Item No.	Classification: Open	Date: 9 October 2018	Meeting Name: Cabinet Member for Housing Management and Modernisation	
Report title:		New Homes Programme: Enabling the development of existing estates and supporting residents through the process		
Ward(s) or groups affected:		Camberwell Green; Rotherhithe; Nunhead and Queens Road; Old Kent Road and Newington		
From:		Strategic Director of Housing and Modernisation		

RECOMMENDATION(S)

- 1. Agree the formalisation of rehousing options, including the option to return, as set out at paragraphs 19 25 for council tenants of the schemes outlined in paragraphs 12 16.
- 2. Approve the stop letting of any resulting void properties at the schemes listed in paragraphs 14 -16
- 3. Agree the authority to serve demolition notices in accordance with Schedule 5A of the Housing Act 1985 (as amended) referenced in paragraph 18
- 4. Note the continued progress of the New Homes Development Programme in relation to delivering 11,000 new council homes by 2043.
- 5. Note the consultation undertaken and ongoing with residents in accordance with the Council's Charter of Principles and the equalities impact assessment conducted.
- 6. Note that following the planning approval of any of the schemes, subject to any pre-commencement conditions, the existing properties will need to be demolished.

BACKGROUND INFORMATION

- 7. Improving housing in Southwark is at the centre of the council's plans to create a Fairer Future for all. Access to appropriate, good quality, affordable homes is important not just for residents but also to the wider economy. It is essential to shaping a borough that all residents are proud to call a home which is truly sustainable into the future.
- 8. Southwark, like many London Boroughs is an area of high housing demand that far outstrips its supply. At the time of writing this report there are just over 11,000 households on the housing register, with overcrowding being the most significant reason for housing need.
- 9. This programme of rehousing is relevant to a number of wider strategic priorities set by the council. It's Fairer Future Promises-namely Promise 3-to increase provision

of quality affordable Homes. This proposal honours the council's commitment to provide decent homes, mixed and balanced communities and innovation in developing new council homes at social rent and sits within the programme to deliver 11,000 new homes by 2043.

- 10. In January 2015 the council's cabinet approved the Southwark Core Housing Strategy to 2043 and within this document are several key principles which have driven forward the proposals in this report:
 - We will use every tool at our disposal to increase the supply of all kinds of homes across Southwark.
 - We will demand the highest standards of quality, making Southwark a place where you will not know whether you are visiting homes in private, housing association or council ownership.
 - We will support and encourage all residents to take pride and responsibility in their homes and local area.
 - We will help vulnerable individuals and families to meet their housing needs and live as independently as possible.

KEY ISSUES FOR CONSIDERATION

11. The following report provides an update on five schemes within the new homes Development programme where the rehousing of residents is required to enable the development of new homes that are at varying stages in the development process.

Pre-planning or with planning approval

- 12. Seavington House was approved to be part of the New Homes Development Programme by way of a Cabinet report on 15 September 2015. The site consists of 10 one-bed studio flats and 16 garages. Consultation began in 2016 and equalities impact assessment data was collated. Tenants were invited to move voluntarily and given Band 1 status on the councils housing list and the option to return to the homes once completed. This provided the option for residents to move if they wished whilst the scheme was being designed and consultation undertaken. Between this period and January 2018, all of the tenants have exercised their rehousing status in Band 1 and voluntarily sought alternative accommodation via the councils Choice Based Letting scheme. The garages remain occupied and licensees are being supported in seeking alternative locations around the borough. The scheme is currently in planning.
- 13. Rutley Close was approved to be part of the New Homes Development Programme by way of a Cabinet Report on 15 September 2015. The site consists of six one-bed council homes. Households were placed in Band 1 on the councils housing list giving them the option to move if they wished whilst the scheme was being designed and consultation undertaken. All of the tenants have exercised their rehousing status in Band 1 and voluntarily sought alternative accommodation via the councils Choice Based Letting scheme and have been awarded the appropriate statutory home loss payment. A planning application was submitted in January 2018.

