



CABINET

Subject Heading:

Approval of the Regeneration Local Lettings Plan & Decant Policy and Possession Procedure

Cabinet Member:

Councillor Damian White: Deputy Leader of the Council and Cabinet Member for Housing

SLT Lead:

Steve Moore: Director of Neighbourhoods

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Policy context:

Housing Regeneration Programme – Local Letting Plan and Decant Policy and Possession Procedure

Financial summary:

The Local Lettings Plan and the Decant Policy and Possession Procedure set out the offering and processes which will enable the Council to seek vacant possession of council tenanted properties. Approximately £6.9 million has been set aside from Housing Revenue Account resources to meet the costs of re-housing displaced council tenants. Cabinet approval of both the Local Lettings Plan and the Decant Policy and Possession Procedure will allow the Housing Regeneration Programme to progress.

Is this a Key Decision?

Yes

When should this matter be reviewed?

January 2019

Reviewing OSC:

Towns and Communities

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

1. This report seeks approval from members for a revised Local Lettings Plan and Housing Regeneration Decant Policy and Possession Procedure following consultation which began in October 2017. These two documents are intrinsically linked and are designed to provide a clear outline of what Council Tenants can expect as a result of the decanting process which the 12 HRA Site Regeneration Programme necessitates. Both documents can be found at Appendix 8.18 of the Business Case that is appended to the report on this agenda, entitled *12 HRA Sites JV Procurement – Entering into a Limited Liability Partnership*
2. The 12 HRA Site Regeneration Programme has already been the subject of previous reports to Cabinet; notably those from June and October 2016. This report accompanies the Cabinet report which seeks approval for the Council to enter into a Joint Venture Limited Liability Partnership (JVLLP) with a Private Sector Development Partner (PSDP) to deliver the Regeneration Programme.
3. The Local Lettings Plan provides a policy framework for council tenants affected by a Regeneration Programme. It sets out the principles and procedures adopted by the Council for the allocation of housing to council tenants affected by a regeneration programme and our offering to those tenants; highlighting the rehousing options available to them.
4. There is a statutory requirement for local authorities to consult on and publish a Local Lettings Plan. Included within this report is a summary of the findings from the consultation exercise.
5. As the Regeneration Programme has now moved into a formal stage with the procurement of a PSDP, to further the progression of the programme, it is essential that the Cabinet agree the Local Lettings Plan as it reinforces the key principles of our rehousing offer to affected Council Tenants.
6. The report also seeks Cabinet approval of a Regeneration Decant Policy Possession Procedure which underscores how the Council will facilitate the vacant possession of the sites.
7. Both documents apply to secure and introductory Council tenants who will lose their home on either a temporary or permanent basis as a result of the Housing

Regeneration Programme. This policy does not apply to leaseholders, freeholders, non-secure tenants living in temporary accommodation and private tenants.

RECOMMENDATIONS

That Cabinet:

1. **Note** the outcomes of the consultation carried out on version 7 of the Local Lettings Plan
2. **Approve** the Local Lettings Plan for the Housing Regeneration Programme
3. **Note** the outcomes of the consultation carried out on the Decant Policy and Possession Procedure for the Housing Regeneration Programme
4. **Approve** the new draft Decant Policy and Possession Procedure for the Housing Regeneration Programme

REPORT DETAIL

1. Background

- 1.1 In June 2016, Cabinet agreed to the development of new council housing across an initial tranche of 12 HRA Sites, and instructed officers to commence consultation, and to initiate the procurement of a PSDP.
- 1.2 The Housing Regeneration Programme will entail the building of approximately 3,000 new homes for local people. The new homes will be of mixed size and tenure, namely affordable rent, low cost home ownership and private sale.
- 1.3 The Council normally allocates housing on the basis of giving priority to households in the greatest need, as set out in the main provisions of the Council's Allocations Policy. This policy is used to prioritise applicants who register on the housing waiting list and is used as a basis to make nominations to social and affordable rented properties.
- 1.4 Section 166A(6)(b) of the Housing Act 1996, enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for so-called 'local lettings policies' which may be used to achieve a wide variety of housing management and policy objectives.
- 1.5 Section 25.2 of the Council's Allocations Policy (2016) describes how the Council and its partners may decide, in exceptional circumstances, to allocate properties on a different basis through a Local Lettings Plan.

