Task and Finish Group
(Cambridge Road Estate
Decant Policies)

Date: Thursday 2 November 2017
Time: 6:15 pm
Place: Guildhall, Kingston upon Thames

Members of the Group:

Councillor Ian George, Councillor Liz Green, Councillor Sheila Griffin, Councillor Terry Paton, and one further Member (to be advised) from the Conservative Group.

Everyone is welcome to attend the meeting

This agenda is available to view on: www.kingston.gov.uk
You can also access this agenda through the Modern.gov app or by scanning the QR code with your smartphone.
Agenda

1. **Appointment of Chair, any Apologies, and Introductions**

   To appoint a Chair; to note any Apologies for absence and attendance of substitute Members; and for Introductions of those present.

2. **Declarations of interest**

   For Members to declare any pecuniary or personal interests in the agenda item.

3. **Remit of the Task and Finish Group**

   To note the remit of the Task and Finish Group and consider its working arrangements. Background information for the Group is attached at Appendices A-C.

4. **Presentation of the Community Call-in**

   Jill Preston, Dr Michael D'Souza and Harry Hall to present the reasons for the Community Call-in of the decisions of the Housing Sub-Committee on the CRE Decant Policies.

5. **Questions to Call-in Organisers**

6. **Response to the Community Call-in**

   Officers will respond to the Community Call-in (with particular reference to pages B5-B6 of the agenda pack). A representative from Shoosmiths (external law firm which has advised on the Decant Policies) will also provide comments.

7. **Questions to Officers and legal representative**

8. **Discussion**

9. **Conclusion**

   The Chair will sum up the conclusions of the discussion (and, if necessary, a vote will be taken)
Welcome to this meeting.

Information about the Task and Finish Group (CRE Decant Policies)

The Committee is made up of local elected Councillors and has been convened, as agreed by the full Council at its meeting on 17 October 2017, to consider a Community Call-in of a decision of the Housing Sub-Committee at its meeting on 7 September 2017, with regard to aspects of the Decant Policies for Cambridge Road Estate (CRE).

Information for members of the public

The Task and Finish Group will agree its own arrangements, for example in relation to public participation at the meeting.

Accessibility

- All meetings have access for people who may have mobility difficulties. If there are stairs, a lift or stairlift is available. Disabled parking spaces are available on site.
- Toilet facilities will be easily accessible from the meeting room.
- For people who are deaf or have hearing impairments, there is an induction loop (depending on the building, this may only be available in the first 2 or 3 rows).
- A large print copy of the agenda can be requested in advance.

Emergency evacuation arrangements

If the fire alarm sounds, please leave the building by the nearest exit. If you require assistance please remain seated and an Officer will assist you from the building.

Filming

Residents and journalists/media wishing to film meetings are permitted to do so but are asked to give advance notice of this and respect any concerns expressed by people on being filmed.

The meeting will be audio-recorded and a copy of the recording made available on the Council’s website.

Contact for further information –
Jean Cousens tel 020 8547 5023, email:jean.cousens@kingston.gov.uk
Cambridge Road Estate Decant Policies- Task and Finish Group
2 November 2017

Remit of the Task and Finish Group
Report by Head of Corporate Governance

Purpose
To note the remit of the Task and Finish Group and to consider its working arrangements.

Recommendation
To resolve that the proposed Task and Finish Group’s remit set out in paragraph D is noted and to agree any working arrangements with reference to paragraph G of this report.

Context
A. At its meeting on 7 September 2017 the Housing Sub-Committee considered a report (ref. Appendix A in this agenda pack) and, among its resolutions, approved:
   3. the tenant decant policy ‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ (Annex 3 to the report) (subject to three amendments for which please refer to paragraph 9 on page B2 of this pack)
   4. the freeholder and leaseholder decant policy ‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’ (Annex 4 to the report)

B. A Community Call-in was received relating to these decisions which stated:

   “We the undersigned petition the council to commit to ensure the residents of Cambridge Road Estate are covered by the appeals process that the council already has in place for Introductory tenants, Flexible tenants and Demoted tenants. We also ask for a clearer definition of the "discretion" and "exceptional individual circumstances" that the council is looking to use in the Decant Policy.

   The three resident & community groups representing Cambridge Road Estate’s residents are appealing the decision made by Kingston-upon-Thames council’s housing sub-committee on 7 September that fails to act in the best interests of those affected by the Decant Policy.

   We ask that CRE residents be covered by the appeals process that the council already has in place for Introductory tenants, Flexible tenants and Demoted tenants.

   We also ask for a clearer definition of the "discretion" and "exceptional individual circumstances" that the council is looking to use in the Decant Policy.

   Please sign the petition below to confirm that you wish us to 'call-in' the decision made by RBK and ask for it to be scrutinised further.”

B. On 17 October 2017 the Council considered a report (ref. Appendix B in this agenda pack) which set out the contents of the Community Call-in. The Call-in was supported by 100 people who lived, worked or studied in the Borough, and was presented at the Council meeting by one of the Call-in organisers, Jill Preston (accompanied by Harry Hall and Dr Michael D’Souza.

C. The Community Call-in procedure is outlined on page B4 of this agenda pack.
Remit

D. At Council, following representations of the organisers of the Call-in, and after debate, a Motion was proposed by Councillor Liz Green and jointly seconded by Councillors Bill Brisbane and Linsey Cottington which, on being put to the vote, was agreed as follows:

“This Council agrees to set up a task and finish group to specifically consider the appeals process of the recently adopted decant policy for the Cambridge Road Estate. The task and finish group is charged with setting up a fair and equitable system, whereby trust in the Council is restored. It must include, but not be limited to:

- the ability to request and undertake appeals orally, as well as written
- be the same process for all tenants (secured, introductory, flexible or demoted) and home owners (leasehold or freehold);
- and appeals must be heard by someone not involved in the initial decision.”

[Voting:
For: 23 members of the Council (Councillors Sushila Abraham, John Ayles, Patricia Bamford, Bill Brisbane, Clive Chase, Mary Clark, Andrea Craig, Linsey Cottington, Tom Davies, Hilary Gander, Liz Green, Sheila Griffin, Richard Hudson, Shiraz Mirza, Rebekah Moll, Lorraine Rolfe, Hugh Scantlebury, Malcolm Self, Thay Thayalan, Margaret Thompson, Jon Tolley, Yogan Yoganathan and Diane White)
Against: 19 members of the Council (the Deputy Mayor, Mike Head, Geoff Austin, Rowena Bass, Paul Bedforth, Jack Cheetham, David Cunningham, Kevin Davis, Andrew Day, Phil Doyle, David Fraser, Ian George, David Glasspool, Eric Humphrey, Andy Johnson-Creek, Maria Netley, Raju Pandya, Terry Paton, Cathy Roberts, and Gaj Wallooppillai)
Abstaining: 2 Members (the Mayor, Councillor Julie Pickering, and Councillor Chris Hayes)

E. Under the Community Call-in Procedure, no Member who participated in the original decision called in for review shall sit on the Group. The following Members have been nominated by their Group Offices to serve on the Task and Finish Group as follows: Councillor Ian George (Conservative), Councillor Liz Green (Liberal Democrat), Councillor Sheila Griffin (Labour) and Councillor Terry Paton (Conservative). There is one further Member from the Conservative Group to be advised. (The composition of the Task and Finish Group is representative of the political proportionality of the Council.)

F. The Community Call-in organisers, Jill Preston, Harry Hall, and Dr Mike D’Souza have been invited to the Task and Finish Group. An invitation has also been sent for a representative of Leaseholders on the Cambridge Road Estate to attend, given the reference to leaseholders in the Motion above (and potential reference within the Call-in which requests “a clearer definition of the "discretion" and "exceptional individual circumstances" which are referred to in both Policies).

Working arrangements

G. The Procedure Rules provide that the Group appoint its own Chair and may co-opt up to 3 non-elected advisory members with relevant experience or expertise to assist in its work. The Group can choose its own working arrangements and can invite relevant people and organisations to submit evidence and representations either orally or in writing. Meetings of the Group and its agendas and minutes shall normally be open to the public and the Access to Information procedure rules apply. At the conclusion of its review, the Task and Finish Group will submit a report, with any recommendations, to the Housing Sub-Committee for its consideration, preferably at its meeting on 23 January 2018.
Within this agenda pack, to assist the Group in its work, are the following papers:

**Appendix A**
- original report to Housing Sub-Committee on 7 September 2017 – pages A1-A5 with:
  - Summary of Consultation and Analysis of Feedback – Annex 1 – pages A6-A14
  - Amendments arising from Consultation responses – Annex 2 – pages A15-A26
  - CRE Tenants Decant Policy - Annex 3 - pages A27-A42 (*see note below)
  - CRE Freeholders and Leaseholders Decant Policy -at Annex 4 - pages A43-A63
  - Equalities Impact Assessment - Annex 5 - pages A64-A71

*Notes:

#The Appeals Process in the CRE Tenants Decant Policy is in Section 14 of the Policy (pages A38-A39 of the agenda pack)

*The CRE Tenants Decant Policy in this agenda pack is the version submitted to Housing Sub-Committee at which it was amended – the amendments are set out in paragraph 9 on page B2 of this agenda pack

**Appendix B**
- the Community Call in Procedure Rules at Annex 1 – page B4
- Officers' response to Call-in concerns – Annex 2 – pages B5-B6
- Extract Minutes of Housing Sub-Committee discussion – Annex 3 – pages B7-B12

**Appendix C**
Late Material (report of the Independent Tenants Adviser from NewmanFrancis) and comments of a member of the public (Ms E Davey) circulated for the 7/9/17 Housing Sub-Committee meeting – pages C1-C6

**Background papers:** held by report author: Jean Cousens, Democratic Services, tel. 020 8547 5023 e-mail jean.cousens@kingston.gov.uk:
- report to and minutes of the 7/9/17 Housing Sub-Committee
- report to and Motion submitted to 17/10/17 Council
Housing Sub-Committee
7 September 2017
Housing Decant Policies
Deputy Chief Executive

Call-in deadline - Thursday 21 September 2017 (ten working days after the meeting)

Purpose
This report recommends the adoption of the Cambridge Road Estate KT1 decant policies to be implemented to support the regeneration activity taking place on the Cambridge Road Estate in the years ahead, until regeneration is completed.

Two separate policies, one for RBK council tenants and another one for RBK freeholders and leaseholders on the Cambridge Road Estate (CRE), have been developed and consulted upon. Following adoption by the Sub-Committee the successful implementation of these policies may form the standard for any future decant activity supporting regeneration of the Council’s housing stock.

Recommendations of the Portfolio Holder for Adults Social Care and Health

To Resolve that:
1. the details of feedback from the extensive consultation process (Consultation Summary - Annex 1) are duly noted, endorsed and incorporated as appropriate;
2. the proposed amendments (as detailed in Annex 2 – Decant Policies Consultation Changes Tables), all made as a result of stakeholders’ and residents’ feedback during the consultation, or legal advice, are adopted;
3. the tenant decant policy 'Cambridge Road Estate Kingston KT1 Council Tenants' Decant Policy' (Annex 3 to this report) is approved;
4. the freeholder and leaseholder decant policy 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy' (Annex 4 to this report) is approved;
5. the Equalities' Impact Assessment (EqIA) at Annex 5 to this report is noted.

Key Points

A. The decant policies will be used to support the regeneration of the Cambridge Road Estate (CRE), facilitating necessary development and addressing the needs of residents.

B. The policies set out the broad principles and the necessary detail for the fair, impartial, effective and efficient management of decants to ensure residents are rehoused with minimum disruption and to deliver essential vacant possession of CRE properties to the Council to facilitate regeneration.

C. The decant policies provide the necessary guidance where decanting of the Council’s CRE stock (tenanted, leasehold or freehold) is required, but will not fetter the authority’s discretion in taking into account individual household needs where the Council is required to exercise this discretion.

D. The policies aim to establish good practice in decanting, which may be applied elsewhere in the borough once successfully implemented, to support other necessary activity related to the regeneration of the Council’s housing stock.
E. Following last year’s consultation, two separate and distinct policies have been developed and drafted with external legal scrutiny to ensure the best possible outcomes for the Council and the local community, specifically the CRE.

F. The nature of the consultation has meant that the relevant documentation, namely the two decant policies, has been available to residents from Tuesday 18 April 2017 to Tuesday 1 August 2017, with the latest active consultation taking place from Monday 3 July 2017 and closing on Tuesday 1 August 2017. Further representations from the newly appointed Independent Tenant Adviser (ITA) for the future regeneration were considered after the close of the consultation to further enhance the depth of the consultation and to enable the ITA’s recommendations to be considered. A full overview of the consultation is included as Consultation Summary - Annex 1. A detailed and specific response to the comments received during the consultation will be available on the RBK website before the Committee meeting.

