied	100 (22%)	0

As shown in the table below, there are currently 56 tenants living in a two bedroom property who have had their housing need assessed as needing a one bedroom property.

To date, 11 have successfully downsized and there are further 4 offers in the pipeline.

Total No. of Regeneration Under Occupiers	100		
Downsizers from 2 to 1	56	Completed moves from 2 to 1	11
Other downsizers	44	Accepted move to a property that meets housing need	28
		Wanting to move to property one more bedroom above housing need	16

The regeneration rehousing process allows vacant bedrooms gained by overcrowded households who are currently on the waiting list once the new properties are built. It will also ensure that properties are allocated according to housing need thus making use of all bedrooms appropriately.

The table below demonstrates the number of overcrowded households identified during the regeneration rehousing process. These households have and will continue to be rehoused according to their assessed need.

Total No. of Regeneration Overcrowded Households	65		
1 to 2 bed overcrowded households moved	11		
Other overcrowded households	21	Left to move	33

Measures Taken to mitigate impact to downsizing tenants

1. Downsizing Financial Incentive - £1000 for the first bedroom forgone; £500 for each room forgone thereafter
2. Offer to purchase storage facilities such as sheds
3. Flexibility on location, including out of borough
4. Solution found such as offering larger 1 bed properties and properties with a garden.

The Allocation Policy permits transferring tenants to retain one additional bedroom about assessed housing need provided that at least one bedroom is returned to the Council in addition to the financial incentives which apply to all bedrooms returned to the Council.

There is a high demand for two-bedroom properties which the Council is unable to meet based on the information above. The information reviewed as a result of the LLP and the Call in has identified the need to review the under occupation/down sizing elements of the Allocation Policy as part of the new review that is currently being carried out prior to asking Cabinet to authorise consultation on changes.

Where tenants move to another secure tenancy in the Borough then this will entail an assessment of their needs to ensure that the new property will be suitable to the tenant's needs.

Where there is a genuine need for two bedrooms, e.g. for a live-in carer, or for medical equipment or for a disabled relative who is a part of the household, then this need will be met within the existing Allocation Policy and Local Lettings Plan framework.

The Council also retains a general discretion when considering housing need to adopt a generous interpretation to assessing housing need in genuine cases for example where there is an exceptional medical need.

In considering the suitability of alternative offers, then the Council may also consider that the offer of a large one-bedroom flat, a flat with access to outdoor space, or with better amenity relevant to decisions in individual cases.

This policy applies to all transferring tenants, including the regeneration tenants, equally. Regeneration tenants are not subject to any different rules in the LLP that will not apply to existing tenants under the Allocation Policy.

This policy is necessary to support the Council's ability to meet the demand for two bedroom properties now, in the future, and, to facilitate the Council's policy to reduce overcrowding, under-occupation and those in unsuitable housing conditions.

The Allocation Policy is currently being reviewed as part of the Council's review of its homelessness and allocations functions and is expected that this will be brought before Cabinet in July 2018. This will be the subject of borough-wide consultation

including with registered providers and is a necessary precondition to any major changes in policy.

If the Council considers that the housing demands upon the Council clearly justify the Policy adopted, but considers that it may create an element of inconvenience to downsizing two-bedroom households, then the Council may consider whether this could be addressed by increasing the downsizing incentive for two bedroom households from £1000 to £2000.

Equalities implications and risks:

The public sector equality duty under section 149 of the Equality Act 2010 (“PSED”) requires the Council when exercising its functions to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and to foster good relations between those who have protected characteristics and those who do not. ‘Protected characteristics’ include: gender, race and disability, sexual orientation, age, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. The Council is committed to improving the quality of life for all, and supports wider social and economic growth through social and physical regeneration.

The report to Cabinet in January 2018 reported that an Equality Impact Assessment had been undertaken and that it concluded that the benefits of the 12 Site Regeneration Programme outweigh the adverse impacts. The delivery of affordable housing was an important part of this assessment.

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Havering
LONDON BOROUGH

HAVERING COUNCIL'S HOUSING REGENERATION PROGRAMME

HOUSING REGENERATION PACK

(2) Local Lettings Plan (Proposed)

This document forms the Council's Local Lettings Plan setting out the re-housing options and allocation principles and procedures for secure (and introductory tenants) of the Council affected by the Housing Regeneration Scheme

1. INTRODUCTION

1.1. This Local Lettings Plan is made pursuant to the provisions of s.166A(6) Housing Act 1996 (as amended) and/or s.21 Housing Act 1985 and sets out the principles and procedures adopted by the Council for the allocation of housing to Council tenants who will be affected by the Regeneration Schemes as defined below.

1.2. The Local Lettings Plan also takes account of the following legislation:

- Homelessness Act 2002
- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Land Compensation Act 1973
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning Act 1990
- Housing and Planning Act 2016, Pt 4 Ch.6

1.3. The Local Lettings Plan has the following objectives:

1.3.1. Ensure the delivery of the development proceeds on time by facilitating the moves of affected tenants from the estates into alternative suitable homes

1.3.2. Fairly manage the rehousing and payment compensation process

1.3.3. Use the development opportunity to improve housing conditions in the borough

1.3.4. Create a sustainable community in each regeneration area

1.4. The Local Lettings Plan forms part of the Council's overall Allocation Scheme pursuant to s.166A(1),(6) Housing Act 1996.

1.5. Section 25.2 of the Housing Allocations Scheme (2016) states:

"Local lettings schemes can be put in place for a specific area or estate on new developments which is agreed with the Provider in response to particular local circumstances. They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism. In order to implement the policy we may have to select applicants for an offer of social housing who are in a lower band than we would usually offer to."