“Local lettings schemes can be put in place for a specific area or on estate new developments which are 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”

2. Local Lettings Plan

- 2.1 The Local Lettings Plan is essentially a local allocation scheme designed to meet the needs of a particular community. It sets out our offering to Council Tenants explaining how the Council prioritises the allocation of its housing stock in the instance of regeneration.
- 2.2 The Plan allows the Council to set aside a proportion of available social housing lettings to facilitate the temporary and/or permanent rehousing of council tenants and applies to re-lets and new-build affordable housing opportunities owned and managed by the London Borough of Havering. It will also apply to any other affordable rented opportunities that the Council has nomination rights to.
- 2.3 The 12 HRA Site Regeneration Programme will affect properties on the following sites:

Site Name	Ward	Rented homes
Waterloo Estate	Romford Town	171*
Queen Street	Romford Town	31
Napier and New Plymouth	S. Hornchurch	86
Solar, Serena and Sunrise	St. Andrews	55
Maygreen Estate	Hylands	88
Oldchurch Gdns	Brooklands	64
Delta TMO (Elvet Ave)	Squirrels Heath	45
Farnham, Hilldene and Chippenham	Gooshays	0
Royal Jubilee Court	Pettits	79
Brunswick Court	Cranham	47
Dell Court	St Andrews	29
Delderfield	Pettits	14
Total		709

**Waterloo also has 12 hostel TA units – not permanent housing*

- 2.4 The objectives of the Local Lettings Plan are to:

- Facilitate the rehousing of Council tenants living on the sites proposed for regeneration into suitable alternative accommodation
- Ensure the fair management of the rehousing and payment compensation process
- Prevent unrealistic expectations for affected households and to ensure that residents are fully informed and aware of the processes which we will

follow when it becomes necessary to decant tenants as a result of the Regeneration Programme.

2.5 The Plan supports the Council's objectives for the Regeneration Programme by:

- Contributing to meeting the wider housing needs of Havering through the regeneration and transformation of the Council's existing stock for predominantly residential use; to provide a choice of good quality housing for people at all stages of life, increasing tenure diversity through affordable rent, shared ownership, open market sale and ownership.
- Delivering high quality residential-led development that is commercially viable and generates receipts for cross subsidy to ensure the programme is sustainable.
- Ensuring the delivery of the development proceeds on time by facilitating the moves of affected tenants from the estates into alternative suitable homes.
- Creating a sustainable community in each regeneration area.

2.6 The Local Lettings Plan will be revised upon completion of each phase of the Regeneration Programme and will cease to apply once the Housing Regeneration Programme has been completed. The Council's main Allocation Scheme will continue to apply throughout and thereafter to all council tenants.

3. Regeneration Decant Policy and Possession Procedure

3.1 The Regeneration Decant Policy and Possession Procedure sits alongside the Local Lettings Plan and provides the basic principles of how the Council will manage any regeneration activities where council tenants are required to move.

3.2 It is a new policy which also applies to all secure and introductory Council tenants who will be rehoused either on a temporary or permanent basis as a result of the Housing Regeneration Programme. It sets out clearly that the Council intends to give Council Tenants the right to return to the redeveloped sites subject to a reassessment of housing need, in accordance with the Council's Allocation Policy.

3.3 Council Tenants who need to be decanted from their homes as a result of regeneration will be moved in a planned way. Each development will have its own development plan and timetable which will impact and influence the rehousing options available to Council Tenants. For example, it may mean that on some sites decants will happen in phases, where some blocks are demolished before others.

- 3.4 The policy reiterates that tenants who move into temporary accommodation will be provided with the same security of tenure that they had in the previous home. Tenants that are moved permanently to alternative accommodation will take on a new tenancy, with their original tenancy status. The policy provides an outline of the legal processes that Housing Services will follow in the delivery of the Decanting process.
- 3.5 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.
- 3.6 The revised Local Lettings Plan and the proposed Regeneration Decant Policy and Possession Procedure set out the principles for providing an efficient rehousing service for Council tenants. In doing so, it facilitates the requirement for vacant possession on the regeneration sites, and in doing so supports the Council's objective to increase housing supply for local residents.