G. A key aim of both the policies is preserving the local sense of community and the ‘Right to Return’ is enshrined in the tenants’ decant policy, with the Council: “committed to local people remaining in the local area and to giving them the right to return to the developed estate in accordance with this policy” (‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ - 11 ‘RIGHT TO RETURN’).

H. For home-owners resident on CRE (freeholders and leaseholders of RBK properties) various housing options, which include complete or partial ownership, have been included; these are designed to allow existing residents with any element of current home ownership to stay on and invest in the estate in one of the newly built homes (‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’ – 6 ‘YOUR NEW HOME OPTIONS’).

I. The policies are designed to be fair and equitable in their operation, taking into account financial capability and individual household need, as assessed through the extensive Housing Needs Survey (HNS) conducted across the CRE.

**Context**

1. The decant policies are to be applied to support the regeneration of CRE and are specific to only that area at this time. Successful implementation of the policies will ensure fairness and good practice is applied to the logistical exercise of obtaining vacant possession of the Council’s stock as it is required for the phased regeneration of CRE. Further, successful implementation may enable the policies to serve as the standard for other regeneration schemes undertaken by the Council in the years ahead.

2. A fundamental element of both individual decant policies is to protect and enhance the existing CRE community, giving all RBK secure tenants and all resident owners on the estate the ‘right to return’ and facilitating this through the policy.

3. The decant policies necessarily have to support the logistical requirements of the CRE regeneration and to be sufficiently flexible to be adapted to the specific needs and circumstances of each individual household affected by the Council’s ambitious regeneration aims for the estate.

4. The two separate decant policies, attached as Annex 3 ‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ and Annex 4 ‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’, will become
effective on adoption and operational to support CRE’s physical regeneration at a time determined by the needs of the wider regeneration project.

5. The policies are tenure specific, with a policy for RBK’s secure tenants affected and a separate policy for RBK’s leaseholders and freeholders, independently tailored to the specific needs of each.

Proposal and Options

6. Options:
   - No decant policy for the CRE regeneration would risk undermining the effective regeneration of the estate, with the authority unable to acquire possession of properties in a timely and organised fashion to enable the efficient phasing of the project through to completion
   - A borough-wide policy would risk not adequately addressing the special needs of this unique community and losing this opportunity to preserve and enhance this community, its homes and environment
   - One policy to fit all circumstances, of all tenants, leaseholders and freeholders, would again risk not adequately addressing the needs of specific households with specific needs and specific financial or other circumstances
   - Two separate policies devised specifically for CRE provides the preferred option to ensure the needs of specific households, with specific needs and specific financial or other circumstances, are taken into account.

7. The significant regeneration being undertaken at CRE will inevitably require residents to be decanted and a policy is required for this and officers are recommending the option to adopt the fourth and final of the options considered above, two separate policies to address the specific needs of all residents on CRE.

Consultations

8. The policies have been developed through an earlier consultation last year that sought to clarify specific explanations of government legislation and other specific concerns raised. In addition, the fresh consultation carefully explained the Council’s commitment to the existing community and the ways in which the policies are intended to support these communities to return to a regenerated estate.

9. In response to feedback received from initial consultation more evening meetings were arranged and in addition the Leasehold Forum and the Reading Panel also discussed the new policy during evening meetings.

10. In addition to online engagement, which included a survey of opinion, there were also a variety of engagement opportunities in the latest consultation, including ‘drop-in’ sessions on the estate, an older persons’ event, meetings with residents, and ‘reading’ sessions where relevant officers have carefully taken tenants and home-owners through the separate policies, clause by clause, in addition to answering specific questions on specific concerns that residents themselves have raised either in person, through representatives, by email or letter. In total more than 170 separate items as consultation responses were received.
11. The consultation was wide-ranging, with responses carefully noted by officers to provide valuable feedback to improve the policies, in terms of clarity, accuracy and ‘user-friendliness’. In addition, one significantly substantive policy change, regarding Shared Equity home ownership, was made. The changes to succession for Shared Equity homeowners are set out now within the policy at C: **Shared Equity** and are designed to reflect similar rights enjoyed by Shared Ownership home owners in terms of introducing more rights to succession.

12. A summary of the consultation, all feedback comments and the Council’s response have been collated within the attached Consultation Summary at **Annex 1** to the report.

13. The changes proposed as a result of the consultation with residents and through briefings with relevant elected members and colleagues, to make the broad policy outlined more explicit in specific instances, are as detailed in **Annex 2** – Decant Policies Consultation Changes Tables.

**Timescale**

14. The policies if approved will be adopted on 21 September 2017, 10 working days after the meeting, and will become operational to meet the decanting needs of the Cambridge Road Estate during the regeneration as the need arises.

**Resource Implications**

15. There are no immediate resource implication arising from the recommendation to adopt these policies. There will, however, be resource implications from the point of implementation, partly dependent on the scale of need indicated through the detailed Housing Needs Survey undertaken, which will be met as detailed immediately following.

16. Acquisitions and all other associated costs, including disturbance payments, home-loss or other compensatory or similar payments, will be met either through Greater London Authority (GLA) funding or through the emerging RBK joint venture development company.

**Legal Implications**

17. The regeneration of the Cambridge Road Estate will affect a significant number of households and these policies have been formulated to assist in the process of moving households from their existing homes in order to facilitate the regeneration. These policies have been reviewed in line with current legislation.

**Risk Assessment**

18. Failure to manage any necessary decants efficiently and effectively carries a risk to the impact on the regeneration of the Cambridge Road Estate. Failure to achieve timely vacant possession of properties on the estate, in line with the requirements of the phased approach to regeneration that the Council will implement, will have an adverse impact on the scheme, the Council and residents. Having a clearly defined policy will ensure that each case is dealt with consistently and in a sensitive way taking resident households’ needs into account. This will minimise disruption for the tenant, leaseholders and freeholders and limit the resourcing implications for the housing service, as well as mitigating the risk of adversely impacting upon the phased regeneration of the estate and any subsequent reputational damage to the authority more widely.
19. The regeneration will be delivered in phases allowing tenants to be relocated directly into a new home as the preferred operational option. There may, inevitably, however, be some occasions where this may not be practicable, causing some slight risk in terms of temporary accommodation supply, rent collection and resident dissatisfaction. However, any risk will be mitigated through a phased approach to development over the extensive lifetime of the project, enabling the least disruptive application of the decant policies for households concerned.

**Equalities Impact Assessment**

20. An Equalities’ Impact Assessment (EqIA) has been undertaken and is attached at Annex 5. This will be reviewed and a further EqIA undertaken prior to the implementation process to ensure fairness and compliance with the 2011 public sector equality duty (the equality duty) created under the Equality Act 2010.

21. The Housing Needs Survey (HNS) is currently gathering information on all household need on the estate, along with the full equalities’ profile of the CRE, which will feed into the review of the current EqIA.

22. Regeneration or redevelopment is likely to affect all residents to varying degrees. At present there is no initial impact which has been identified with and there are no adverse implications with regards to the following diversity strands: faith or belief, and sexuality or gender identity, pregnancy and maternity and marriage or Civil Partnership. In addition, there are no known initial adverse implications under the terms of the Human Rights Act 1998 and Children Act 2004.

23. The EqIA sets out a full analysis of where this policy may potentially impact specific groups. It also sets out clear actions which the Council will undertake in order to meet its duty to manage and mitigate these potential impacts.

**Road Network, Environmental and Air Quality Implications**

24. None arising out of the recommendations of the report.

**Background papers**

A detailed and specific response to the comments received during the consultation will be available on the RBK website before the Committee meeting.

**Background papers** - held by the author of the report – Robert Johnson, Service Manager, Policy, Service Development & Partnerships, tel: 020 8547 5816
robert.johnson@kingston.gov.uk
Annex 1:

Cambridge Road Estate Decant Policies Consultation Summary

1. BACKGROUND:

1.1. The Council initially consulted on both decant policies last year. However, following the decision to review the policies and to resubmit these to the Housing Sub-Committee for approval at a later date, further consultation was held.

1.2. The consultation started on Tuesday 18 April 2017, but was again suspended, on Thursday 27 April 2017, due to a General Election being called and a period of political Purdah. The consultation was then reinstated on Monday 03 July 2017 and ran for a further 4 weeks until Tuesday 01 August 2017.

1.3. During the planned period of consultation, beginning Tuesday 18 April and during its suspension and recommencement the documents remained available to the public for a total period of 15 weeks up to Tuesday 01 August 2017.

2. SUMMARY:

2.1. This is an analysis of the feedback received from the consultation conducted by the Royal Borough of Kingston upon Thames (RBK) on both housing decant policies: the 'Cambridge Road Estate Kingston KT1 Council Tenants' Decant Policy' and the 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy'.

2.2. The consultation included a hand delivered letter and a first class mail-out to all Cambridge Road Estate (CRE) tenants and homeowners inviting them to access the Council's online consultation portal. The feedback from tenants and homeowners was received during a number of different events, including 'drop-in' sessions and meetings on the Cambridge Road Estate. All tenants over the ages of 60 were also sent a letter containing hard copies of the policies and supporting documents.

2.3. All tenants were sent a letter inviting them to attend 2 'drop-in sessions' and 1 meeting as well as a separate letter inviting all tenants aged over 60 to a 'Tea Party' for older residents. A total of 49 tenants attended these sessions, with some tenants attending more than one.

2.4. All homeowners were sent a letter inviting them to attend 2 ‘drop-in sessions’, 1 meeting as well as a separate letter inviting all leaseholders aged over 60 to a ‘tea party’ for older residents. Before the initial consultation was suspended, homeowners were also sent a letter inviting them to attend a further drop-in session and a leaseholder reader’s panel. A total of 53 homeowners attended these sessions, with some homeowners attending more than one.

2.5. The Council has responded to an anonymised version of each question, comment and feedback which has been published online on the Council’s consultation portal,
2.6. The 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy' was also an agenda item on the Leasehold Forum on the evening of Tuesday 01 August 2017 where further feedback was received.

2.7. A total of 175 questions, queries and comments have been raised by tenants and homeowners, 119 from homeowners and 56 from tenants.

3. OBJECTIVES:

- to obtain the views of tenants, homeowners and relevant stakeholders on the proposed content of the two decant policies
- to ensure suitable content and language for the target audience
- to inform the final version of both the 'Cambridge Road Estate Kingston KT1 Council Tenants' Decant Policy' and 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy', before submission to the Housing sub-Committee on 07 September 2017.

4. THE FORMAT OF THE CONSULTATION:

4.1 A previous 12-week public consultation period on both the decant policies was undertaken between July and September 2016. An extensive analysis was submitted to the Housing sub-Committee on 13 November 2016.

4.2 Following the decision to review the policies and resubmit to the Housing sub-Committee, a further round of consultation was then planned.

4.3 A 5-week public consultation took place between Monday 03 July 2017 and Tuesday 01 August 2017. The consultation initially started on Tuesday 18 April 2017 and was suspended 10 days later on Thursday 27 April 2017 due to the General Election. It was then reinstated on Monday 03 July 2017 and ran over 4 full weeks until Tuesday 01 August 2017, to ensure no active consultation time was lost.

4.4 Feedback was sought through a number of methods, including, the RBK consultation portal or by participants manually completing a hard copy of the survey. In addition to the survey, feedback was also sought through:

- 2 tenant 'Drop-in' sessions
- 1 tenants' meeting
- 1 older residents Tea Party
- 3 homeowner 'Drop-in' sessions
- 1 homeowners' meeting
- 1 Leaseholders' Readers' Panel
4.5 The varied formats and times and days of the sessions ensured that RBK effectively engaged as many tenants and homeowners as possible, including during evenings and on a Saturday afternoon. All sessions aimed to capture feedback and comments on all areas of the policy. A total of 53 homeowners attended these sessions, with some homeowners attending more than one. A total of 49 tenants also attended sessions, with some tenants attending more than one.

4.6 The format of the different sessions varied as follows:

- **‘Drop-in’ sessions** - to take tenants and homeowners through the policies on a one to one basis and present them with the opportunity to comment on or discuss how the relevant policy will affect them individually.

- **Meetings** - to provide tenants and homeowners with an opportunity to comment on or discuss the policies in a group context following a thorough analysis of each section by a relevant officer.

- **Leaseholders Reader’s Panel** - To forensically analyse the *Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy* with a group of leaseholders in a group setting in a ‘committee’ format.