We may also make targeted offers in order to identify suitable applicants in particular circumstances in order to implement a local lettings policy. In such cases the offer will be made to the applicant with the earliest priority date in the highest band that will meet the criteria within the local lettings policy".

- 1.6. The Local Lettings Plan will be subject to consultation with Council tenants and private registered providers of housing in accordance with s.166A(13) Housing Act 1996 and s.105 Housing Act 1985, for a period of 12 weeks.

2. DEFINITIONS AND ELIGIBILITY

APPLICATION

- 2.1. The Local Lettings Plan applies to the temporary and/or permanent rehousing of all Council tenants who are affected by the Regeneration Schemes in respect of the following properties:

SITE	TOTAL No of PROPERTIES*
1. Waterloo Road Estate	285
2. Napier House and New Plymouth House	98
3. Maygreen Crescent and Park Lane Estate	93
4. Oldchurch Gardens Estate	84
5. Chippenham Rd, Farnham Rd, and Hildene Ave	57
6. Queen Street Sheltered Housing Scheme	31
7. Maygreen Crescent and Park Lane Sheltered Housing Scheme	40
8. Solar, Serena, Sunrise Court Sheltered Housing Scheme	55
9. Brunswick Court Sheltered Housing Scheme	47
10. Dell Court Sheltered Housing Scheme	29
11. Royal Jubilee Court Sheltered Housing Scheme	79
12. Delderfield House Sheltered Housing Scheme	14
13. Delta TMO	60
14. Bridge Close	37

- Please note that these figures include all Council properties regardless of tenure.

DURATION

- 2.2. The Local Lettings Plan will cease to apply upon the completion of the Regeneration Schemes. The Council's main Allocation Scheme will continue to apply throughout and thereafter to all Council tenants.

COUNCIL TENANTS

- 2.3. For the purposes of the Local Lettings Plan, Council tenants are secure (or introductory) tenants who rent a home from the Council, including those who live in sheltered housing

HOUSEHOLD MEMBERS

- 2.4. All household members will be considered as part of the eligible tenant's household. This includes:
- Secure and joint tenants of the council
 - Co-habiting partners and spouses living together in a settled relationship with the eligible tenant for at least 12 months prior to the serving of the initial demolition notice.
 - Non-dependent children living continuously as part of the settled household since the start of tenancy or who have lived with the household since birth.
 - Children born since the start of the tenancy or other dependent children where the eligible tenant has principal care of the child on a permanent basis. Birth certificates will need to be produced to confirm relationship and dependency.
 - An adult relative who has become a settled member of the household because they are in need of support and cannot live independently. This may be an elderly relative or someone who is disabled. Such persons must have resided with the household for a minimum of 12 continuous months before being considered as part of the household.
 - Live-in carers providing full time care to a member of the household.
- 2.5. The Council will consider any exceptions not covered by the criteria above on a case-by-case basis. Approval will be given by the Housing Demand Services Manager.
- 2.6. The following household members will be excluded from being rehoused:
- Unauthorised occupants including friends, lodgers and sub-tenants living with the tenant;
 - Squatters;
 - Any household member who has moved in and caused overcrowding;
 - Children of the tenant whose main, principal home is elsewhere;
 - Any other person the Council deems ineligible.
- 2.7. If the composition of any household changes or is expected to change (i.e. pregnancy) the main tenant is required to inform the Council as soon as reasonably possible. Evidence will be required to support any change to a household's composition. The Council reserves the right to refuse the addition of a household member or members if it considers, in its absolute discretion the evidence submitted is considered insufficient

3. RE-HOUSING OPTIONS FOR COUNCIL TENANTS

- 3.1. The Council will rehouse any Council tenant being displaced from their home as a result of the Housing Regeneration Programme, with the following exceptions:
- 3.1.1. The Council will **not** rehouse any tenant against whom an outright possession order has been made by a Court for breach of their tenancy conditions for example, due to rent arrears or anti social behaviour;
 - 3.1.2. The Council will not rehouse any tenant against whom a suspended possession order has been made if the terms of suspension of the Order have been breached and/or if any breaches are not remedied;
 - 3.1.3. The Council will not rehouse any introductory tenant who fails to satisfactorily complete the introductory period and where a Notice has been served under s.128 Housing Act 1996 (save where the Notice is suspended on statutory review);
 - 3.1.4. Tenants who have rent arrears will not be eligible to move into a new-build property in the redeveloped site, unless they have maintained payments of current rent plus their agreed arrears repayment plan for a continuous period of six months.
- 3.2. Tenants have a right of appeal to the Appeals & Reviews Officer against a decision not to rehouse.
- 3.3. The rehousing options available to Council tenants are set out below:

OPTION 1 – MOVE TO AN EXISTING COUNCIL PROPERTY ELSEWHERE IN THE BOROUGH.

- O1.1.** Council tenants who wish to move to an existing council property elsewhere in the borough will be given the opportunity to do so.
- O1.2.** Tenants will be entitled to **two direct offers** of alternative accommodation.
- O1.3.** For tenants who would like to move outside of London, the Council will identify suitable vacancies including through the Seaside and Country Homes

OPTION 2 – MOVE TO AN EXISTING HOUSING ASSOCIATION PROPERTY ELSEWHERE IN THE BOROUGH.

- 02.1.** Council tenants who wish to move to a property owned and managed by a Housing Association elsewhere in the borough will be given the opportunity to do so.
- 02.2.** Tenants will be entitled to **two direct offers** of alternative accommodation.
- 02.3.** Tenants who choose this option will be supported by the Regeneration Housing Officer to ensure they understand the differences between the Council and Housing Association tenancies and can afford the rent.