14. Linden Grove was approved to be part of the New Homes Development Programme by way of an IDM on 1st September 2016. There are two one-bedroom properties within the red line boundary of the site. One household was already registered in Band 1 of the councils housing list and another is being supported by Resident Services and Housing Solutions to be rehoused. Both households will be provided the option to return to the new homes once completed. Equalities data has been obtained by one of the residents. The two tenants will be awarded the appropriate statutory home loss payment and will receive bidding support from Resident Services and Housing Solutions including relevant support services as required. The current proposal, subject to further consultation and planning approval, will provide approximately 24 new council rented homes. A planning application will likely be submitted in summer 2018.

Pre-consultation and design stage

- 15. 157-177 Commercial Way, Lindley Estate was approved to be part of the New Homes Development Programme by way of an IDM report on the 8th December 2017. There are ten one bedroom homes. Initial consultation was undertaken with residents and the project will formally start in summer 2018 when the project team will be assembled. Households will be added to Band 1 of the councils housing list for them to move voluntarily whilst the development of the scheme is progressed. Whilst no scheme has been designed or worked up it is expected that there will be a reasonable net increase in the number of new homes on the footprint of the existing properties.
- 16. 213-219 Rotherhithe New Road was approved to be part of the New Homes Development Programme by way of an IDM report on the 8th December 2017. There are four studio properties that will need to be vacated. Initial consultation has been undertaken with residents and the project will formally start in summer 2018 when the project team will be assembled. Households will be added to Band 1 of the councils housing list for them to move voluntarily whilst the development of the scheme is progressed. Again, no scheme has been developed however appointed architects will be developing a scheme that increases the net amount of social housing on the existing footprint.

Council Homeowners

- 17. There are no council homeowners (freeholders or leaseholders) of the properties subject to this report.
- 18. To prevent future right to buy applications however the council will be required to serve demolition notices in accordance with Section 5A of the Housing Act 1985 (as amended). This report seeks authority from the Lead Member to approve this process and delegate the serving of such notices to the Strategic Director of Housing and Modernisation. Initial Demolition Notices will be served at this stage. Once Planning permission approved and the procurement process begun a Final Demolition Notice will be served. Affected tenants will be given appropriate support and advice when such notices are served.

Lettings policy for households affected by the New Homes Development Programme

19. Band 1 priority for council tenants, backdated to when each of the schemes were first included in the direct Development programme.

- 20. To obtain vacant possession of the council's tenanted properties and minimise the need for possession proceedings Council tenants will receive the full package of statutory and discretionary rehousing assistance in the form of mandatory or discretionary Home Loss payment, currently £6,100 together with assistance with reconnection of utilities and removal costs in accordance with Section 26 of the Housing Act 1985.
- 21. Bidding support and signposting through telephone and face to face discussions will be provided to council tenants by the relevant resident services officer to support them through the process and to help them find a home they want.
- 22. Council tenants will be able to access a range of homes to meet their needs from general needs properties, specifically adapted homes and sheltered and extra care schemes based up their assessed needs.
- 23. Inter-agency partnership working will be promoted across the New Homes Development Team, Community Engagement Division, Housing Solutions and Resident Services together with relevant voluntary groups and adult social care.
- 24. Vulnerable council tenants will be supported with viewing properties applied for.
- 25. Council tenants rehoused due to the programme will be given an option to return to the completed schemes with priority based on length of residency, with those whom have resided on the estate the longest given first refusal with a discretionary payment to assist them.

Community impact assessments

- 26. Council officers began undertaking an equalities assessment data collection exercise in September 2016. This was undertaken in accordance with Section 149 of the Equality Act 2010. The council is committed to having due regard to equalities legislation and good practice in its policy and decision making. The Act states that to advance equality and good relations and to avoid discrimination nine protected characteristics should be addressed. The data collected was analysed by an Independent Tenants and Leaseholders Advisor whom identified the mitigating actions required by the council.
- 27. The full report for each scheme is included in appendix 2 of the closed report. Due to the small number of residents residing in each scheme, advice from the Independent Tenant and Leaseholder Advisor was that the reports contained sensitive data that would allow residents to be identified. Therefore a blank copy of the questionnaire is provided in this open report to demonstrate the information gathered and a summary breakdown of the reports is provided below:
- 28. Outcome of the equalities impact assessment data collection is outlined below and demonstrates that the majority of households were contacted and data representative of the affected households on the estate.