- **Older Residents Tea Party** - to provide older residents with the opportunity to discuss or comment on the policies in a more informal and relaxed environment.

- **Leasehold Forum** - The *Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy* was also an agenda item on the Leasehold Forum on the evening of Tuesday 01 August 2017 where further feedback was received.

4.7 A short survey was produced and advertised on the Council’s online portal and hard copies handed to attendees at each of the consultation sessions. The link to the survey was also emailed to all tenants and homeowners who attended the sessions and everyone living on the Cambridge Road Estate with an active email address on the housing ICT system. A number of other communications produced by the Council, e.g. multiple estate newsletters, directed tenants and homeowners to the page with the survey. A hard copy of all the consultation material including the survey was sent out to all tenants and leaseholders over the age of 60.

4.8 Posters and flyers were also produced for the consultation. The flyers where distributed with the initial hand delivered letters and available at the local housing office. Whereas the posters were put up on notice boards and prominent areas within the estate.

4.9 The link to the survey was emailed to Cambridge Road resident associations, ‘One Norbiton’ and a number of local community groups and societies, for example, Mencap, Mind and the Kingston Somali Association.

4.10 However, the take-up of the online portal was lower than anticipated, with only 25 respondents choosing to respond this way despite sign-posting.
4.11  A total of 175 questions, queries and comments have been raised by tenants and homeowners, 119 from homeowners and 56 from tenants. The table below demonstrates the vast number of methods for providing feedback that were available to tenants and homeowners.

**Table showing high-level response breakdown by tenure / feedback method (Per individual question/comment/feedback):**

<table>
<thead>
<tr>
<th>Type of response</th>
<th>Method</th>
<th>Number</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowner responses</td>
<td>email</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>‘Drop-in’</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telephone</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Readers Panel</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Online</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sub-total</strong></td>
<td><strong>86</strong></td>
<td><strong>69</strong></td>
</tr>
<tr>
<td>Tenant-related responses</td>
<td>email</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>‘Drop-in’</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telephone</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Joint ‘Drop-in’</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Online</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sub-total</strong></td>
<td><strong>38</strong></td>
<td><strong>31</strong></td>
</tr>
<tr>
<td>All</td>
<td><strong>Total</strong></td>
<td><strong>124</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

4.12  69% of responses were from homeowners and 31% of responses were from RBK council tenants. This may have been because additional sessions were held for homeowners before the initial consultation was suspended. Furthermore, it was observed by officers that the tenant sessions revolved more around individual tenant circumstances as opposed to the decant policies specifically.

**Methods of engagement used by consultees (%)**

- Meeting
- ‘Drop-ins’
- Readers Panel
- Online
- Telephone
- Email
4.13 Homeowners provided more feedback than tenants, although they only make up 21.5% of the properties on the CRE, with secure social tenants comprising 78.5% of the estate:

<table>
<thead>
<tr>
<th>Tenure type</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Rent</td>
<td>653</td>
<td>78.5</td>
</tr>
<tr>
<td>Leasehold</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>Freehold</td>
<td>71</td>
<td></td>
</tr>
<tr>
<td>All homeowners</td>
<td>179</td>
<td>21.5</td>
</tr>
</tbody>
</table>

5. PROFILE OF ONLINE RESPONDENTS:

5.1. The online survey asked tenure and equalities questions in line with the Council’s corporate commitment to equalities monitoring. It is important to note that there were only 25 respondents to the online survey compared with the 102 tenants and homeowners who used the other channels.

5.2. Nearly two thirds or 63.6% of online respondents classed themselves as secure tenants; 9.1% indicated they were leaseholders and 27.3% freeholders with 3 people not responding. The respondents where made up of 10 males, 9 females and one person who preferred not to disclose their gender.

5.3. Chart 1 below shows the main disabilities as either being a mental health issue or having a physical/mobility need. There were 11 respondents who did not answer this question:

Chart 1:

Do you have any of the following disabilities?

- Prefer not to say: 3 (21.4%)
- Physical / mobility: 4 (28.6%)
- Mental health: 4 (28.6%)
- Other: 3 (21.4%)

5.4. Chart 2 below shows that the majority of respondents (where age was disclosed) were over 65 with the largest age group being the 65-78 year old cohort. This shows a gap in the number of young respondents, especially as 75% of CRE tenants are under 60:
5.5. **Chart 3** below shows the majority of respondents to the survey were White English (57.9%). This is fairly representative as White English residents are the largest ethnic group on the estate.

5.6. It is important to note that further analysis will be carried out when the full Equality Impact Assessment (EIA) has been carried out. This is to ensure that the feedback of the Housing Needs Survey can be taken into account in order to provide a more complete picture of residents on the estate.
6. MAIN CONSULTATION FINDINGS

Online Consultation (RBK Consultation Portal)

6.1 When asked if there were any areas that respondents were not clear about, 7 out of the 25 respondents answered ‘Yes’; identifying the following as areas needing more clarity:

- Market Valuations and Compulsory Purchase Orders
- Details regarding their individual circumstances and housing need
- Wider regeneration questions relating to timescales.

6.2 Some examples of the responses relating to the freeholder and leaseholder policies are:

"Paragraph 5.1.9 - The cost of hiring a removal company to transfer the entire contents of a home will almost certainly exceed £500. To obtain three quotes for this job involves hassle that the homeowner could do without…"

"…….there is no statutory right to return and that the council may, at its discretion, offer this option but there is no guarantee it will do so."

"Timeline - our house is now difficult to sell on the private market. Over time therefore its value will be deemed low/lower so you [must] judge market value as if you haven’t given the property a death sentence. Keeping its value rising in line with Kingston property. Also, issuing a timeline is very important to enable people to plan and to lessen the impact of you taking away their homes…"

6.3 Some examples of the responses relating to the tenant policies are:

"Current flat is expensive to run - has immersion heater + storage heaters - Would like cheaper bills. Been here for 2 years. Would like an extractor fan in the bathroom. Would like to be in the first phase."

"I currently have a 3 bedroom house with a garden, and garage, also downstairs toilet. I do not want to move to a flat and would like 2 bathrooms for family. However, I want to stay on Cambridge Road Estate. What size house would I get? My 4 adult children live with me."

"I and my wife and son have lived in our current home for 47 years. My wife who is 84 years of age suffers serious health problems, i.e. irritable bowel syndrome & advanced glaucoma and cannot go out on her own. I have to be with her most of the time."

"[Provide] Help for those who would like to move to another borough when decant happens."

"I do not want to move. I spent money on my home. Everything is new."
CRE SESSIONS - HOMEOWNERS FEEDBACK:

6.4 Homeowner feedback was captured through questions, queries and comments raised by homeowners on the estate. In summary, it seems there was no single main concern, as the comments were varied in nature.

6.5 For homeowners, the comments and feedback appear to focus on:

- Lack of like-for-like property, e.g. a house with a garden for a flat
- Loss of security, e.g. freeholder to a leaseholder
- The valuation process
- Affordability questions
- Succession rights for shared equity properties
- Clarity of language.

6.6 The following chart categorises subject areas raised:

Homeowners queries by topic

[Bar chart showing the frequency of queries by topic, with 'Regeneration' having the highest frequency.]
CRE SESSIONS: TENANT FEEDBACK

6.7 Tenant feedback was captured from questions, queries and comments raised by tenants on the estate. Again, there was no main concern and comments were varied in nature.

6.8 For tenants, the comments and feedback appear to focus on:

- Lack of like-for-like property, e.g. a house with a garden for a flat
- Clarity of language – seemingly non-committal terms
- Concerns about being moved away from area for temporary accommodation - especially the impact for households with young children or the vulnerable
- Concerns regarding the ability to return to the estate
- Questions regarding individual personal circumstances.

6.9 For tenants, the following list is a categorised breakdown of the responses received:

![Issues raised by tenants chart]