4. Consultation

- 4.1 The Local Lettings Plan and Regeneration Decant Policy and Possession Procedure has been the subject of consultation with Council tenants and private registered providers of housing in accordance with s166A (13) Housing Act 1996 and s.105 Housing Act 1985. The Council has a statutory duty to consult with affected Council Tenants for a minimum of 28 days however in recognition of the significant impact the Regeneration Programme will have on tenants, formal consultation was carried out for a period of 12 weeks, from October 2017 through to December 2017.
- 4.2 Members will note that this is now version 7 of the Local Lettings Plan and that this is the first time that Housing Services have consulted formally with Council Tenants on it. The Plan has however been discussed informally with stakeholders and affected tenants at various public meetings since the inception of the Regeneration Programme in June 2016. The formalised approach to consultation coincides the requirement to begin more formal processes of gaining vacant possession of the sites in the first tranche of the 12 Site Programme.
- 4.3 The consultation aimed to canvass the views of all residents, but primarily sought the views Council Tenants who are affected by the 12 Site Regeneration Programme. It gave residents the opportunity to have a direct input and shape our offering to Council Tenants who will need to relocate while the Regeneration Programme is in progress. It provides the Council with an opportunity to understand public attitudes, opinions and the satisfaction relating to each document. The consultation comprised of two online surveys designed to obtain feedback on both of these documents

Methodology

4.4 Draft versions of the Local Lettings Plan and the proposed Regeneration Decant Policy and Possession Procedure were posted on the Council website together with a link to the survey. The survey was actively promoted from August to December 2017 through:

- Social Media
- Articles in 'At the Heart' and 'Living' tenant magazines
- A letter sent out to all council tenants inviting them to respond
- 1-2-1 decant assessments meetings
- Housing Services' Tenant Participation Panel
- Resident Consultation Meetings

4.5 To analyse consultation responses the following method was adopted:

- The online surveys links were placed on the Council's home page and Housing Services page.
- Respondents were asked to self-complete the surveys. Respondents were encouraged to submit a response to all questions
- Questback, an online survey tool was used as a portal for the data collection exercise. This produced an automatic data report on all findings. The findings were manually analysed to produce data.
- For all open qualitative responses submitted through the consultation, we have noted the additional comments made.
- The findings have been analysed based on the total number of respondents who accessed the online survey consultation.

4.6 Whilst all responses to the consultation were submitted via the online survey, any resident who did not have access to the online system were helped to fill out a paper based form and the information on those forms was uploaded by Council Officers.

Overview of the Responses

4.7 The consultation responses indicated a broad support for the Local Lettings Plan, the Decant Policy and Possession Procedure along with the Regeneration Programme overall. A statistical report of respondents' views and a table of qualitative feedback received during the consultation period is contained in Appendix 1 of this report.

4.8 Results show that 92% of respondents understood the implications of the Local Lettings Plan for Council tenants affected by the regeneration programme and felt that the Council were treating tenants in a fair way. Two respondents felt that additions could be made to the Plan, however only one qualified this by suggesting that all properties be allocated to existing Council Tenants.

- 4.9 All respondents (100%) felt that they understood what the Decant Policy and Possession Procedure means for Council Tenants affected by the Regeneration Programme. 92% of respondents felt that the options presented in the Policy was fair to Council Tenants. One respondent disagreed with this.
- 4.10 The survey response rate was lower than anticipated. However, as described above every effort was made to encourage responses by widespread advertising, individual letters sent to tenants plus the matter being raised during 1-2-1 meetings.
- 4.11 The satisfaction of rehoused tenants has been, and will continue to be, monitored throughout the Regeneration Programme. Results thus far demonstrate overall satisfaction with the decanting process. 93% of tenants that had been rehoused advised that they found their initial 1-2-1 discussions informative. Various surveys on the satisfaction with the viewing process, financial package (homeloss and disturbance payments) and the information and guidance provided throughout the process have been carried out. The results to these have consistently provided an excess of 90% identifying their assessment as Good or Fair. Attached at Appendix 2 is a statistical report of the results from the satisfaction surveys and a table of qualitative feedback received from residents.

REASONS AND OPTIONS

5. Reasons for the decision:

- 5.1 The Local Lettings Plan identifies the formal offer which the Council is making to its tenants affected by the twelve estates Regeneration Programme. It is intended to form the basis of future discussion and dialogue with council tenants. The use of a local lettings plan clearly identifies how this can be achieved and ensures there is transparency, fairness and consistency in implementing this objective.

6. Other options considered:

- 6.1 Had the Council chosen not to formally consult and publish a Local Lettings Plan, it would be neglecting a statutory obligation to consult formally with tenants.