Development name	No. affected Households	No. Respondents	Further mitigating action required
Seavington House	10	10 (100%)	None
Rutley Close	5	4 (80%)	None

Linden Grove	2	1 (50%)	None
157-177	10	7 (70%)	None
Commercial Way			
213-219 Rotherhithe	4	3 (75%	None
New Road			

29. The independent tenant and leasehold advisor analysed the findings of the assessments and assessed the impact of each redevelopment scheme against each of the nine protected characteristics and the council existing policies for rehousing residents. Summary of the mitigations and issues is outlined below:

30.

Age.

- All of the properties referenced in this report are either bedsit studios or one bedroom homes. As such there was little impact on young people under 18.
- No care leavers or young persons under 18 occupied the properties.
- Households of working age would likely wish to seek rehousing in locations near their place of work and this could be facilitated through the council's choice-based lettings scheme.
- Older residents, age 55+ would require support which is already agreed between the new homes team and resident services, and would utilize choice-based lettings to ensure they could remain near relevant support services if they wished.
- Given the condition of the current properties vulnerable households would benefit from improved living conditions.

Disability

- Households with adapted homes would need to be able to access similar properties and this would be achieved through choice based letting. There is a supply of adapted homes
- Households would be able to choose properties in the local area through choice based lettings however if not would need to establish new support and access networks (G.P's, hospitals etc).
- New homes the affected households could move to would more likely meet adapted property compliant with modern standards.

Gender reassignment

Rehousing residents that have reassigned their gender could expose them
to harassment in their new community. Choice Based Lettings gives the
tenant options to decide where they would prefer to live and where they
would not.

Marriage and civil partnership

• Rehousing policy does not discriminate against residents who are single, married, or in a civil partnership

Pregnancy and maternity

- Unborn children are not taken into account in the councils allocation policy however are so from birth
- Families will need to utilize choice-based lettings to ensure they can access housing near nurseries and support networks.

Race

 The councils allocation policy does not discriminate against or disadvantage against any race or ethic group

Religion and belief

 Residents may have to move away from their preferred place of worship however choice based letting gives tenants the choice is where they wish to live

Sex

 The councils allocation policy does not discriminate against or disadvantage tenants on the basis of any gender

Sexual orientation

• The councils allocation policy does not discriminate against or disadvantage tenants on the basis of any gender

Human Rights

 The most applicable right, "the right to family life" is not impacted as all household residents have the option to be rehoused together.

Resource implications

31. The development is being project managed by the councils New Homes Development Team within its Asset Management division. Support for tenants rehousing will be undertaken by Resident Services with support from the Communities Division. The Independent Tenants and Leaseholders Advisor service provided by Open Communities is funded by the Communities Division also. No additional resources are required.

Legal implications

32. Subject to planning approval council tenants may be required to be evicted under Ground 10 of schedule 2 of the Housing Act 1985 (as amended). There are no council homeowners whose interests would need to be acquired.

Financial implications

- 33. The scheme is part of the councils' direct delivery programme and is funded through a combination of right to buy receipts and S106 receipts.
- 34. Schemes within the New Homes delivery programme are subject to viability assessments throughout their lifecycle. The costs of procured services and works, acquisition of freeholder properties and associated costs together with tenant home loss payments were taken into consideration at various development milestones within the project.
- Once the scheme is submitted for planning application the viability model will be published on the councils planning website in accordance with the Southwark Development Viability SPD 2015.