6.10 After analysing the feedback received during the consultation the proposed changes have been set out in Annex 2.
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Original Drafted Clause</th>
<th>Proposed Amendment</th>
<th>Reason for change</th>
<th>Consultation change origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>6.4 Where secure tenants refuse offers of alternative accommodation which the Council believes are suitable, and rehousing by negotiation or voluntary agreement is not possible, the Council will exercise its legal right to obtain possession. Details of how the Council will make offers, including any necessary bidding and the number of offers, is explained in this policy and the Council's Housing Allocations Scheme.</td>
<td>6.4 The Council will ensure that secure tenants are offered suitable alternative accommodation that meets their need. Where secure tenants refuse offers of alternative accommodation, which the Council believes are suitable, and rehousing by negotiation or voluntary agreement is not possible, the Council will seek possession through the use of appropriate means. Details of how the Council will make offers, including any necessary bidding and the number of offers, is explained in this policy. Means may include use of powers under the Housing Act 1985 to secure possession on the grounds of the Council's intention to redevelop the estate or the use of CPO.</td>
<td>Revised to provide clarity and reassurance regarding the Council's intentions and approach</td>
<td>Resident Association representation.</td>
</tr>
<tr>
<td>T2</td>
<td>7.1 As preparation for the decanting, home visits will be offered to tenants and a full individual housing needs survey completed.</td>
<td>7.1 Individual housing needs surveys will be completed in a number of ways and if a tenant wants a home visit this will be arranged.</td>
<td>Revised to provide clarity and reassurance regarding the Council's intentions and approach</td>
<td>Resident Association representation.</td>
</tr>
<tr>
<td>T3</td>
<td>7.3 Tenants will choose a rehousing option, subject to eligibility criteria or any exceptional circumstances, for either permanent or temporary rehousing. In some exceptional circumstances, due to special housing needs, it may be necessary for some households to be re-housed away from the new development, with support to find suitable alternative permanent accommodation elsewhere in Kingston.</td>
<td>7.3 Tenants will choose a rehousing option, subject to eligibility criteria or any exceptional circumstances, for either permanent or temporary rehousing.</td>
<td>Text removed for clarity and to illustrate the Council's approach; previous text could have inferred less favourable treatment for those with special housing needs.</td>
<td>Resident Association representation.</td>
</tr>
<tr>
<td>T4</td>
<td>1: Move straight into one of the newly built homes – when new homes are built the Council will aim, where possible, for new homes to be completed before you have to move out of your old property.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REHOUSING OPTIONS 4:</td>
<td>1: Move straight into one of the newly built homes – when new homes are built the Council will aim, where possible, for new homes to be completed before you have to move out of your old property, with all secure RBK tenants retaining the same terms and conditions of tenure. Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T5</td>
<td>4: Become a homeowner through a shared ownership scheme - secure tenants will receive priority for new homes being built for shared ownership designed to help households get onto the housing ladder. Secure tenants will need to make your own arrangements to make sure you can afford to enter into any such arrangement and to secure a suitably affordable and appropriate mortgage. The minimum proportion to be purchased will be 25%.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REHOUSING OPTIONS 4:</td>
<td>4: Become a homeowner through a shared ownership scheme - secure tenants will receive priority for new homes being built for shared ownership designed to help households get onto the housing ladder. As a secure tenant you will need to make your own financial arrangements to make sure you can afford to enter into any such arrangement. The minimum proportion to be purchased will be 25%, with the ability to purchase increased shares over time up to 100%.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| T6 | 10.1 As detailed in the Council’s Housing Allocations Scheme the following will be eligible for assistance and rehousing under the decant policy:
- Adult relatives who were originally rehoused by the Council into their current accommodation and whom would be reasonably expected to reside with them |
| REHOUSING OPTIONS 4: | 10.1 As detailed in the Council’s Housing Allocations Scheme the following will be eligible for assistance and rehousing under the decant policy, as persons who would reasonably be expected to reside with the tenant, in line with the Council’s Allocations Scheme:
- Adult relatives who are part of the household and would be reasonably expected to reside with them |
<p>| T7 | Partners and spouses living at the property with the tenant at least 12 months prior to the date of notification of the decanting requirement or who are identified as eligible through the estate’s Housing Needs survey. |
| REHOUSING OPTIONS 4: | Spouses living at the property with the tenant or who are identified as eligible through the estate’s Housing Needs survey. |
| T8 | Partners are already covered (above) and spouses have slightly different legal rights than partners. |
| | Resident feedback and Resident Association representation. |
| | The full range of the Shared Ownership option is now illustrated for the avoidance of doubt and for completeness. |
| | Resident Association representation. |
| | Additional text to make explicit the connection to the existing allocations scheme and to make explicit the policy’s alignment with this scheme. |
| | Resident Association representation. |
| | Wording altered to avoid any misinterpretation of policy (as obviously households grow and change over time and to only include those originally rehoused with the tenant would be unfair). |
| | Resident Association representation. |
| T9 | 11 The Council is committed to local people remaining in the local area and to giving them the right to return to the redeveloped estate in accordance with this policy. | 11 The Council is committed to local people remaining in the local area and to giving them the right to return to the redeveloped estate in accordance with this policy, with all secure RBK tenants retaining the same terms and conditions of tenure. Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure, with the Council as their landlord. | Text change strengthens option to eliminate doubt as to the Council's position on retaining tenants' rights as RBK secure tenants on their return to the regenerated Cambridge Road Estate, if that is their preference. | Resident feedback and Resident Association representation. |
| 12.1 and 12.9 have simply been swapped one bullet for the other. | 12.1 and 12.9 have simply been swapped one bullet for the other. | The default position should be set out first. | Resident feedback. |
| T10 | 12.5 The Council will offer tenants moving permanently to another Council property the same rights and tenancy type as they had in their Cambridge Road Estate property. | 12.5 The Council will offer tenants moving permanently to another Council property the same rights and tenancy type as they had in their Cambridge Road Estate property, so that secure tenants will be able to continue as secure tenants of the Council, if that is their preference. | Additional text added for clarity. | Resident feedback and Resident Association representation. |
| T11 | 12.7 Should a household not accept the one direct offer of temporary housing, they will be considered a permanent decant without the option to return. They will be given a high priority and approved to bid through the CBL scheme for a permanent home elsewhere. | 12.7 The Council will discuss with households their preferences for temporary decanting and will aim, where possible, to accommodate these preferences. However, where the Council considers it has made a reasonable offer, taking these preferences into account, and a household does not accept this, they will be considered a permanent decant without the right to return. They will be given a high priority and approved to bid through the CBL scheme for a permanent home elsewhere. | Additional text to illustrate the Council's approach and the importance of 'reasonableness' in this. | Resident Association representation. |
| T12 | 13.2 A disturbance payment is additional compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home. | 13.2 A disturbance payment, which may be paid as a lump sum, will be paid to all households in addition to any other compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home. | The option to pay a lump sum will be considered, at an appropriate level dependent on individual circumstances, to avoid any unnecessary bureaucratic burden in administering payments and providing transactional simplicity for residents. | Independent tenant adviser. |
| T13 | NONE. | NEW 13.5 The Council may offer the option of a lump sum payment without the need for the Council to review the receipts and invoices for the costs you incur. If this option is not offered you will need to provide receipts or invoices and the Council will reimburse based on these, so it will be important that you keep a detailed record of costs incurred. The disturbance payment may be paid in one of two ways – either (a) a one of payment as a lump sum (to be determined by the Council) without the need for the Council to review the receipts and invoices for the costs you incur, or (b) you can provide receipts or invoices and the Council will reimburse based on these. | Related to the above: The option to pay a lump sum will be considered, at an appropriate level dependent on individual circumstances, to avoid any unnecessary bureaucratic burden in administering payments and providing transactional simplicity for residents. | Independent tenant adviser, |
| T14 | PREVIOUS 13.5 | NEW 13.6 | 13.6 For option (b) it is important that you keep a detailed record of the costs incurred in connection with the move. In order for the Council to reimburse you for these costs, you are required to provide the Council with receipts for all reasonable costs. It is important to get a receipt or pro-forma invoice from the companies that you use to carry out any works or services that you wish to seek reimbursement for. We strongly recommend that you use reputable companies which provide genuine receipts and invoices which feature: | Now aligned with the previous text (and applying to the following list). | Independent tenant adviser, |
| T15 | PREVIOUS 13.6 | NOW 13.7 | 13.7 Should any items that you wish to claim be over the value of £500, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £500, the Council will need to approve all payments in advance of the work being commissioned. | In part related to the above at 13.2 and subsequent: the setting of a higher fixed sum will be to the tenant's benefit, avoiding a lower level of bureaucratic burden in administering payments and providing transactional simplicity for residents, up to that higher amount. | Independent tenant adviser. |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Change</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>T16</td>
<td></td>
<td>13.13 If arrears action has been started and a court date for outright possession or the execution of a warrant has been applied for, the Council has the right to continue possession proceedings. Each case will be considered on its merits case-by-case.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.14 If arrears action has been started and a court date for outright possession or the execution of a warrant has been applied for, the Council will continue with possession proceedings and enforcement that has already commenced where appropriate, with each case considered on its merits case-by-case.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revised to provide clarity and reassurance regarding the Council's intentions and approach</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resident Association representation.</td>
</tr>
<tr>
<td>T17</td>
<td></td>
<td>PREVIOUS 13.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NOW 13.16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.15 The Council may make a discretionary home loss or disturbance payment to a tenant who does not meet the 12 month residence requirements, provided that it is their only or main home on the date they are required to leave it. Each case will be assessed on its merits on a case-by-case basis.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.15 The Council may make a discretionary home loss payment to a tenant who does not meet the 12 month residence requirements, provided that it is their only or main home on the date they are required to leave it. Each case will be assessed on its merits on a case-by-case basis.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Term 'disturbance' removed as dealt with elsewhere.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council made change for clarity.</td>
</tr>
<tr>
<td>T18</td>
<td></td>
<td>14.3 Secure tenants have certain statutory rights of appeal against possession proceedings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14.3 Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim, subject to appropriate advice.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wording changed for clarity in legal terms.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resident Association representation.</td>
</tr>
<tr>
<td>Ref.</td>
<td>Original Drafted Clause</td>
<td>Proposed Amendment</td>
</tr>
<tr>
<td>------</td>
<td>------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>LF1</td>
<td>NONE.</td>
<td>GLOSSARY (NEW): Pre-Emption: where an owner of a shared ownership or shared equity lease wishes to sell their interest it must first be offered to the Council. This is called a right of pre-emption in favour of the Council and is included in the lease.</td>
</tr>
<tr>
<td>LF2</td>
<td>GLOSSARY: Shared equity – the Council offers the option of buying a proportion of the value of a new property and rent is not paid on the unowned proportion, which is retained by the Council.</td>
<td>GLOSSARY: Shared equity – the Council offers the option where you own a proportion of a new property which you purchase from the Council. The Council retains the remaining proportion of the equity and you do not pay rent on the unowned proportion, which is retained by the Council. On any sale of the property you and the Council will share the proceeds in proportion to your respective ownership share.</td>
</tr>
<tr>
<td>LF3</td>
<td>1.6 The options in this document seek to ensure that.</td>
<td>1.6 The Council will ensure that.</td>
</tr>
<tr>
<td>LF4</td>
<td>No party (either the Council or any leaseholder or freeholder) is financially better or worse off as a result and leaseholders should not be financially disadvantaged by the regeneration.</td>
<td>No party (either the Council or any leaseholder or freeholder) is financially better or worse off as a result and leaseholders and freeholders should not be financially disadvantaged by the regeneration.</td>
</tr>
<tr>
<td>LF5</td>
<td>1.7 We know that the policy cannot cover every eventuality and needs to be able to reflect the personal circumstances of affected leaseholders. The principles set out in this document set out the general approach, however where cases fall outside the policy for those who are vulnerable or who are facing financial difficulties the Council will consider individual circumstances, on a case by case basis based on the principles set out in this document.</td>
<td>1.7 We know that the policy cannot cover every eventuality and needs to be able to reflect the personal circumstances of affected leaseholders and freeholders. The principles set out in this document set out the general approach, however where cases fall outside the policy for those who are vulnerable or who are facing financial difficulties the Council will consider individual circumstances, on a case by case basis based on the principles set out in this document.</td>
</tr>
<tr>
<td>LF6</td>
<td>2.2 A resident leaseholder or freeholder is one that has been in occupation of the property as their sole and principal home for at least one year preceding the date of the notification letter from the Council setting out its intention to acquire the property.</td>
<td>Text removed and reworded as the resident homeowner may own other property elsewhere.</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>LF7</td>
<td>5. ENTITLEMENT TO COMPENSATION (second paragraph – first sentence) A resident leaseholder/freeholder is one that has been in occupation of the property as their sole and principal home for at least one year preceding the date of the notification letter from the Council setting out its intention to acquire the property.</td>
<td>Text modified for clarity and in line with the above amendment.</td>
</tr>
<tr>
<td>LF8</td>
<td>Disturbance payment 5.1.5 A disturbance payment is additional compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home. For the most part it is only available to resident leaseholders and freeholders.</td>
<td>The setting of a higher fixed sum will be to the homeowner’s benefit, avoiding a lower level of bureaucratic burden in administering payments and providing transactional simplicity for residents, up to that higher amount.</td>
</tr>
<tr>
<td>LF9</td>
<td>5.1.9 Should any items that you wish to claim be over the value of £500, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £500, the Council will need to approve all payments in advance of the work being commissioned.</td>
<td>5.1.9 Should any items that you wish to claim be over the value of £750, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £750, the Council will need to approve all payments in advance of the work being commissioned.</td>
</tr>
<tr>
<td>LF10</td>
<td>5.1.10 In addition to home loss and disturbance payments, you can also claim for reimbursement of legal and/or surveyor's costs you incur that are linked to the sale of your current property and (where relevant) the purchase of your new home. These costs include, for example:</td>
<td>5.1.10 In addition to home loss and disturbance payments, you can also claim for reimbursement of legal and/or surveyor's costs you incur that are linked to the sale of your current property and (where relevant) the purchase of your new home (whether this is on the Estate or elsewhere). These costs include, for example:</td>
</tr>
<tr>
<td>LF11</td>
<td>- Legal (conveyancing) fees arising from the sale of your home to the Council and the purchase of a new property</td>
<td>Legal (conveyancing) fees arising from the sale of your home to the Council and the purchase of a new property, and Stamp Duty arising from the purchase of a replacement property and other disbursements</td>
</tr>
<tr>
<td>LF12</td>
<td>- Stamp Duty</td>
<td>Disbursements including Stamp Duty</td>
</tr>
<tr>
<td>LF13</td>
<td>Surveyor's fees arising from the acquisition of a replacement property</td>
<td>Solicitor / legal fees arising from the purchase of a replacement property</td>
</tr>
<tr>
<td>LF14</td>
<td>Survey fees and reasonable costs in connection with the redemption/transfer of an existing mortgage or raising a new one.</td>
<td>Surveyor's fees arising from the purchase of a replacement property.</td>
</tr>
</tbody>
</table>

C: Shared Equity (second paragraph)
| Page 5 | In order to be eligible for this option you will be required to invest the full market value of your existing home plus your full home loss payment into the purchase of the new property. This will buy a proportion of equity in the new property. The Council will retain the remaining unpurchased proportion of the property. This remaining proportion can be purchased by you at its market value at any future point. No rent is charged on the unpurchased proportion. | The starting point for eligibility for a shared equity offer requires the leaseholder or freeholder to invest the full market value (all the equity in the property plus the full amount of their current mortgage) and the full home loss payment from the sale of their existing property into the purchase of their new home. This will buy a proportion of equity in the new property. The Council will retain the remaining unpurchased proportion of the property. This remaining proportion can be purchased by you at its market value at any future point. No rent is charged on the unpurchased proportion. The new property that you wish to purchase does not have to be on the estate should you wish to move away from the estate. | Additional text to clearly illustrate the Council's expectation on behalf of the homeowner to be eligible for the Shared Equity offer on the terms set by the Council. In addition, final text added to illustrate further ownership options away from the Cambridge Road Estate, if that is a preferred viable option for resident leaseholders and freeholders wishing to exercise this option. | Residents and Resident Association representation. |
| Page 6 | You will select one of the available new build properties on the estate of a similar size (or smaller), determined by the number of bedrooms, and this will be valued by the Council. | You will select one of the available new build properties on the estate (or a property elsewhere should you wish to move away from the estate) of a similar size (or smaller), determined by the number of bedrooms, and this will be valued by the Council. | Additional text in brackets added to illustrate that further ownership options away from the Cambridge Road Estate will be permissible, if that is a preferred viable option for resident leaseholders and freeholders wishing to exercise this option. | Residents. |
| Page 7 | At the point of sale in the future, you and the Council will share the proceeds in accordance with the proportion of equity that you own. | At the point of sale in the future, you and the Council will share the proceeds in proportion to your respective ownership share. | Text amended for clarity. | Residents |
| Page 8 | NONE. | (NEW) Once you have staircased to 100% ownership you will be free to deal with the property as you wish. | Bullet text added for clarity. | Residents |
If you have not staircased to 100% ownership of the property, succession to the property can only occur once, after which the unpurchased proportion of the property must be acquired from the Council at market value.

- Succession is limited to the leaseholder's or freeholder's spouse (either through marriage or civil partnership) or person living with them as husband/wife/civil partner provided that person has occupied the property as their only or principal home for at least six months.
- Succession will not be granted to any other member of the household, including children or other relatives.