OPTION 3 – MOVE TO A SHELTERED HOUSING OR EXTRA-CARE SCHEME PROPERTY ELSEWHERE IN THE BOROUGH (SUBJECT TO ELIGIBILITY FOR THE PARTICULAR SCHEME)

- 03.1.** Council tenants who are eligible and wish to move to a property in either a Sheltered or an Extra Care housing scheme elsewhere in the borough will be given the opportunity to do so.
- 03.2.** Dedicated scheme officers will also provide residents with on-site support including for the viewing and moving processes.
- 03.3.** Tenants who meet the following criteria will be eligible for offers in a sheltered scheme:
 - 60 years and over; or
 - Aged 55 to 59 years and in receipt of Personal Independence payments; and
 - Single or joint applicants with no children; and
 - In need of the housing support provided by the scheme.
- 03.4.** Tenants will be nominated for consideration by a Panel for Extra Care accommodation. Extra Care housing is for people who require a high level support due to:
 - Frailty;
 - Ill-health; or
 - Restricted mobility.
- 03.5.** Tenants will be entitled to two direct offers of alternative accommodation.

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OPTION 4 – PURCHASE OF AN AFFORDABLE HOME ELSEWHERE THROUGH A LOW COST HOME OWNERSHIP SCHEME

- O4.1.** Council tenants who are working and have savings will be supported in the process to purchase an affordable home.
- O4.2.** A number of affordable homes are being built in the borough under Shared Ownership and Shared Equity schemes and tenants can also be supported to purchase such properties, as well as properties on the open market. Further details are set out in Appendix 1.
- O4.3.** Officers will be able to provide housing advice on whether this is an affordable and viable option based on individual financial circumstances.

OPTION 5 – RENT A PROPERTY ELSEWHERE WITH A PRIVATE LANDLORD

- O5.1.** The Council can help tenants to move to a property in the private rented sector. This may be a good option for a tenant who would like to move near a support network in another borough or outside London.
- O5.2.** The Council can provide assistance by liaising about affordable private rented accommodation with landlords in or outside of the borough as well as offering financial assistance towards the required deposit and first month's rent through the Council's 'Find Your Own' scheme.

OPTION 6 – MOVE TO A NEW PROPERTY IN THE NEW DEVELOPMENT ONCE COMPLETED

- O6.1.** The Council will build new council housing across a number of sites in the borough as part of the Housing Regeneration Programme. Priority for the new build homes will be given to those who have had to move because of the regeneration programme. Tenants who express an interest in moving back to one of the new homes within the redevelopment area once the properties are built will be given the opportunity to do so.
- O6.2.** This option will apply to tenants who have initially:
 - moved to a council or housing association property elsewhere within the borough
 - moved to a sheltered housing property elsewhere in the borough
- O6.3.** Tenants who have rent arrears will not be eligible to move into a new-build property in the redeveloped estate, unless they have maintained payments of current rent plus their agreed arrears repayment plan for a continuous period of six months.

4. ALLOCATION & ELIGIBILITY PRINCIPLES AND PROCEDURES

- 4.1. Officers will carry out one to one meetings with Council tenants to help with completing the relevant 1-2-1 & Decant Assessment Forms and establish the needs of the family including whether or not they would like to register an interest to return to a new build property in the redeveloped area when they are become available.
- 4.2. As part of this process, the following information will be gathered:
- Proof of tenancy
 - Housing composition (verifying who lives at the home and that all household members are eligible for rehousing)
 - Rehousing option preference
 - Bed size requirement
 - Type of property preferences (floor level, block type and house type)
 - Location of property preferences (area preference in Havering or out of borough)
 - Preference to be near to friends, family, current neighbours (as a group move) or support service
 - Any medical, health, mobility, social or risk factors that should be considered
 - Current location of children's schools and workplace
 - Preference of when they would like to move (i.e. as soon as possible, within the next year or two years+)
 - Equalities information for monitoring purposes
- 4.3. The information will also shared with the Council's development partner, helping to understand what existing tenant's accommodation needs are for the new provision.
- 4.4. The tenant will be notified of the outcome of the application following assessment of their eligibility and needs. This notification will:
- Confirm the Housing Needs Band that the tenant has been placed in
 - Confirm the size (and if applicable, the type) of property the tenant is eligible for
 - Confirm the tenant's effective date
 - Include a reminder about informing the Council of any change in the household's circumstances
 - Provide details of the Appeal process
- 4.5. The tenant will be awarded the Emergency Rehousing (ER) Priority Band based on the requirement for them to move as a 'decant' for regeneration purpose. The effective date will be based on the date their first Council tenancy commenced.
- 4.6. Where the tenant is already on the housing register, the application will be updated with the relevant housing priority band and effective date.