IMPLICATIONS AND RISKS

7. Financial implications and risks:

- 7.1 The Council has set aside £6.9m of HRA resources over three years to fund the costs of acquiring vacant possession of the tenanted properties. This will be reviewed as the project progresses to ensure adequate provision is in place.
- 7.2 Obtaining vacant possession in accordance with the project plan is critical to ensure there are no delays to the delivery of the regeneration of the 12 Estates programme. Delays to the programme can have significant financial implications for the Council.
- 7.3 The implementation of the Local Lettings Plan will ensure that housing accommodation is set aside to deal with the associated rehousing requirements should help to reduce the risk of delays with the associated financial consequences.

8. Legal implications and risks:

- 8.1 This Report seeks approval of a Local Lettings Plan and Decant and Possession Procedure Policy.
- 8.2 The principal relevant statutory functions for this purpose are those concerning allocation of housing accommodation under Part 6 Housing Act 1996; and the practical context in which that has to be addressed is the Council's housing allocation scheme.
- 8.3 In practical and general terms, the allocation of housing accommodation for this purpose involves selecting someone to be an introductory or secure tenant of accommodation held by the Council under Part 2 Housing Act 1985, or nominating someone to be an introductory or secure tenant of another local authority's housing accommodation, or nominating someone to be an assured tenant of a private registered provider's housing accommodation.
- 8.4 Accordingly, for example, arrangements in relation to moving long-leaseholders or freehold owners are not within the scope of Part 6 unless and to the extent that they involve new lettings of properties under introductory, secure or assured tenancies as above.
- 8.5 In relation to allocating housing accommodation as defined, the Council are required by s166A (1) to have an allocation scheme, for determining priorities and as to all the requisite procedure; in framing the scheme, s166A (3) requires that, in relation to priorities, the scheme must be framed so as to secure reasonable preference is given to various descriptions of people (including the local lettings plan).

- 8.6 s166A(6) permits, expressly subject to s166A(3) (see further below), what in colloquial terms are known as “local lettings schemes/plans”, i.e. for the allocation of “particular” accommodation, such as that in a regeneration area or new development; by reason of s166A(1) and s166A(6), such local lettings schemes, however, form part of the overall housing allocation scheme.
- 8.7 By s166A (14), the Authority are prohibited from allocating accommodation except in accordance with their housing allocation scheme.
- 8.8 The draft Local Lettings Plan therefore sets out the housing allocation rules for secure and introductory tenants affected by the housing regeneration programme, and will, if approved, form part of the Council’s overall allocation scheme.
- 8.9 The Decant and Possession Procedure Policy applies to residents affected by the regeneration scheme and sets out the principles and procedures which will guide the decant and possession process, and which reflects the relevant housing legislation.

9. Human Resources implications and risks:

- 9.1 There are no Human Resource implications arising from the implementation of the Local Lettings Plan and Decant Policy and Possession Procedure as these will be delivered through existing resources

10. Equalities implications and risks:

- 10.1 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.
- 10.2 It is the Council’s obligation to fulfil a Public Sector Equalities duty and eliminate discrimination in policy and practice. The Council has used the consultation findings to analyse the impact each policy proposal may have on protected characteristics.
- 10.3 Havering is home to a number of different communities. The Local Lettings Plan and Decants policy sets out how the Council will manage the process of moving residents affected by the Regeneration Programme and ensure they are properly compensated.

- 10.4 The Regeneration Programme is intended to positively transform the lives of residents of all backgrounds and protected characteristics. The Local Lettings Plan and Decant Policy and Possession Procedure gives clear guidance to staff on the need to identify vulnerable, disabled or disadvantaged tenants and ensure they receive the appropriate level of support and guidance throughout the process of moving. This could include practical help with moving their possessions, or support with translating or explaining information and forms. Every affected resident is offered the opportunity to discuss what they need to ensure every aspect of their move goes smoothly.
- 10.5 The Council has carried out wide ranging consultation with affected residents, Members and the public on both the Local Lettings Plan and Decant Policy and Possessions Procedure. The responses have been analysed and reported in Appendix 1 and includes information on the protected characteristics of the respondents.
- 10.6 In addition, detailed EIAs relating to general needs and sheltered accommodation have been completed. These EIAs include the activities covered in the Local Lettings Plan and Decants Policy and Possession Procedure, and are attached at Appendix 8.5 of the Business Case that is appended to the report on this agenda, entitled *12 HRA Sites JV Procurement – Entering into a Limited Liability Partnership*.
- 10.7 The EIAs are also accompanied by an Action Plan which sets out what the Council will do to address any emerging concerns or risks as the regeneration programme continues. This plan will be kept under review by the Regeneration Project Board on a monthly basis.

BACKGROUND PAPERS