If you have not staircased to 100% ownership, there are restrictions on what you can do with the property so that (a) if you wish to sell your interest you are free to do so but the Council must be given the first opportunity to purchase your share (at its market value) before you can sell on the open market, and (b) on your death, succession rights will be restricted by the lease to either (i) your spouse/civil partner or long-term cohabiting partner, or (ii) your adult child or other relative provided that in each case they were occupying the property for at least 6 months prior to your death, provided that if succession has taken place once under (i) one further succession will be permitted from your spouse/civil partner or long term cohabiting partner to your or their adult child or relative provided that they were occupying the property for at least 6 months prior to their death so that in total, there is a maximum of two permitted successions. If there are no permitted successions the Council will consider offering a shared ownership option to a household member who wishes to continue to reside at the property dependent on individual circumstances.

### D: Shared Ownership

<table>
<thead>
<tr>
<th>Key Information for this option includes:</th>
<th>Key Information for this option includes:</th>
</tr>
</thead>
</table>

**Additional final bullet:**

- On the death of the Shared Owner there will be no limit to succession rights.

Succession rights had not been made clear.

Council made change for clarity.

<table>
<thead>
<tr>
<th>6.3.1 The Council is also aware that there are leaseholders and freeholders that have complex needs which make them vulnerable. We may be able to provide additional support to those leaseholders and freeholders with complex needs that are assessed as being vulnerable and assist them with their move.</th>
</tr>
</thead>
</table>

The definitive is employed to illustrate the Council's commitment to provide additional support where appropriate to individual households' needs.

Resident Association representation.
<table>
<thead>
<tr>
<th>LF2 2</th>
<th>(PREVIOUS) Appendix 4: Leaseholders &amp; Freeholders Options Comparison</th>
<th>(DELETED) Appendix 4: Leaseholders &amp; Freeholders Options Comparison</th>
<th>Deleted as not providing illustrative clarity.</th>
<th>Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>LF2 3</td>
<td>(NEW) Appendix 4:</td>
<td>(NEW) Appendix 4:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Previous column: 'Reserve Fund'.</td>
<td>'Reserve Fund' column now deleted.</td>
<td>Deleted as not providing illustrative clarity.</td>
<td>Residents</td>
</tr>
<tr>
<td>Cambridge Road Estate Kingston KT1 Tenants' Decant Policy</td>
<td>Cambridge Road Estate Kingston KT1 Tenants' Decant Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original Drafted Appendix item</td>
<td>Proposed Revised Appendix item</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clearance of unwanted items</td>
<td>Clearance of unwanted items</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As the tenant you are responsible for clearing any belongings from the property and for ensuring vacant possession of that property. We reserve the right to clear any items left behind that need to be cleared and disposed of. Tenants will not be able to reclaim them, or the value of them, once they have been left in the property. The cost of clearance and disposal will be charged to tenants. Households will be advised of this in advance of the moving date.</td>
<td>As the tenant you are responsible for clearing any belongings from the property and for ensuring vacant possession of that property. We reserve the right to clear any items left behind that need to be cleared and disposed of. Tenants will not be able to reclaim them, or the value of them, once they have been left in the property.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW:</td>
<td>Disturbance:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NONE.</td>
<td>The Council will reimburse you for all the additional costs you incur as a result of moving home to include items such as redirection of post, removal costs, reconnection of services, reasonable alterations, etc.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CAMBRIDGE ROAD ESTATE (CRE) KINGSTON KT1
COUNCIL TENANTS’ DECANT POLICY

CONTENTS

1 PURPOSE
2 CONTEXT AND AIMS
3 SCOPE
4 LEGAL FRAMEWORK
5 DEFINITIONS AND GLOSSARY OF TERMS
6 WHY WILL CRE NEED ‘DECANTS’?
7 HOUSING NEEDS SURVEY
8 NEW HOMES - LETTINGS PLAN
9 THE DECANT PROGRAMME
10 QUALIFICATIONS AND EXCLUSIONS
11 RIGHT TO RETURN
12 MOVING TO A SUITABLE HOME
13 FINANCIAL AND OTHER ASSISTANCE
14 APPEALS
15 DISCRETION

APPENDICES
Appendix A - Suspension of Right-to-Buy
Appendix B - Further Information.
1 PURPOSE

1.1 The Council has ambitious plans for the Cambridge Road Estate. Regenerating the estate will require a programme of 'decants' – moving residents from their homes whilst improvements are carried out – which this policy will enable.

1.2 The policy sets out how the Council intends to manage the process of moving its secure tenants (Council tenants) from their homes in order to facilitate the regeneration of the Cambridge Road Estate. This policy applies to Cambridge Road Estate Kingston Council tenants only, but may be adopted in future for other Kingston Council tenants elsewhere.

1.3 The Council recognises the major impact moving out of an established home can have and this document outlines the Council's approach to decants. It also explains entitlements to financial assistance that may be offered in certain circumstances and the practical guidance and support the Council can provide to those affected.

1.4 The policy outlines how the Council will obtain possession of properties on the Cambridge Road Estate and how tenants will be moved to alternative accommodation, where necessary.

2 CONTEXT AND AIMS

2.1 This policy should be read alongside the Council’s current Housing Allocations Scheme.

2.2 The aim of the Cambridge Road Estate regeneration is to increase both the supply and quality of affordable housing in the area, in line with the Council’s stated objectives as set out in the Council’s Housing Strategy 2015 – 2020 and the Council’s Housing Allocations Scheme. In order to achieve the Council’s ambitions for more and better quality homes existing housing stock will need to be demolished.

2.3 The Council is committed to meeting tenants' housing need in the first instance and will also take account of wishes, meeting them where this is reasonable and achievable in the context of wholesale estate regeneration.

2.4 The Council has published two separate decant policies, one for secure Council tenants (this policy) and one applicable to Leaseholders and Freeholders (a separate policy).

2.5 The Council will exercise discretion in applying this policy but will comply with duties imposed by statute, any relevant mandatory code of guidance and its own policies. The Council is committed to ensuring that no person receives less favorable treatment on the grounds of their protected characteristics as defined in law, by: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex, and sexual orientation.
3 SCOPE

3.1 This policy applies to the Cambridge Road Estate only and secure tenants on that estate who are Kingston Council tenants.

3.2 This policy does not apply to squatters; private tenants; sub-tenants; lodgers; non-resident landlords, and licensees; nor does it apply to any unauthorised residents or occupants.

3.3 This policy will not be used in the case of emergency repairs, as existing procedures for decanting for repair are dealt with within the Council’s Housing Allocations policy.

3.4 This policy does not apply to Leaseholders and Freeholders on the Cambridge Road Estate. There is a separate policy applicable to Leaseholders and Freeholders on the Cambridge Road Estate.

3.5 Any existing households housed in temporary accommodation on the estate (not housed there as part of the decanting process for secure tenants because of the planned regeneration) will not be eligible for the full range of rehousing options available to secure tenants. Any such households will be offered temporary accommodation in accordance with the allocations policy.

3.6 Private tenants living on the estate will receive advice and assistance from the Council’s housing options service and are not covered by this policy.

3.7 This policy will be used by the Council, either:
   - to move tenants on a temporary basis whilst permanent accommodation is being built (a temporary decant); or
   - to move tenants directly to permanent accommodation (a permanent decant).

4 LEGAL FRAMEWORK

4.1 Legislation and the relevant policies, strategies, etc., used to formulate this policy are set out below (including legislation as subsequently amended or re-enacted):

Legislative & policy context:

- Land Compensation Act 1973
- Housing Act 1985
- Housing Act 1996
- Town and Country Planning Act 1990
- Human Rights Act 1998
- Homelessness Act 2002
- Housing Act 2004
- Section 138C of the Housing Act 1985, which was inserted by Section 183(2) of the Housing Act 2004
- Housing and Regeneration Act 2008
5 DEFINITIONS AND GLOSSARY OF TERMS

- 'The Council' means Kingston Council (RBK)
- 'Tenant' means secure tenant of Kingston Council (or Private Registered Providers by agreement) unless we specifically state otherwise
- 'Secure tenant' refers to a tenant occupying a property on the basis set out in sections 79 - 81 of the Housing Act 1985
- 'Current legislation' means the law in place at the relevant time during the operation of this policy
- 'Decant' describes the process where residents are required to move from their homes because the Council has plans to regenerate land including their home
- A 'permanent decant' / 'permanent rehousing' means a tenant being moved out of an old property to a new home where they will live permanently
- A 'temporary decant' / 'temporary rehousing' means a tenant being moved out of their old property for a period of time until an alternative or permanent new home is available
- 'Regeneration' means rebuilding, redeveloping or renewing with improvements in an area and / or the provision of new-build homes within it
- 'Rehousing' means the provision of alternative housing.

6 WHY WILL CAMBRIDGE ROAD ESTATE (CRE) NEED 'DECANTS'? 

6.1 A big regeneration scheme like that planned for Cambridge Road will have its own development (building) plan and timetable that will affect the rehousing options available to secure tenants. The regeneration is likely to be carried out in phases over a period of years with blocks demolished at different times.

6.2 Different phases of construction will mean that some households will lose their existing home before a new home is available. When this happens tenants will have the opportunity to move to another home, either temporarily or permanently.

6.3 This policy will help the Council 'obtain vacant possession of' (take back) parts of the estate as they are needed for re-building, as well as manage the decanting process. The Council will ensure people are given the proper notice when they have to leave their old property in line with our legal duties and social responsibilities.
6.4 The Council will ensure that secure tenants are offered suitable alternative accommodation that meets their need. Where secure tenants refuse offers of alternative accommodation, which the Council believes are suitable, and rehousing by negotiation or voluntary agreement is not possible, the Council will seek possession through the use of appropriate means. Details of how the Council will make offers, including any necessary bidding and the number of offers, is explained in this policy. Means may include use of powers under the Housing Act 1985 to secure possession on the grounds of the Council's intention to redevelop the estate or the use of CPO.

6.5 The Council is committed to doing all that it reasonably can to support households to move on a voluntary basis by mutual agreement. Support will be provided to tenants to move through the rehousing process with as little disruption as possible and this process will begin with all those affected being assessed through a housing needs survey, as detailed in Section 7, following here.

7 HOUSING NEEDS SURVEY

7.1 Individual housing needs surveys will be completed in a number of ways and if a tenant wants a home visit this will be arranged.

7.2 As the regeneration progresses tenants will be kept informed about the decanting programme and housing options. A decant rehousing application will be completed with tenants and housing needs and aspirations discussed, including any health issues (which will require a separate medical assessment to be completed) affecting housing need, in accordance with the Housing Allocations Scheme. The information gathered will inform size, floor level and mobility needs for each household and the level and types of support needed.

7.3 Tenants will choose a rehousing option, subject to eligibility criteria or any exceptional circumstances, for either permanent or temporary rehousing.

7.4 Where a housing medical assessment form is completed the Council's medical advisor will make a recommendation to the Council, usually notified in writing to the tenant within 10 working days, unless additional supporting information is sought by the Council. There is a right to appeal in writing against any medical advisor recommendation in line with the Allocations Scheme. A new medical form can be completed when there is further evidence to provide to the Council's medical advisor.

7.5 Any existing households housed in temporary accommodation on the estate (not housed there as part of the decanting process for secure tenants because of the planned regeneration) will also be visited as part of the needs assessment process but will not be eligible for the full range of rehousing options available to secure tenants. A rehousing plan will be agreed with temporary accommodation households and the process and timescales of a move explained to individuals concerned. All moves will happen in line with the agreed criteria for prioritising moves into alternative accommodation as set out in the current Housing
Allocations Scheme. Any such households will be placed on the temporary accommodation transfer database and will be contacted when suitable alternative accommodation is available, but are not covered by this policy.

8 NEW HOMES - LETTINGS PLAN

8.1 As new homes are built, and become available to let by the Council, first priority for social rehousing will go to those decanted tenants who have been temporarily rehoused. After this rehousing priority will be given to those tenants in homes due for demolition and, finally, any remaining homes will be used to house other priority households from the estate.

8.2 Once ‘Master-Planning’ (the creation of the overall design plan for the estate’s street lay-outs and broad outlines for design of buildings) is complete the Council will produce a Lettings Plan, in line with the Council’s Housing Allocations Scheme, which will include designated mobility properties or wheelchair homes being matched to applicants assessed as needing those properties.

8.3 Properties becoming empty on the Estate will only be re-let on a temporary or other non-secure basis, so that vacant possession can be obtained and the property handed over to the developer when required for the regeneration.