IDENTIFYING AND MAKING AN OFFER OF ACCOMMODATION

- 4.7. Tenants will be entitled to a maximum of two direct offers of accommodation.
- 4.8. The Council will check whether a vacant property is suitable for a tenant on the regeneration decant waiting list.
- 4.9. Once a suitable property has been identified, the Council will contact the tenant (usually by telephone) to give the details of the property that is being offered and make an arrangement for the tenant to view the property. This will be followed by a formal offer letter.
- 4.10. The tenant will be asked to view the property within 14 days and then to sign the tenancy agreement. If they do not consider the property is suitable for themselves or their household, they will be asked to complete a form setting out their reasons for refusing the offer. If a tenant fails to view the property then this will be deemed a refusal of the offer.
- 4.11. A tenant can ask for a Review of the suitability of the accommodation offered regardless of whether they accept the offer or not by a Reviews Officer. The reasons will be considered as part of the Review and a decision will be made as to whether the offer was reasonable or not.
- 4.12. If the offer is considered unreasonable, the offer will not count against the tenant. This means that they will still be entitled to two further offers.
- 4.13. If the offer is considered reasonable, it will count as the first offer. This means that the tenant will be left with one more offer to be made.
- 4.14. If the tenant is dissatisfied with the outcome of a Review decision, they may Appeal to the Appeals Officer
- 4.15. Should the tenant refuse both direct offers of suitable accommodation; the Council may start early possession proceedings in order to obtain vacant possession of the property in time for demolition.
- 4.16. Taking into account the long timescale of the programme and waiting times for rehousing, the Council will check the detail of the needs assessment at the point of making an offer to ensure that there has been no change of circumstances and the offer is suitable.
- 4.17. The Council will liaise with other council services such as the Occupational Therapy Service, Adult Social Care, Children's Services etc. to ensure the tenant's health and support needs are addressed.

ESTIMATED WAITING TIME FOR AN OFFER OF ACCOMMODATION

- 4.18. The timescales of when a tenant may be offered alternative accommodation will depend on:
- The available supply of accommodation that is suitable to meet their housing needs
 - The redevelopment priority of the estate that the tenant is living in.
- 4.19. Offers of accommodation will be prioritised based on the following criteria:
- A tenant from a priority redevelopment site will be matched to a vacant property
 - The housing needs and vulnerabilities of each tenant matched will then be assessed to determine which tenant has priority for the match
 - If there is more than one tenant from the priority site whose needs are suitable for the vacant property, the offer will be made to the tenant who has been a council tenant the longest (based on the tenancy start date)
 - If there is no suitable tenant from the first priority site, the Council will use this criteria to continue to identify a tenant from the second priority sites and so on until the property is let.

BEDROOM SIZE ENTITLEMENT

- 4.20 The size and type of property that an applicant could have will depend on the size of their household.
- 4.21. The table overleaf sets out the Council's bedroom standards:

4.21. TABLE OF BEDROOM STANDARDS

<p style="text-align: center;">1 bedroom property or studio</p> <ul style="list-style-type: none"> • Single person or couple with no children
<p style="text-align: center;">2 bedroom property</p> <p>Single person / couple with any of the following:</p> <ul style="list-style-type: none"> • one child of any age • two children of different sexes where both are under 10 years • two children of same sex where both are under 16 years • one other person (not the lead tenant's partner or child) or couple
<p style="text-align: center;">3 bedroom property</p> <ul style="list-style-type: none"> • Single person / couple with any of the following: • two children of different sexes, at least one of which is 10 years or over • two children of the same sex where one is 16 years old or over • three children of any sex or age • four children of the same sex • four children with two girls of any age and two boys of any age • four children with three of the same sex and one of the opposite sex, where one girl and one boy are both under 10 years • one person (not the lead tenant's partner or child), with or without a partner plus one child, or two children of different sexes who are both under ten, or two children of the same sex regardless of age
<p style="text-align: center;">4 bedroom property</p> <ul style="list-style-type: none"> • Single / couple with any of the following: • four children where the need for a three bedroom property does not apply • five children of any sex or age • six children of the same sex regardless of their age • six children with five of the same sex and one of the opposite sex where there is one girl and one boy both aged under 10 years • six children with four of the same sex, two of the opposite sex regardless of the age of the children • six children with three girls and three boys where all the bedrooms available to the children can be shared by either a girl and boy under 10 years or the same sex children of any age can share • one of the reasons for being eligible for a three bedroom property plus one person (not the lead tenant's partner or child), with or without a partner
<p style="text-align: center;">5 bedroom property</p> <p>Single / couple with any of the following:</p> <ul style="list-style-type: none"> • six children where the rules for a four bedroom home do not apply • seven children of any sex or age • eight children all of the same sex • seven of the same sex and one of the opposite sex where one girl and one boy are both under 10 years • eight children with five of the same sex and three of the opposite sex, where all four bedrooms available for the children can be shared by either a girl and boy who are both under 10 years or two children of the same sex regardless of age • eight children with four girls and four boys • one of the reasons for being eligible for a four bedroom property plus one person (not the

lead tenant's partner or child), with or without a partner
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- 4.22. The Council will support tenants in deciding whether the size of any accommodation is affordable for individual families.
- 4.23. In general, the Council's bedroom standard is as follows;
- The bedroom standard allocates a separate bedroom to each: married or cohabiting couple adult aged 21 years or more, pair of adolescents aged 10-20 years of the same sex, pair of adolescents aged 10-20 years of the opposite sex;
 - A single parent is counted as a couple;
 - An unborn baby beyond the first trimester is counted as a child. The Council will require verifying documentation;
 - Single people will usually be offered one bedroom accommodation, studio/bedsit;
 - Two children of the opposite sex under 10 will be expected to share a bedroom.
- 4.24. **Tenants needing larger homes** – For households who require more than four bedrooms, the Council will work with them to consider alternative housing options on a case-by-case basis as there is limited supply of larger council-owned accommodation. For example, the family might wish to consider separate housing for adult children. Such housing situations will be approved by the Housing Demand Services Manager where appropriate.
- 4.25. **Tenants moving into a smaller property** - Under occupiers will qualify for an additional bedroom above their assessed need. For example:
- a tenant in a four bedroom property but the current housing need is assessed for a two bed, will be allowed to keep an additional bedroom and therefore will be offered a three bedroom property; or
 - a tenant in a three bedroom property but the current housing need is assessed for a one bed, will be allowed to keep an additional bedroom and will therefore be offered a two bedroom property.

To qualify for this offer, tenants should have a clear rent account and no history of anti-social or other unacceptable behaviour in their council tenancy.