Consultation

36. Effective and extensive consultation with affected residents, relevant Tenant and Resident Associations and other stakeholders has been central to the development of proposals for new homes listed within this report. The councils New Homes Development Team have ensured that dialogue has been open and transparent and that those affected have had a real say in the process and that

all affected council tenants have been updated on progress. Consideration of the impact of the redevelopment has also been assessed in the context of Equality Act 2010 and the council's statutory obligations in relation to the Public Sector Equality Duty.

- 37. Together with the council's statutory obligations under Section 105 of the Housing Act 1985, the New Homes Development Team ensures that the Councils Charter of Principles, approved by Cabinet in 2017 is adhered to. The charter sets out a number of pledges in how the council will consult on the Development 11,000 new homes. Key extracts of this commitment are below:
 - Consultation and engagement will continue throughout the design and Development of the programme rather than be a one-off exercise at the beginning.
 - We will only proceed with submitting a planning application once there has been thorough dialogue and consultation with residents.
 - We aim to develop new homes that meet the high standards of construction, design and environmental sustainability.
 - We will ensure that council homeowners affected by redevelopment get access to dedicated advice, support and information on their options for the future.
 - At least half of the homes we develop will be available to tenants in housing need on the estate at the first letting to make sure that local residents affected by redevelopment get a fair deal.
- 38. To promote inclusion and engagement the New Homes Development Team undertakes a variety of approaches to ensure:
 - Design and development boards are published on the councils' consultation hub website and printed copies available on request.
 - Letters are sent to all households within 100m of the schemes, inviting them to drop in meetings and keeping them updated on design development and progress.
 - Door knocking exercises are conducted to affected tenants and garage users to gather their views and to encourage their representation at meetings.
 - Project groups are formed which included members of the T&RA's local stakeholders and tenants of the affected homes
 - An Independent Tenants and Leaseholders Advisor is appointed to chair the first project group meeting and to provide guidance and support on the process.

Consultation in relation to each scheme is outlined below:

Seavington House

 Consultation progressed in accordance with the councils Charter of Principles from the first drop-in meeting where a red-line boundary was the starting point for discussion

Meeting type	Date	Audience
1st Public Drop-in	22 September 2016	Letter invite to all residents within 100m radius
1st Project group	23 November 2016	Residents that expressed an interest as a result of 1st drop in
2nd Project group	18 January 2017	Seavington House project team
2 nd Public drop-in	6 March 2017	Letter invite to all residents within 100m radius
3rd Project group	19 July 2017	Seavington House project team
3 rd Public drop-in	25 September 2017	Letter invite to all residents within 100m radius

40. Rutley Close

Meeting type	Date	Audience	
Conant and Rutley TRA	1 July 2015	Conant and Rutley TRA	
1st public drop-in	15 September 2016	Letter invite to all residents within 100m radius	
1st project group	8 December 2016	Residents that expressed an interest as a result of 1st drop in and flyer distributed to Conant and Rutley Estate.	
2nd project group	31 January 2017	Residents that expressed an interest as a result of 1st drop in and flyer distributed to Conant and Rutley Estate.	
2nd public drop-in 9 May 17		Letter invite to Conant and Rutley Estate residents and flyers to adjacent blocks	
3rd public drop-in	14 September 2017	Letter invite to all residents within 100m radius and flyers to adjacent blocks	

- 41. Consultation with existing residents and the TR&A commenced in July 2015. Once approval was given to progress the project and the design team had been appointed, a public drop in session was held on 15 September 2016, where all residents from the Conant and Rutley Estate and residents within 100 metre radius were invited to view the initial proposals for the scheme. From this initial drop in meeting a project group was recruited. The group met twice on 08 December 2016 (led by Open Communities) and 31 January 2017 but was poorly attended and it was therefore decided to revert to public drop in sessions for future consultation. The second public drop in session took place on 9 May 2017 with the final drop in taking place on 14 September 2017.
- 42. At these sessions the comments from attendees have been generally positive

towards the redevelopment of the site, the provision of new Council homes and the design proposed for the new building and courtyard. Several people also expressed an interest in the local lettings scheme.