9 THE DECANT PROGRAMME

9.1 The decant programme will move households either on a temporary basis, whilst new homes are being built (a temporary decant), or directly from their current secure tenancy to a new home (a permanent decant).

9.2 Detailed procedures will be developed to support the decanting programme, including the Local Lettings Plan (referred to above), the decant strategy (prioritising some tenants and some blocks for decanting), and a Communications Strategy (how the Council will keep everyone well informed).

9.3 There are five possible options that may be available in the decant scheme. The offer and support available to secure tenants who need to move as a result of regeneration and or development, detailed in the table, below as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>REHOUSING OPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Move straight into one of the newly built homes</strong> – when new homes are built the Council will aim, where possible, for new homes to be completed before you have to move out of your old property, with all secure RBK tenants retaining the same terms and conditions of tenure. Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>2.</td>
<td><strong>Get high priority to bid for other homes in your local area or across Kingston</strong> – if a secure tenant wants to move to a home advertised on Choice Based Letting (CBL) they will be given high priority, which means they will have a stronger chance of being offered the property as a permanent rehousing offer. This offer might be attractive if there is a particular estate, family member, friend, workplace or school the secure tenant wants to live closer to.</td>
</tr>
<tr>
<td>3.</td>
<td><strong>Move into a sheltered housing scheme</strong> – secure tenants who qualify for sheltered housing may choose to be re-housed in one of Kingston’s sheltered housing schemes, or, if wanting to move outside of London, apply on the Seaside and Country Homes Scheme.</td>
</tr>
<tr>
<td>4.</td>
<td><strong>Become a homeowner through a shared ownership scheme</strong> – secure tenants will receive priority for new homes being built for shared ownership designed to help households get onto the housing ladder. As a secure tenant you will need to make your own financial arrangements to make sure you can afford to enter into any such arrangement. The minimum proportion to be purchased will be 25%, with the ability to purchase increased shares over time up to 100%.</td>
</tr>
<tr>
<td>5.</td>
<td><strong>Accept a temporary rehousing offer but have the option to return to a new home on the Cambridge Road Estate once construction is complete</strong> – if it is not possible to complete the new-build homes before a secure tenant move out of their old property, the Council will temporarily re-house the secure tenant until construction of the new home is complete.</td>
</tr>
</tbody>
</table>

9.4 In accordance with the Housing Allocations Scheme the size of alternative accommodation offered will depend upon the household’s housing needs and the number and ages of the individuals who are deemed to be authorised occupants at the time of the move. Consideration may be given to tenants who are currently under-occupying their homes as to whether an offer of one bedroom over their assessed housing need could be made. However, this will only normally be considered if, for example, a resident is in poor health and needs a bedroom for a full-time carer in line with the allocations policy. Further, any request will be assessed by the Council’s Medical advisor in line with the guidance set out in the Housing Allocations scheme.

9.5 Applicants requiring wheelchair/mobility homes will be assessed in line with the Housing Allocations Scheme and property allocated as appropriate, in accordance with the household’s needs.

9.6 Tenants will be advised in writing, once all the information has been provided and the application assessed, of their application reference, bed size entitlement, mobility need (if applicable) and original tenancy start date.

9.7 The letter will include all the information required to bid for properties and the date their application will be activated with decant priority. It will also confirm the rehousing choice of the household and an estimate of the likely time period a tenant can expect to wait until returning to the Cambridge Road Estate, if exercising the option to return.
9.8 Tenants will be supported throughout with further information on request to answer any questions about the assessment and decant process.

10 QUALIFICATIONS AND EXCLUSIONS

10.1 As detailed in the Council’s Housing Allocations Scheme the following will be eligible for assistance and rehousing under the decant policy, as persons who would reasonably be expected to reside with the tenant, in line with the Council’s Allocations Scheme:

- Secure / joint tenants of the Council
- Existing household members originally housed with the tenant by the Council under part VI Housing Act 1996 (Allocation of Housing)
- Dependent children who normally reside with the tenant
- The long-term cohabiting partner of the tenant
- Adult relatives who are part of the household and would be reasonably expected to reside with them
- Carers – where the secure tenant is recognised, through a detailed Care Plan, as needing a carer
- Spouses living at the property with the tenant or who are identified as eligible through the estate’s Housing Needs survey.

10.2 Household members who are excluded from applications:

- Friends, lodgers and sub-tenants living with the tenant
- Any household member who has moved in and caused the household to be overcrowded
- Children of the tenant whose main/principal home is elsewhere
- Assistance with rehousing will only apply to secure tenants and authorised household members identified as part of the household in the housing needs survey.

10.3 Tenants may be asked to provide documents to support the length of residency of some household members to satisfy the Council as to their eligibility for inclusion as a household member.

11 RIGHT TO RETURN

The Council is committed to local people remaining in the local area and to giving them the right to return to the redeveloped estate in accordance with this policy, with all secure RBK tenants retaining the same terms and conditions of tenure. Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure, with the Council as their landlord.

12 MOVING TO A SUITABLE HOME

New Homes on the Estate
12.1 For those who wish to move to a new Council home on the Estate direct offers will be made to a suitable new home when these are available.

**Permanent Decants**

12.2 Where more than one household from the Cambridge Road Estate bids for the same property, the length of time residing at the original Cambridge Road Estate property will determine priority. (The terms of the Housing Allocations policy shall continue to apply, in line with the requirement to have a Local Lettings policy under Section 166A (6) (b) of the Housing Act 1996).

12.3 If a tenant has not been successful in bidding for a new property within the fixed period set and vacant possession of the property is required, the Council will make one direct offer of a suitable home. In exceptional circumstances, where possible, the bidding period may be extended.

12.4 In cases where applicants cannot manage the bidding system they are placed on an auto-bid system, bidding for them based on their housing needs and their areas of preference.

12.5 The Council will offer tenants moving permanently to another Council property the same rights and tenancy type as they had in their Cambridge Road Estate property, so that secure tenants will be able to continue as secure tenants of the Council, if that is their preference.

**Temporary Decants**

12.6 Tenants being temporarily decanted (as they wish to move to a new Council home on the Estate but a suitable home is not yet available) will be automatically issued one direct offer of suitable temporary housing usually 6-12 months before the date by which vacant possession is required. Direct offers may include temporary housing in another block or phase of the estate.

12.7 The Council will discuss with you your preferences for temporary decanting and will aim, where possible, to accommodate these. However, where the Council considers it has made a reasonable offer taking these preferences into account, and a household does not accept this, they will be considered a permanent decant without the right to return. They will be given a high priority and approved to bid through the CBL scheme for a permanent home elsewhere.

12.8 When moving temporarily, a tenant will keep their original tenancy agreement and sign a temporary contractual agreement at the temporary decant property. Tenants housed temporarily will retain their secure tenancy rights until permanently rehoused.
12.9 Tenants being permanently decanted away from the Estate will be given a high priority on the Choice Based Lettings (CBL) scheme. They may bid for suitable properties for a fixed period of 3-6 months depending on the scheme timeline and the date by which vacant possession is required.

13 FINANCIAL AND OTHER ASSISTANCE

Home Loss

13.1 A statutory home loss payment will be paid, where the tenant has been resident for 12 months prior to their move date, for tenants who lose their home. The amount payable is fixed by statute. Tenants may also claim disturbance payments to cover reasonable costs incurred when moving. Only one home loss payment will be made.

Disturbance payment

13.2 A disturbance payment, which may be paid as a lump sum, will be paid to all households in addition to any other compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home.

13.3 Some of the items that can be claimed are listed below, although this is not an exhaustive list:

- Removal costs
- Special adaptations to the replacement premises subject to a needs assessment
- Altering soft furnishings and moveable fittings and fixtures to fit your new home
- Disconnection and reconnection of services (gas, electricity, telephone etc.)
- Redirecting mail (for one year only)
- Carpet alterations
- Curtain alterations
- Disconnection and reconnection of appliances (e.g. washing machines, cookers)
- Replacement carpets and curtains (these are only permitted if you can demonstrate that your existing furnishings do not fit your new home, or cannot be modified to fit your new home. This is subject to written approval from the Council).

13.4 Other expenses may be considered appropriate with prior written agreement from the Council. It is important that you discuss these with the Council at the earliest opportunity.
13.5 The Council may offer the option of a lump sum payment without the need for the Council to review the receipts and invoices for the costs you incur. If this option is not offered you will need to provide receipts or invoices and the Council will reimburse based on these, so it will be important that you keep a detailed record of costs incurred. The disturbance payment may be paid in one of two ways – either (a) a one of payment as a lump sum (to be determined by the Council) without the need for the Council to review the receipts and invoices for the costs you incur, or (b) you can provide receipts or invoices and the Council will reimburse based on these.

13.6 For option (b), it is important that you keep a detailed record of the costs incurred in connection with the move. In order for the Council to reimburse you for these costs, you are required to provide the Council with receipts for all reasonable costs. It is important to get a receipt or pro-forma invoice from the companies that you use to carry out any works or services that you wish to seek reimbursement for. We strongly recommend that you use reputable companies which provide genuine receipts and invoices which feature:

- Preferably VAT Registered and VAT Number
- On company headed paper
- Contact details
- Company registration details
- Date
- Invoice number
- Description of services provided
- Invoice total.

13.7 Should any items that you wish to claim be over the value of £750, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £750, the Council will need to approve all payments in advance of the work being commissioned.

13.8 Disturbance claims must be supported by receipts and invoices bearing the name and address of the company, providing such receipts and invoices for relevant services, the details of which will be verified by the Council.

13.9 When moving as a permanent decant, disturbance payments will be made only when the tenant moves to their new permanent home.

13.10 Temporary decants may be entitled to two disturbance payments, the first when moving into temporary rehousing and the second when moving into their permanent home.

Debts and Rent Arrears

13.11 The Council reserves the right to seek to use part or all of the home loss payment to settle outstanding debts owed to the Council by the tenant. The Council will also seek to recover Housing Benefit overpayments, former tenant arrears and former temporary accommodation arrears from the home loss payment. In these circumstances, the Council will write to the tenant detailing the
debt type and amounts and setting out the deductions from the home loss payment.

13.12 It is the tenant’s responsibility to keep up with the rent payments throughout the term of any tenancy they hold during the decanting programme.

13.13 Officers will discuss rent arrears with tenants during the rehousing interview phase. Tenants will be helped to make housing benefit claims and referred to debt advice and support schemes for help with managing their income, where appropriate.

13.14 If arrears action has been started and a court date for outright possession or the execution of a warrant has been applied for, the Council will continue with possession proceedings and enforcement that has already commenced where appropriate, with each case considered on its merits case-by-case.

13.15 Rent arrears on any temporary accommodation will be dealt with in line with the Council’s arrears recovery procedure. All tenants will receive written information about their rights and responsibilities in their temporary home upon signing the tenancy agreement.

Discretionary Payments

13.16 The Council may make a discretionary home loss payment to a tenant who does not meet the 12 month residence requirements, provided that it is their only or main home on the date they are required to leave it. Each case will be assessed on its merits on a case-by-case basis.

Support

13.17 Tenants will be supported through the decanting process and will be asked to work closely with officers to ensure the application, rehousing process and all moves go as smoothly as possible with minimal disruption for tenants.

13.18 Officers will play a pivotal role in supporting households who have been identified as vulnerable and needing more support, working with support professionals and supported housing staff to create individual support plans where appropriate.

13.19 Additional practical support including organising removals, arranging the disconnection and reconnection of white goods and utility connections can be organised and undertaken by the Council where required.

14 APPEALS

14.1 Secure tenants can appeal to the Council or any duly delegated person, about how this policy is applied to their personal circumstances. Appeals must be made
in writing within 21 days of any decision, or of any written notification of the application that the tenant seeks to challenge, setting out the reasons why the tenant believes that decision does not accord with the decant policy or the Housing Allocations scheme. The Council’s delegated officer will decide on the appeal within 28 days following its receipt.

14.2 If the appeal is successful an alternative decision will be made. If the appeal is unsuccessful the Council’s original application of the relevant policies will remain.

14.3 Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim, subject to appropriate advice.

15 DISCRETION

15.1 There may be some circumstances when the Council, or delegated officers, may exercise discretion in relation to this policy due to exceptional individual circumstances and they will do this by taking into account all circumstances considered relevant.
APPENDIX A

Suspension of Right-to-Buy

The Council may decide to stop the ‘Right-to-Buy’ in certain circumstances. The decision whether to do this will be taken in accordance with current legislation that allows for the following:

Initial demolition notice

Under the Housing Act 1985 (as amended by subsequent legislation) the “Right-to-Buy” of any affected Council housing stock will be suspended from the date an initial demolition notice is served on the tenant(s) concerned. It will stay suspended for as long as this notice remains in force. The suspension of any ‘Right-to-Buy’ claim means, in law, that the Council cannot be required to complete the transaction.