Officers will complete an affordability assessment to ensure that the tenants can afford to pay the rent for the additional bedroom without discretionary housing payment on a long-term basis. Any shortfall will not be covered by the Council

- 4.26 **Group Moves** - Where it is possible and there is available supply, the Council will seek to facilitate group moves where two or more eligible tenants wish to be rehoused in close proximity to each other, if this is requested. This is to ensure existing communities and support networks can be kept intact so far as reasonably practicable. Tenants will be asked as part of their rehousing application if they wish to express this preference.
- 4.27. **Downsizing** – If a tenant chooses to move in to a smaller property that meets their housing needs as part of the Housing Regeneration Programme, they will be entitled to a downsizing payment of £1000 for the first room and £500 for any subsequent room returned to the Housing Service

TENANCIES

- 4.28. In September 2013 the Council introduced flexible tenancies. For most new Council tenants, the tenancies offered will be fixed term with a 12-month introductory period followed by a 5-year tenancy.
- 4.29. Council tenants moving under the regeneration programme into alternative council accommodation will retain the same tenancy rights as they currently have. This means that secure tenants will be offered a secure tenancy and flexible tenants will be offered another flexible tenancy.
- 4.30. For Council tenants who wish to change their tenancy status from a sole to a joint tenant, or from a joint to a sole tenancy, due to a change in household circumstances, which is agreed by the Council, then:
- 4.30.1. Where there is a joint tenancy and one of the tenants terminates the tenancy, a new tenancy will be issued on the same tenancy status as the previous joint tenancy.
- 4.30.2. Where there is a sole tenancy and the tenant wishes to add a joint tenant a new tenancy will be issued on the same tenancy status as the previous single tenancy.
- 4.31. A tenant on an existing flexible tenancy with an introductory period who is rehoused into another Council property will be granted another flexible tenancy with a continued introductory period from their previous tenancy.
- 4.32. **Tenants who move into a Housing Association property (Registered Provider accommodation):** tenants will be granted an assured tenancy in accordance with the policy of that landlord (i.e. periodic or fixed term tenancy). Assured tenancies give tenants similar rights as a Council secure tenancy but without the Right to Buy. Housing Officers will be able to provide more information on differences between Council and Housing Association tenancies.
- 4.33. In split household scenarios, secure tenancy provisions will remain with the primary tenant and any split household rehoused into a council property will be offered a flexible tenancy or the equivalent, which may be offered by Registered Providers.
- 4.34. The same principles will apply to those tenants opting to return to a new build home in the redeveloped area once completed and ready for occupation.
- 4.35. All Council tenancies will be granted in accordance to current legislation in operation at the time the tenancy is offered and in line with the Council's Tenancy Policy.

RENTS

- 4.36. Rents for new homes will be at Council rent levels set in accordance with then Government guidelines

5. NOTICES OF PROCEEDINGS FOR POSSESSION AND COURT POSSESSION ORDERS

- 5.1. Council tenants will note that the procedure for issuing formal Notice of Seeking Possession and Court Orders for Possession in order to ensure that legal and vacant possession of the site can be provided to the Council's development partner will be conducted on an estate-by-estate basis, with Notices and Court claims for possession being served on all tenants at the same time;
- 5.2. This will mean that, in some cases, Notices of Seeking Possession, and Court claims for possession may be commenced before Council tenants have received any offers of alternative accommodation under this Policy;
- 5.3. The Council confirms therefore that no Order for Possession will be enforced by the Council until such time as two offers have been made to Council tenants under this Policy, and any period of Review or Appeal has expired;
- 5.4. Legal and Court costs will not be sought against Council tenants save where a legal Defence is filed and the case is adjourned, or where it has been necessary to issue proceedings because two offers have been refused.

6. REVIEWS AND APPEALS

- 6.1. Applicants have the right to information about the decisions which are taken in respect of their rehousing application or suitability of the accommodation that has been offered. Applicants also have rights to review or appeal against rehousing decisions.
- 6.2. Applicants who are unhappy with a rehousing decision should in the first instance contact their Housing Officer who will be able to explain or clarify the situation, and whether there is a Right of Review or Right of Appeal, as set out in this Policy
- 6.3. Allocation and eligibility decisions under this Policy have a direct right of appeal to the Appeals and Reviews Officer
- 6.4. If the applicant is unhappy with the outcome of a Review, they can submit a formal appeal which will be considered by the Appeals and Reviews Officer, who is more senior than the original decision-maker, and who was not involved in making the original decision.
- 6.5. A request to appeal can be emailed to: housingapplicationappeal@havering.gov.uk. Where an applicant cannot make a request in writing; they can get help from their Housing Officer to do this on their behalf, or ask the Council to hear their case orally.
- 6.6. Applicants intending to make an appeal may want to take independent legal or specialist housing advice, for example the Citizens Advice Bureau or other advisory agency. Housing Officers will be able to provide guidance on how to access the services of independent advice agencies.
- 6.7. The formal appeal will be carried out on paper without an oral hearing and a decision issued within 14 days.

25 September 2017

APPENDIX 1 – LOW COST HOME OWNERSHIP INFORMATION

About Shared Ownership Schemes

Shared ownership schemes offer a way of part owning and part renting a property and is aimed at helping people who cannot afford to purchase a property on the open market.

To purchase a shared ownership home, applicants could use the funds from the sale of their property, any home loss payment (if entitled), any savings and any mortgage entitlement. An initial share of no less than 25% and no more than 75% of the full market value of the property would have to be purchased. Rent would be paid on the remaining share of the property which would be owned by the Local Authority, Housing Association or through a development partner. The rent level would be set by the provider. The rent that is paid could be no more than 3% of the value of the share in the property that is not owned.