Linden Grove

Meeting type	Date	Audience
T&RA meeting	26 June 2016	T&RA members
1st public drop-in	29 June 2017	Letter invite to all residents within 100m radius
1st project group	14 September 2017	Residents that expressed an interest in project group
2 nd project group	7 February 2018	Residents that expressed an interest in project group
3 rd Project group	22 March 2018	Residents that expressed an interest in project group
4 th Project group	17 July 2018	Residents that expressed an interest in project group

157-177 Commercial Way Lindley Estate

Meeting type	Date	Audience
Presentation to	14 June 2018	T&RA members
Lindley Estate		
T&RA with		
architects and		
consultants		
First initial drop in	2 August 2018	Letter invite to all residents within 100m
and scheme	_	radius, T&RA members
presentation		

Rotherhithe New Road

Meeting type	Date	Audience		
As there is no	,	Throughout 2018 and into 2019		
T&RA, initial		consultation will continue in accordance		
consultation has		with the councils charter of principles. A		
been undertaken		planning submission will not be submitted		
by way of 1-1		until thorough consultation undertaken		
meetings with		with local residents.		
affected tenants				

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

The Equality Act 2010

- 43. The Equality Act 2010 requires the council, when taking decisions, to have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance equality of opportunity between persons who share a relevant

- protected characteristic and those who do not share it;
- (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
- 44. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.
- 45. Paragraphs 25 28 and the closed appendix 2 sets out the details of the Equalities Impact Assessments that have been carried out in conjunction with consultation and summarises the findings and, where any possible disproportionate effects have been identified on groups sharing protected characteristics, the mitigation proposed so as to discharge its public sector equality duty. Members should have due regard to this when considering the recommendations.

Consultation

- 46. The report seeks the formalisation of the rehousing options for 5 schemes which will affect 31 households who will be potentially displaced if and when the schemes proceeds and refers to the consultation which has been carried out to date and to the continuing consultation. The law requires that consultation must be undertaken when proposals are at a formative stage and include sufficient information and time for interested parties to respond. This must be satisfied for fair and proper consultation with the outcomes being taken into account in the final decision making process.
- 47. There are also specific provisions for consultation with secure tenants under Section 105 of the Housing Act 1985 which require the council to consult with those of its secure tenants likely to be substantially affected as a whole or as a group by a matter of housing management which, in the council's opinion as landlord, represents a new programme of maintenance, improvement or demolition, or a change in the policy or practice of the council. The 31 properties across the 4 schemes are occupied by council secure tenants and the proposed redevelopments and rehousing will affect the secure tenants as a group on the each of the proposed schemes.
- 48. Cabinet members should satisfy themselves as to the consultation carried out and take into account the outcome of the consultation when making decisions on the recommendations.

Re-housing Secure tenants to acquire council tenancies for vacant possession

- 49. The Council will be required to provide it's secure tenants with suitable alternative accommodation under the Housing Act 1985.
- 50. The report recommends that tenants displaced from each of the schemes are given priority re-housing within the local area under a local lettings policy. This is a matter of discretion for the council and members should carefully consider this when considering the recommendations. If agreed, the local lettings policy will need to be implemented in accordance with the council's allocations policy.
- 51. The council will seek to re-house secure tenants by agreement to suitable alternative accommodation however where agreement is not possible the Council has the ability, following service of the requisite statutory notice of seeking

possession, to bring a claim for possession against its secure tenants under Ground 10 of Schedule 2 of the Housing Act 1985 which is worded as follows:

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

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

to carry out work on that building or 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.

The court will not make an order for possession of a dwelling-house let under a secure tenancy on Ground 10 unless it is satisfied that suitable alternative accommodation will be available for the tenant when the order takes effect.