Before this notice is served the Council will have decided what properties are to be included in the scheme. This notice is usually served where it is intended to demolish properties concerned within a reasonable period (which can’t be more than 7 years) - it will include the reasons, and the timescales, for the demolition.

Final demolition notice

Once the Council has served a final demolition notice, under current legislation, this will extinguish the “Right-to-Buy” affecting the relevant properties completely. Any prospective “Right-to-Buy” purchases already begun, but not completed, will not proceed. No new ‘Right-to-Buy’ applications on these properties will be accepted. [The tenant may have a right to compensation for certain expenses already incurred in the Right-to-Buy process which could include relevant legal fees, surveyors’ fees, and other disbursements already paid.]

In order to serve a final demolition notice the Council must have agreed to, or be entitled to, acquire all the affected properties. In effect this means the notice can only be served once plans for the scheme are well advanced. This notice is usually only served where demolition is expected within 2 years.

Compensation

The Tenant may have a right to compensation for certain expenses already incurred in the Right to Buy process under current legislation (currently the Housing Act 2004). This compensation would include relevant legal fees, surveyor’s fees, and other disbursements already paid.
APPENDIX B

Further Information

Practical Help for Council Tenants
In addition to the financial help, home loss compensation and/or disturbance payments, tenants will be supported through the decanting process by regeneration team who will work closely with the estate office and the allocations team to ensure the application, rehousing process and all moves go as smoothly as possible.

The regeneration team will play a key role in supporting households who have been identified as vulnerable and needing more support - working with support professionals where necessary. Additional practical support including organising removals, packing and unpacking, arranging the disconnection and reconnection of white goods and utility connections, will be made available to some of the more vulnerable tenants. We can do this for all tenants, except those who are adamant they want to do it for themselves.

Assistance with Choice Based Lettings
In situations where the Home Connections system is being used to find a home, then appropriate help and advice will be offered to those needing it in order to use the system effectively.

Accompanied Viewings
If you are attending a home viewing, we will give you the opportunity of an accompanied viewing for any property that they you are offered.

Housing Benefit Claims
Under the Housing Benefit rules, you can usually only receive Housing Benefit for the home you are living in. In certain circumstances, you may be able to receive Housing Benefit on two properties. However, whether or not this can be paid is dependent on Housing Benefit Regulations in force at the time, as laid down by the government.

Packing and removals
The Council can assist with the appointment of a removal contractor who will move you to your new home if required. The Council will pay this cost as part of any disturbance entitlement. If you wish to organise your own move you will need to provide the Council with three quotes. The Council will arrange reimbursement up to the amount the Council would have paid if we had organised and appointed the removal contractor ourselves or the lower of the 3 quotes you obtain – whichever is the lowest.

Clearance of unwanted items
As the tenant you are responsible for clearing any belongings from the property and for ensuring vacant possession of that property. We reserve the right to clear any items left
behind that need to be cleared and disposed of. Tenants will not be able to reclaim them, or the value of them, once they have been left in the property.

**Disturbance**
The Council will reimburse you for all the additional costs you incur as a result of moving home to include items such as redirection of post, removal costs, reconnection of services, reasonable alterations, etc.

**Care packages**
The regeneration team will work with relevant providers with the aim of ensuring that all elements of any care package remain intact during and after the move. This could include, for example, day centre care, community nurse visits, meals on wheels etc.

**Advising organisations of your new address**
As a tenant you will be advised of your responsibility to tell all relevant persons and organisations of your new address. This includes advising Council Tax, Housing Benefits, the Benefits Agency and any other organisation. Support to complete this will be provided to vulnerable tenants.

**Empty property standards**
If you are a tenant leaving your original home, it is expected that any Council or housing association property you sign-up for will be in a liveable condition as regards to its cleanliness, state of repair, and the condition of any garden, cleared and cut back if necessary.

**Settling in**
We will aim to visit on the day of the move to check all is running as smoothly as possible. Their contact details will be left with the tenant following an initial settling-in visit within five working days of the move.

**More intensive support**
If the tenant is an older person, or identified as being particularly vulnerable - for example due to a physical, sensory or mental impairment, and likely to have difficulty with the move because of this, you may need more support than the visits outlined in the paragraph on "Settling In" above. In this instance the Decant Officer will refer you to the Council’s Resettlement team to provide any ongoing support.
CAMBRIDGE ROAD ESTATE (CRE) KINGSTON KT1
FREEHOLDERS AND LEASEHOLDERS DECANT POLICY

CONTENTS

A GLOSSARY

1 INTRODUCTION

2 WHO DOES THE POLICY APPLY TO?

3 WHEN WILL MY HOME BE PURCHASED?

4 THE PURCHASING PROCESS
  4.1 Consultation
  4.2 Valuing Your Home
  4.3 Compulsory Purchase

5 ENTITLEMENT TO COMPENSATION
  5.1 Compensation for Resident Leaseholders or Freeholders
  5.2 Compensation for Non-Resident Leaseholders or Freeholders

6 YOUR NEW HOME OPTIONS
  6.1 Housing Options
  6.2 Options for Those in Financial Difficulties and in Need of Support
  6.3 Options for Those Assessed as Vulnerable
  6.4 Temporary Housing Options

APPENDICES
Appendix 1 – THE CPO PROCESS
Appendix 2 – ITEMS TO NOTE
Appendix 3 – USEFUL CONTACTS
Appendix 4 – WORKED EXAMPLE OF A SHARED OWNERSHIP SCHEME
A. GLOSSARY – some important terms briefly explained

**Basic loss payment** – an additional sum of money that non-resident leaseholders and freeholders are entitled to if they are being compelled to sell their home as a result of a regeneration scheme. This payment is in addition to the payment of the market value of your home.

**Compulsory Purchase Order (CPO)** – a CPO allows certain bodies, which need to acquire land or property for purposes such as regeneration, to do so without the consent of the owner.

**Disturbance payment** – disturbance payments are made to compensate for reasonable expenses incurred in moving home during a regeneration process, for example removal expenses, cost of altering soft furnishings, reconnecting movable fixtures and fittings, telephone reconnection charges and additional costs incurred such as Stamp Duty. The disturbance payment can be paid in one of two ways – either (a) a one of payment of £5,000 without the need for the Council to review the receipts and invoices for the costs you incur, or (b) you can provide receipts or invoices and the Council will reimburse based on these.

**Equity** – in this context, the market value of a property less any outstanding debts on it, for example a mortgage or other secured loan.

**Equivalence** – the principle of equivalence means that you should not be better or worse off than before the regeneration proposals.

**Home loss payment** – home loss payments are made in recognition of the personal distress and inconvenience suffered by people who are displaced from their homes as a result of the regeneration process, compulsory purchase, or under other qualifying circumstances.

**Leasehold swap** – the Council offers the leaseholder a new property of the same or lesser value and a new lease on similar terms to the existing.

**Market value** – The amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion (RICS definition).

**Non-resident leaseholder** - a leaseholder for whom the property in question is not their primary residence.
**Pre-Emption** – where an owner of a shared ownership or shared equity lease wishes to sell their interest it must first be offered to the Council. This is called a right of pre-emption in favour of the Council and is included in the lease.

**Repairs fund** – sometimes known as a ‘sinking fund’, this is an account into which leaseholders contribute on a regular basis in order to set aside money that can be used towards the cost of replacing or repairing major components, or other major or planned works.

**Resident leaseholder** – a leaseholder is one that has been in occupation of the property as their sole and principal home for at least one year preceding the date of the notification letter from the Council setting out its intention to acquire the property.

**Service charge** – Leaseholders and freeholders contribute toward the cost of managing, maintaining and servicing the communal areas and external areas of their block and estate by way of a service charge. Other management charges and a contribution to a sinking fund (Sinking Fund) are included in the service charge.

**Shared equity** – the Council offers the option where you own a proportion of a new property which you purchase from the Council. The Council retains the remaining proportion of the equity and you do not pay rent on the unowned proportion, which is retained by the Council. On any sale of the property you and the Council will share the proceeds in proportion to your respective ownership share.

**Shared Ownership** – Shared ownership is a part-buy, part-rent scheme under which you own a proportion of the property and pay a rent on the unowned portion, which is retained by the Council. Leaseholders are able to buy a proportion of the new property and pay rent on the unowned proportion.

**Sinking Fund** – see Repairs Fund above.

**Staircasing** – is the term used for when you buy a greater proportion of equity in your home. The process is set out in your lease. It is possible to staircase to 100% ownership. Valuations required as part of this process will be carried out by an independent surveyor.

**Succession rights** – rules governing how leaseholders and freeholders are allowed to transfer their share in a property upon death.

**Vulnerable** – defined as a someone who less able to safeguard his or her personal welfare or the welfare of any children in the household, and will be in need of care and attention by reason of age, infirmity, or suffering from chronic illness or mental disorder, or substantially handicapped by being disabled”. 
1 INTRODUCTION

1.1 The Council has ambitious plans for the Cambridge Road Estate. Regenerating the estate will require the acquisition of existing leasehold and freehold interests on the estate and this policy sets out the process that will be followed in relation to those interests.

1.2 The Council recognises the major impact moving out of an established home can have and this document outlines the Council’s approach. It also explains entitlements to compensation and the practical guidance and support the Council can provide to those affected.

1.3 This policy is designed for leaseholders and freeholders on the Cambridge Road Estate. Leaseholders and freeholders make up a significant part of the community. It is the aim of this policy to encourage leaseholders and freeholders to remain rather than leave to retain the existing community.

1.4 In most cases, the Council will need to purchase your leasehold or freehold property before the redevelopment can proceed. This policy sets out the financial compensation and general assistance you will receive from the Council if your property is identified for demolition. This policy also outlines the Council’s overall approach to acquiring your property and the options available to assist you to find a new home.

1.5 We understand that having to sell your home to the Council can be an unsettling experience. We hope that the information set out here will reassure you about the process and the options available to you. Whatever your preferred option is, we aim to make the purchase of your home and your move from it as easy and stress-free as possible.

1.6 The Council will ensure that:

- All resident leaseholders and freeholders receive a suitable housing offer on the new estate
- No party (either the Council or any leaseholder or freeholder) is financially better or worse off as a result and leaseholders and freeholders should not be financially disadvantaged by the regeneration.

1.7 We know that the policy cannot cover every eventuality and needs to be able to reflect the personal circumstances of affected leaseholders and freeholders. The principles set out in this document set out the general approach, however where cases fall outside the policy for those who are vulnerable or who are facing financial difficulty the Council will consider individual circumstances, on a case by case basis based on the principles set out in this document.

2. WHO DOES THE POLICY APPLY TO?

2.1 This policy applies to resident and non-resident leaseholders and freeholders on the Cambridge Road Estate.

2.2 A resident leaseholder or freeholder is one that has owned and been in continuous occupation of the property as their principal home for at least one year preceding the date of acquisition of the property by the Council.
2.3 The entitlement for non-resident leaseholders or freeholders differs from resident leaseholders and freeholders and is set out in section 5 (ENTITLEMENT TO COMPENSATION).

3. WHEN WILL MY HOME BE PURCHASED?

3.1 The Council will share timescales for the redevelopment at the earliest opportunity in order to help you plan. The redevelopment will be carried out on a phased basis. This means that properties will be redeveloped in accordance with a programme, which will be agreed (wherever possible) at the beginning of the scheme. This will be fully explained to leaseholders and freeholders during the consultation process.

4. THE PURCHASING PROCESS

This section outlines the Council’s overall approach to purchasing your property and the options available for both resident and non-resident leaseholders and freeholders.

4.1 Consultation

4.1.1 At the start of the redevelopment process officers from the Council or their agents will write to all leaseholders and freeholders to explain how leaseholders and freeholders will be affected by the redevelopment proposals, will explain the purchase process, the options available to leaseholders and freeholders and the assistance and support that can be provided by the Council.

4.1.2 Each leaseholder and freeholder will be able to request an individual meeting with a Council officer to discuss your case and to answer any questions that you may have about the process, to provide clear information about what you can expect from the purchase process and to discuss the options available to you. The Council is committed to ensuring that all those affected are treated fairly and equally, have confidence in the process, and receive a high level of service.