Over time, the leaseholder can purchase further shares in the property which is otherwise known as 'staircasing'. In most cases they can if they wish, purchase additional shares up to 95% of the equity in the property.. The cost of increasing the share will depend on the value of the property at the time. Shared ownership leaseholders will have the normal rights and responsibilities of a full owner-occupier however will not usually be able to let or sub-let the property.

Prioritisation

In accordance to the Council's Shared Ownership policy, priority for shared ownership is given to:

- Existing social tenants in Havering, serving military personnel and former military personnel.
- Existing Havering residents
- Eligible applicants who work but do not reside in the Borough

Eligibility

In order to be eligible to purchase a shared ownership property in general, under the Help to Buy initiative applicants must;

- Have a household income of less than £80,000
- Be otherwise unable to afford a suitable property on the open market
- Be able to afford to purchase the largest share they can sustain alongside all associated housing costs
- Not be in rent arrears or in breach of their current tenancy agreement at the time of making the application (in the case of leaseholders, council tenants and private tenants)
In the case of private sector tenants, the Help to Buy agent must also be satisfied that the tenant has not had a history of rent arrears.

Freeholder's applications will be subject to assessment by Help to Buy agents and providers to determine whether they are in housing need and cannot comfortably afford an alternative home. This will be the Council's discretion.

To advise residents on general applicant eligibility and affordability for Help to Buy schemes, the Council will use Government's HCA 'Capital Funding Guide' (2016) which contains rules and procedures surrounding the delivery of affordable housing. The Councils rehousing officer will support applicants with registration on the Help to Buy Scheme for the locality and with initial assessment to ensure basic eligibility criteria are met. .

About Shared Equity Schemes

Shared equity schemes allow applicants to take out a low-interest equity loan which is added to a deposit amount when buying a property. A mortgage is taken on the remainder of the property price. Unlike shared ownership, buying a home with a shared equity loan could mean residents can own 100% of the property.

To purchase a shared equity home, resident leaseholders and freeholders would use the funds acquired from the sale of their home on the estate and any compensation to buy a property on a new development, continuing to invest the same level of mortgage borrowing that was held with the property on the estate.

If the cost of the new property is higher, then the Council or development partner of the scheme would hold on to a share of the property. No rent or interest would be charged on the share of the property that the Council or development partner would hold.

This means that resident leaseholders and freeholders could purchase a new higher value property without increasing their previous level of borrowing. If desired, using the funds acquired from the sale of the existing home, those affected could invest more in the new property.

Affected residents would have the opportunity to increase the share in the property over time by buying up the Council or development partner's equity share.

Eligibility

The eligibility for intermediate housing is determined by the London Mayor. The home that is purchased must:

- be a new build
- have a purchase price of up to £600,000 in England (or £300,000 in Wales)
- be the only one that is owned by the household
- not be sub-let or rented out after purchase

Applicants would need at least a 5% deposit and would need a mortgage of up to 75%. The government may lend up to 40%. Equity loan fees will have to be paid and the loan itself will have to be paid back after 25 years or when the home is sold, whichever comes first, where the amount that is paid back will depend on the market value of the home at the time of sale.

Selling a shared equity home

If leaseholders wanted to sell their new shared equity home, they would keep their share of the proceeds and the Council would keep its share it has in the property. Any increase in property value would be shared between the leaseholder and council according to the proportion of equity owned by each party.

If a leaseholder owned 60% of the value of the property, they would therefore receive 60% of the value if sold and any increase in value.

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Havering
LONDON BOROUGH

HAVERING COUNCIL'S HOUSING REGENERATION PROGRAMME

HOUSING REGENERATION PACK

(3) Regeneration Decant Policy & Possession Procedure (Proposed)

This document provides information on the implementation of the decant procedure and the obtaining of Court Orders for possession in advance of the start of housing regeneration works.

1. APPLICATION OF POLICY

- 1.1. This policy applies to all secure and introductory Council tenants who will lose their home on either a temporary or permanent basis as a result of the Council's Housing Regeneration Programme.
- 1.2. The following sites have been identified as part of this Programme, although properties or estates may be removed or added to the Programme as it progresses:

Table 1.2: Sites identified as part of Housing's Regeneration Programme	
Site	Total Number of Affected Units*
1. Waterloo Road Estate	285
2. Napier House and New Plymouth Estate	98
3. Maygreen Crescent and Park Lane Estate	93
4. Oldchurch Gardens Estate	84
5. Chippenham Rd, Farnham Rd and Hildene Ave	57
6. Queen Street Sheltered Housing Scheme	31
7. Maygreen Crescent and Park Lane Sheltered Housing Scheme	40
8. Solar, Serena, Sunrise Court Sheltered Housing Scheme	55
9. Brunswick Court Sheltered Housing Scheme	47
10. Dell Court Sheltered Housing Scheme	29
11. Royal Jubilee Court Sheltered Housing Scheme	79
12. Delderfield House Sheltered Housing Scheme	14
13. Delta TMO	60
14. Bridge Close	37
TOTAL	1009

* The total number of affected units is an estimated figure (as at September 2017). It includes Council tenanted dwellings, leasehold and freehold properties. This estimate is constantly changing as the letting and buy-back of properties takes place.