Compensation payments under the Land Compensation Act 1973

- 52. Subject to each of the 5 schemes receiving planning approval and any precommencement conditions, delivery of the each of the schemes will require the demolition of the existing properties which will trigger a displacing event under section 29 (1)(c) and potentially 29 (1)(e) giving rise to mandatory home loss payments where the relevant conditions set out in sections 29 and 32 are met.
- 53. Section 29 (2) provides that mandatory home loss payments are only to be payable where the displaced person has been in occupation of the dwelling as his only or main residence throughout a period of one year ending with the date of displacement and, has occupied by virtue of an interest or right to occupy the dwelling as prescribed at sections 29 (4) (a) to (e).
- 54. Under Section 29 (1)(c) a displacing event occurs where a person is displaced (permanently) from a dwelling in consequence of land that has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purpose for which it was acquired or appropriated, the carrying out of any improvement to the dwelling / house or building on the land or redevelopment on the land (which would include demolition).
- 55. Under Section 29(1)(e), any order for possession made under ground 10 (in relation to secure tenants) is also a displacing event.
- 56. Where acquisition is obtained by agreement without getting a possession order there is the ability to make an equivalent discretionary payment under Section 32 (7B):-

Where a landlord obtains possession by agreement of a dwelling subject to a secure tenancy within the meaning of Part IV of the Housing Act 1985 and—

- (a)notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground 10 or 10A in Part II of Schedule 2 to that Act, or
- (b) the landlord has applied, or could apply, to the Secretary of State or the Regulator of Social Housing for approval for the purposes of ground 10A of a redevelopment scheme including the dwelling, or part of it.

The landlord may make to any person giving up possession or occupation a payment corresponding to any home loss payment or discretionary payment which they would be required or authorised to make to him if an order for possession had been made on either of those grounds.

Section 26 Housing Act 1985

- 57. This provides the Council with a discretion to pay expenses of removal to tenants moving out of their council property. Such payment can be subject to reasonable conditions and should be formulated and dealt with in accordance with Council policy.
- 58. The report recommends that tenants displaced from the schemes are given priority re-housing and are also offered an option to return to the new build properties with a discretionary payment to be made to assist them. This is a matter of discretion for the council and members should carefully consider this when considering the recommendations. If agreed discretionary payments will need to be implemented in accordance with the council's policies.

Exercise of discretion

59. The Council is entitled to formulate policies by which it will exercise a specific statutory discretion (as well as in a class of cases). Regard must be given to any guidance and rules. In any event care must be taken when formulating any such strategy to avoid fettering the council in the exercise of its discretion which may be subject to challenge.

Demolition notices

60. In order to prevent new Right to Buy applications from secure tenants under the Right to Buy discount regime, the Council will serve statutory demolition notices under powers conferred by Schedule 5 of the Housing Act 1985.

Strategic Director of Finance and Governance

- 61. The Strategic Director of Finance and Governance notes the update on progress provided in this report in respect of schemes to deliver new homes at Seavington House, Rutley Close, Linden Grove, 157-177 Commercial Way and 213-219 Rotherhithe New Road.
- 62. Other than the loss of rental income arising from the recommendation to stop letting of properties listed in the report, there are no other immediate financial implications arising from the recommendations made in this report. The proposed development schemes will be subject to further viability assessments as they progress.

BACKGROUND DOCUMENTS

Background Papers	Held At		Contact		
New Homes Cabinet report 2016	New Development, Management	Homes Asset	Tim Bostridge 0207 525 1222		
http://moderngov.southwark.gov.uk/mgConvert2PDF.aspx?ID=56445&ISATT=1#search=%22new%20homes%20iDM%22					
New Homes IDM December 2017 New Homes Development, Asset Management Tim Bostridge 0207 525 1222					
http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?Id=6385					

APPENDICES

No.	Title
Appendix 1	Equalities impact assessment example reports

AUDIT TRAIL

Lead Officer	Stuart Davis, Director of Asset Management			
Report Author	James Cross, Development Manager			
Version	Final			
Dated	8 October 2018			
Key Decision?	Yes			
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES /				
CABINET MEMBER				
Officer Title Comments Sought			Comments Included	
Director of Law and	d Democracy	Yes	Yes	
Strategic Director of Finance		Yes	Yes	
and Governance				
Cabinet Member Yes			Yes	
Date final report sent to Constitutional Team			8 October 2018	