- 1.3. Full details of the re-housing options for Council tenants are set out in the Housing Regeneration Programme Local Lettings Plan.
- 1.4. This policy does not apply to Leaseholders or Freeholder owners who will be able to access a dedicated resource to help them through this process and to complete a claim for compensation and Home Loss Payment
- 1.5. This policy does not apply to non-secure tenants living in temporary accommodation provided by the Council under its homelessness or homelessness prevention duties under Part VII Housing Act 1996 or Homelessness Reduction Act 2017 who will be assisted by the Council's Housing Advice and Homelessness Service.
- 1.6. This policy does not apply to private tenants occupying affected properties who will be given advice and assistance by our Housing Advice and Homelessness Team, if necessary, to find alternative privately rented accommodation. Private tenants must make a formal application to the Housing Demand Service for assistance. If they do make such an application, they will be assessed in the usual way, in accordance with homelessness legislation and Government codes of guidance.

2. PHASED DECANT PROCESS

- 2.1. Council tenants who need to be decanted from their homes permanently as a result of the Council's Housing Regeneration Programme will be moved in a planned way.
- 2.2. Each development will have its own phased plan and timetable which will impact and influence the re-housing options available to Council Tenants. For example, it may mean that on some sites or Schemes where regeneration or development occurs that this will happen in Phases with some blocks being demolished before others.

3. TENANTS RETURNING TO NEW-BUILD PROPERTIES

- 3.1. Although there is no legal requirement for the Council to give Council tenants the option to return to the redeveloped site, we are committed to helping those that wish to remain in the area or return to the renewal estate to do so, wherever possible.
- 3.2. Existing secure (& introductory) Council tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their Estate before they are made available to any other applicants, subject to housing need.

- 3.3. For tenants who have chosen to return to one of the new-build properties, the construction phasing of the regeneration programme may mean that tenants are unable to move directly into a new home on the same site or Scheme as new units may not be ready until later in the redevelopment process.
- 3.4. In these circumstances tenants will have the choice to move to another home temporarily until the new-build property is ready or to move to another Council home permanently.
- 3.5. On other schemes where demolition and construction happen in separate phases, we expect that some tenants in the latter phases will have access to new homes from earlier phases and will not require temporary re-housing. Please also note that not all redeveloped sites or schemes will offer sheltered housing schemes.

4. PROCESS FOR ALLOCATION OF ALTERNATIVE HOUSING

- 4.1. Once Decant Status is authorised, Council tenants will be placed in the **Emergency Rehousing Band** on a phased basis and will receive up to **two direct offers** of alternative housing.
- 4.2. If the second offer is unreasonably refused then a further offer of accommodation will only be considered in exceptional circumstances, and the Council may commence proceedings for possession immediately.

5. SECURITY OF TENURE WHILST IN TEMPORARY ACCOMMODATION

- 5.1. Tenants occupying temporary accommodation will not be returning to their former homes due to their demolition as part of the regeneration programme. Tenants moved into temporary accommodation will be provided with the same security of tenure in this instance that they had at their original home either as a lifetime or flexible fixed term tenant. The tenancy will however will include a provision that the property is provided as temporary accommodation and requiring the temporary tenant to move to the permanent accommodation once this becomes available.

6. SECURITY OF TENURE IN PERMANENT ACCOMMODATION

- 6.1. When tenants are moved permanently to alternative accommodation they will take on a new tenancy, with their original tenancy status, either secure lifetime or secure fixed term/flexible tenancy depending on the original terms of their tenancy.

7. NOTICES OF SEEKING POSSESSION

7.1. The Housing Act 1985 requires that the Council serve Notices of Seeking Possession upon tenants prior to seeking possession for the purposes of housing regeneration and development.

7.2. The Council will rely upon Ground 10 Schedule 2 Housing Act 1985 which provides that it is a ground for possession where:

“The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—

(a) to demolish or reconstruct the building or part of the building comprising the dwelling-house, or

(b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house, and cannot reasonably do so without obtaining possession of the dwelling-house.”

7.3. Depending upon the development scheme, the Council may also rely upon Ground 10A:

“The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State or the Regulator of Social Housing or Scottish Homes in accordance with Part V of this Schedule and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling-house in accordance with the scheme”

7.4. It is anticipated that Notices of Seeking Possession will be served up to 12 months' prior to the Council requiring possession to commence the redevelopment.

7.5. If there are other breaches of tenancy, then other Grounds for Possession may be included in the Notice.

8. COURT POSSESSION ORDERS

8.1. In order to ensure the smooth hand-over of the site to the Council's development partners to commence demolition and construction on time, the Council will commence possession proceedings against Council tenants up to 12 months' prior to requiring vacant possession.

- 8.2. Possession claims will be issued against all Council tenants on a site-by-site basis. It is likely that at the time that possession claims are commenced, not all Council tenants will have received their direct offers.
- 8.3. Possession Orders which are obtained against secure tenants will not be enforced until such time that the tenant has received the offers to which they are entitled.

10. COURT COSTS

- 9.1. The Council will not seek to recover any Court or legal costs in respect of the decanting process against tenants.
- 9.2. However, where a tenant files and serves a formal Defence which results in the possession claim being adjourned to another date or on directions for trial, then the Council may apply to the Court for its legal costs from the tenant.

10. DOWNSIZING

- 10.1. If a tenant chooses to move in to a smaller property that meets their Housing needs as part of the Housing Regeneration Programme, they will be entitled to a downsizing payment in accordance with the Council's current Downsizing Policy for any subsequent room given back to the Housing Service

11. HOME LOSS PAYMENTS AND DISTURBANCE COMPENSATION

- 11.1. Tenants who are decanted for works may be entitled to statutory Home Loss or Disturbance payments. Further information will be provided by the Council in its published Housing Regeneration Programme information.

12. THE TENANT'S RESPONSIBILITIES DURING DECANTING

- 12.1. Where a tenant is decanted, they will be expected to pack up all their belongings: a free packing service can be provided upon request.
- 12.2. Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, having been emptied and defrosted, if necessary, before the removal company is due to arrive.

- 12.3. If the tenant is being transferred to alternative accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to the value of them. The cost of clearance and disposal of any items will be recharged to the tenant.
- 12.4. The tenant is required to provide access to contractors, as necessary. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged, in accordance with the appropriate policy.
- 12.5. The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure they are not abandoned in the property after they have moved out.
- 12.6. If the household has home contents or other insurance, the tenant is advised to notify their insurance company about the change of address.
- 12.7. Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken.

13. VULNERABLE TENANTS

- 13.1. Where we deem a tenant incapable of being able to facilitate the removal and storage of curtains and carpets for themselves (where the tenant is vulnerable), and if it is reasonable to assume that the carpets in the existing property will be damaged during the works in any room, these will be lifted and stored by a nominated contractor. Following completion of the works, the contractor nominated by Housing Services will arrange to re-lay them. *Liability for the damage to the carpets will remain with the contractor.*
- 13.2. In such instances, we will nominate a contractor to remove all curtains that it is reasonable to expect will be affected by the works and make arrangements for storage.
- 13.3. The liability for damage during storage in respect of the curtains and carpets will rest with the nominated contractor's insurers.

- 13.4. Tenants who are capable of doing this themselves will be expected to do so and we will not be offering any removal, storage or re-fit service except where a tenant is vulnerable.
- 13.5. The Council will cultivate the garden of the decanted property to a reasonable standard if it becomes overgrown during the period it is empty, where the tenant is incapable of doing this for themselves because they are vulnerable. This will be done before the tenant moves back in. Where there is no vulnerability on the part of the tenant, this remains the responsibility of the tenant and we will not be offering this assistance.

14. MONITORING AND REVIEW

- 14.1. This policy will be reviewed in three years from the date it has been published and will be reviewed by the lead officer sponsoring this policy.

Housing Services

25 September 2017

HAVERING COUNCIL'S HOUSING REGENERATION PROGRAMME

HOUSING REGENERATION PACK

(6) Re-housing options for non-secure tenants in temporary accommodation

This document provides information on the Council's re-housing options for non-secure tenants accommodated by the Council under its homelessness duties, in temporary Council accommodation, privately leased or HMO properties affected by the Housing Regeneration Scheme

v.1

1. RE-HOUSING OPTIONS FOR NON-SECURE TENANTS IN TEMPORARY ACCOMMODATION

- 1.1. This document provides information to persons who are accommodated pursuant to the Council's homelessness or homelessness prevention duties under Part VII Housing Act 1996 (or the Homelessness Reduction Act 2017) in temporary accommodation.
- 1.2. This applies to tenants in non-secure Council accommodation, private-sector leased properties or tenants in Houses of Multiple Occupation (HMOs).
- 1.3. These categories of tenants are not included in the re-housing and allocation provisions of the Local Lettings Plan which only applies to secure and introductory tenants.

2. PRIVATE-LEASED PROPERTIES

- 2.1. For privately-leased properties, the Council will liaise with private owners for the termination of leases to ensure that vacant possession is provided for the purposes of the Housing Regeneration Programme.

3. RE-ASSESSMENT OF HOUSING NEEDS

- 3.2. The Council will support affected tenants through the Council's Housing Advice & Options Service to ensure that their needs are re-assessed, and if eligible, alternative accommodation provided.
- 3.3. The Council may also be able to offer financial assistance towards the costs of a tenancy deposit and first month's rent in a private rented home with a private landlord.



Havering
L O N D O N B O R O U G H

HAVERING COUNCIL'S HOUSING REGENERATION PROGRAMME

HOUSING REGENERATION PACK

(5) Information for private tenants

1. RE-HOUSING OPTIONS FOR PRIVATE TENANTS

- 1.1. This document sets out information for private tenants living in properties affected by the Housing Regeneration Scheme:

Summary of assistance for Private Tenants
<ul style="list-style-type: none">• Be offered timely re-housing advice through the Council's Housing Advice and Housing Options Team;• Be entitled to claim for the costs of moving out of the affected property providing specified criteria is met;• Subject to eligibility, apply for Council financial assistance to cover a tenancy deposit and first month's rent of a home in the private rented sector.
Rehousing Options
<p>Option Move to alternative private rented accommodation with a private landlord (within or outside the borough)</p>

- 1.2. The Council has no formal statutory obligation to rehouse private tenants of leaseholders or freeholders who are currently living in a property affected by the regeneration programme. This includes lodgers of tenants who are not considered to be part of the tenant's household. However, the Council is committed to offering relevant support to enable affected tenants to find a replacement home.
- 1.3. It is the Council's aim to ensure that tenants and their landlords are provided with regular open communication about the programme and estimated timescales.
- 1.4. The making of a Compulsory Purchase Order by the Council will have the effect of terminating any private tenancy agreements in affected properties.
- 1.5. The Council will assist private tenants through the Housing Options and Advice Service in order to find alternative suitable and affordable private rented accommodation. This can be arranged through referral to letting agencies and private landlords.
- 1.6. The Council's Housing Options Officers will provide tailored housing advice to enable private tenant understand their accommodation options
- 1.7. The Council's Housing Options Officer will work with private tenants to ensure those

affected understand the options available to them in a timely manner .

- 1.8. The Council's Housing Options and Advice Service will support affected tenants by providing details of local letting agencies operating in and outside of the borough, liaising with such agencies and landlords, helping households to complete applications and advising on benefit entitlements.

2. FIND YOUR OWN SCHEME

- 2.1. If eligible, the Council may also be able to provide financial assistance by paying deposit and first month's rent through its 'Find your Own' scheme.

25 September 2017