4.1.3 At this point you should advise the Council officer whether you are a resident or non-resident leaseholder or freeholder. If you are a non-resident leaseholder or freeholder, it is important to note that the Council is under no formal obligation to rehouse either your tenant or any other occupant in the property, and the purchase will only be concluded with vacant possession of the premises provided by you. Further information about the entitlements for non-resident leaseholders is detailed in section 5 (ENTITLEMENT TO COMPENSATION).

4.1.4 The Council understands that the purchase process can be a difficult time, so you are free to request further meetings with the Council officer to discuss any queries or issues you may have. Where possible and reasonable, the Council officer will make themselves available for meetings outside of normal working hours.

4.2 Valuing your Home
4.2.1 The Council will arrange for an independent chartered surveyor appointed by the Council to visit you and carry out a valuation of your home. Following this visit, the surveyor will send you a written offer for your home. This will be the market value of your property.

4.2.2 The surveyor considers the following matters in assessing the market value of your property:

- The internal condition
- Any internal improvements to the property such as new bathrooms and kitchens
- The location of the property and amenities within the area such as transport links, shops and services
- The housing market in the immediate area, including recent completed sales prices of similar ex-local authority properties in areas nearby of a similar age and condition
- Anything else that in the reasonable opinion of the valuer has a material impact on the value of the property.

4.2.3 Please note that valuations are not based on website estimates or estate agent asking prices, but instead on actual completed sales recorded at the Land Registry and the professional assessment of the independent surveyor, as above.

4.2.4 The written offer will also include details of the compensation to which you are entitled. Please see section 5 for further information regarding compensation. The valuation is valid for a three month period from the date of the valuation letter, although this period can be extended with the agreement of both parties.

4.3 Market Value

The definition of a fair market value, as prescribed by the Royal Institute of Chartered Surveyors, is the price at which the property would change hands between a willing buyer and a willing seller. This means that neither the buyer nor the seller are under any compulsion to buy or to sell, and both have a reasonable knowledge of the relevant facts.

The Council's offer will be at the market value. This value will be based on the fundamental principle of equivalence. This means in terms of the value of a property in a regeneration area, that the owner of the property should not be financially better or worse off than before the regeneration proposals.

4.4 What should I do if I disagree with the Council's valuation?

If you disagree with the Council's valuation of your home, you are encouraged to obtain your own valuation completed by an independent chartered surveyor.

If you decide to obtain your own valuation, there will be costs attached. The Council will pay a reasonable amount to cover these costs and these should be agreed with the Council before they are incurred. The surveyor you choose should be completely independent of the Council and must be a member of the Royal Institute of Chartered Surveyors (RICS).
More information about appointing a surveyor can be found on the RICS website www.rics.org by contacting them on 024 7686 8555 or via email contactrics@rics.org

4.5 Expert Determination

If the valuations of the Council’s surveyor and your surveyor differ and there is no prospect of the two surveyors reaching agreement, then with your written agreement the Council may choose to make an application to the RICS for an independent expert, the identity of which will be agreed by both you and the Council, to carry out a determination of value. If the Council seeks to pursue this option you will be asked to speak to your surveyor to confirm that they would be happy to participate in the Expert Determination as they may need to undertake some additional work to assist the process. The Council will reimburse their additional reasonable and proper costs in relation to this.

The Council commits to paying the amount determined as a result of the expert determination although the outcome of the Expert Determination is not legally binding.

4.6 Compulsory Purchase

4.6.1 If agreement is not reached either through negotiation or by the Expert Determination process then the Council may seek to proceed with the purchase of your home through use of a Compulsory Purchase Order (CPO). This will be a last resort for the Council as our preference is always to reach an agreement with you through negotiation wherever possible.

4.6.2 Due to the amount of time a CPO takes to put in place and the importance of the regeneration of your estate proceeding the Council will start preparing for a CPO once the consultation phase has commenced. This will be explained to you during the consultation phase.

4.6.3 If we are unable to agree a price for your property, we will write to you about using our powers of compulsory purchase to take possession of your property. We may at this point give you a fixed period to agree the market value and which option you would like to take. At the expiry of this period, if agreement has not been reached, all options (apart from Option A – Open Market Purchase) will be withdrawn. The Council will only vary this approach in exceptional circumstances.

Please see Appendix 1 for further details about the CPO process.

5. ENTITLEMENT TO COMPENSATION

As it is the Council that wants to buy your property, it is important that you are reimbursed for any relevant costs that you incur as a result in addition to the market value of your property. This section details what you as a leaseholder or freeholder are entitled to from the Council in terms of compensation. The type of compensation you are entitled to depends on your circumstances and whether you are a resident or non-resident leaseholder or freeholder.
A resident leaseholder or freeholder is one that has owned and been in continuous occupation of the property as their principal home for at least one year preceding the date of acquisition of the property by the Council. The Council will be able to confirm this status by using evidence such as the Council Tax register. A non-resident leaseholder or freeholder is one that does not meet this criteria.

Any monies owed to the Council such as service charge arrears may be deducted from the compensation payable.

5.1 Compensation for resident leaseholders or freeholders

Home loss payment

5.1.1 A home loss payment is an additional sum of money that you are entitled to if you are being compelled to leave your home in certain circumstances, such as a result of a regeneration scheme. This payment is in addition to the payment of the market value for your home. It is designed to compensate you for the inconvenience, stress and upset caused by the move.

5.1.2 As a resident leaseholder or freeholder you are entitled to receive a 10% home loss payment. This is 10% of the market value of your home, with a minimum payment of (currently) £5,800 and a maximum payment of (currently) £58,000. The minimum and maximum amounts are set on an annual basis by the Government.

5.1.3 You must have owned and lived in the property for at least a year to qualify for this payment. You will be required to provide sufficient proof that you have lived in the property for at least a year in the form of bank or mortgage statements, Council Tax statements, utility bills etc. The Council may carry out other checks to ensure that those who claim to be resident leaseholders or freeholders are actually resident.

5.1.4 The home loss payment is paid at the same time as the market value payment that you receive for your property when the Council completes the purchase.

Disturbance payment

5.1.5 A disturbance payment is additional compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home. For the most part it is only available to resident leaseholders and freeholders. The Council may offer the option of a lump sum payment without the need for the Council to review the receipts and invoices for the costs you incur. If this option is not offered you will need to provide receipts or invoices and the Council will reimburse based on these, so it will be important that you keep a detailed record of costs incurred. The disturbance payment may be paid in one of two ways – either (a) a one of payment as a lump sum (to be determined by the Council) without the need for the Council to review the receipts and invoices for the costs you incur, or (b) you can provide receipts or invoices and the Council will reimburse based on these.
5.1.6 Some of the items that can be claimed are listed below, although this is not an exhaustive list:
- Removal costs
- Special adaptations to the replacement premises subject to a needs assessment
- Altering soft furnishings and moveable fittings and fixtures to fit your new home
- Disconnection and reconnection of services (gas, electricity, telephone etc.)
- Redirecting mail (for one year only)
- Carpet alterations
- Curtain alterations
- Disconnection and reconnection of appliances (e.g. washing machines, cookers)
- Replacement carpets and curtains (these are only permitted if you can demonstrate that your existing furnishings do not fit your new home, or cannot be modified to fit your new home. This is subject to written approval from the Council).

5.1.7 Other expenses may be considered appropriate with prior written agreement from the Council. It is important that you discuss these with the Council at the earliest opportunity.

5.1.8 It is important that you keep a detailed record of the costs incurred in connection with the move. In order for the Council to reimburse you for these costs, you are required to provide the Council with receipts for all reasonable costs. It is important to get a receipt or pro-forma invoice from the companies that you use to carry out any works or services that you wish to seek reimbursement for. We strongly recommend that you use reputable companies which provide genuine receipts and invoices which feature:
- Preferably VAT Registered and VAT Number
- On company headed paper
- Contact details
- Company registration details
- Date
- Invoice number
- Description of services provided
- Invoice total.

5.1.9 Should any items that you wish to claim be over the value of £750, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £750, the Council will need to approve all payments in advance of the work being commissioned.

If you require help in making upfront payments please contact the Council.

**Additional costs incurred in selling your home and/or purchasing another property**

5.1.10 In addition to home loss and disturbance payments, you can also claim for reimbursement of legal and/or surveyor's costs you incur that are linked to the sale of your current property and (where relevant) the purchase of your new home (whether this is on the Estate or elsewhere). These costs include, for example:
• Legal (conveyancing) fees arising from the sale of your home to the Council and the purchase of a new property, and Stamp Duty arising from the purchase of a replacement property and other disbursements
• Disbursements including Stamp Duty
• Solicitor/legal fees arising from the purchase of a replacement property
• Surveyor's fees arising from the purchase of a replacement property.

The Council will also reimburse you for other relevant costs properly incurred.

5.1.11 Once you have found a solicitor and/or a surveyor you will need to obtain a quotation from them and provide a copy of this to the Council for approval. Please make sure that your surveyor and/or solicitor knows that they will only be paid at the end of the process, once the sale has been completed.

5.1.12 You should note that it is your responsibility as leaseholder or freeholder to prove to the Council that any claims for compensation you make are reasonable and have been incurred directly as a result of the Council acquiring your property. In practice this is likely to involve the provision of proper receipts and the prior agreement of costs where appropriate.

5.1.13 If you are unsure about any payments or invoices you receive from suppliers, we strongly recommend that you speak to the Council before you make any payment or commitment to a company.

5.2 Compensation for non-resident leaseholders or freeholders

Basic loss payment

5.2.1 A basic loss payment is an additional sum of money that you are entitled to if you are being compelled to sell your property in certain circumstances, such as a result of a regeneration scheme. This payment is in addition to the payment of the market value for your home.

5.2.2 As a non-resident leaseholder or freeholder you may be entitled to receive a 7.5% basic loss payment. This is 7.5% of the market value of your home, with a maximum payment of £75,000. You must have owned the property for at least a year to qualify.

5.2.3 The basic loss payment is paid at the same time as the market value payment that you receive for your property when the Council completes the purchase.

Expenses incurred in purchasing another property

5.2.4 In addition to the basic loss payment compensation is payable in respect of incidental charges or expenses incurred in acquiring a replacement property or interest in other land in the United Kingdom within a period of one year from when the Council takes possession of your property. Examples of compensation include:
• Stamp Duty arising from the purchase of a replacement property and other disbursements
• Solicitor / legal fees arising from the purchase of a replacement property
• Surveyor’s fees arising from the purchase of a replacement property.

6. YOUR NEW HOME OPTIONS
Many leaseholders and freeholders will wish to make their own arrangements when they have agreed a valuation for their existing property and simply purchase a new home on the open market without any further involvement from the Council. However, if you are a resident leaseholder or freeholder the Council can offer you options which are designed to allow you to stay on the estate in one of the newly built homes.

This section details the options that are available to resident leaseholders and freeholders. These options will be made available as early as possible in the redevelopment process dependent upon phasing.

6.1 Housing Options:
A. Outright sale/purchase
B. Purchase of new property in the development
C. Shared Equity
D. Shared Ownership.

A: Outright sale/purchase
This option is the straightforward purchase of your leasehold or freehold property for the agreed market value. When leaseholders or freeholders reach agreement with the Council regarding their valuation and compensation payments, they will then make their own arrangements to find a suitable new home. This option is available to both resident and non-resident leaseholders and freeholders.

B: Purchase of new property in the development
This is sometimes known as a ‘leasehold swap’ and is when the Council will offer you the option of moving from your present property to a new build property of a similar size (or smaller) on the same estate, providing you can afford to acquire the full value of the new property. The Council will pay the surplus to you where the value of the new property is less than the value of your existing property.

Key information for this option includes:
• This option is only available to resident leaseholders and freeholders
• Your existing property will be valued by the Council as per Section 4.2
• You will select one of the available new build properties on the estate and this will be valued by the Council
• You will be notified of the estimated annual service charge - you will be responsible for 100% of these costs
• At the point of exchange the market value of both the existing and new properties are agreed by both parties
• Any planned maintenance contributions not covered by the service charge will be charged as per the terms and conditions of the lease
• The length of lease will be 125 years
• You will have the normal rights and responsibilities of a full owner-occupier.

C: Shared Equity

If the market value of your current property is less than the market value of a new similar sized (or smaller) property and you are unable to afford the difference then the option of shared equity will be offered to you.

The starting point for eligibility for a shared equity offer requires the leaseholder or freeholder to invest the full market value (all the equity in the property plus the full amount of their current mortgage) and the full home loss payment from the sale of their existing property into the purchase of their new home. This will buy a proportion of equity in the new property. The Council will retain the remaining unpurchased proportion of the property. This remaining proportion can be purchased by you at its market value at any future point. No rent is charged on the unpurchased proportion. The new property that you wish to purchase does not have to be on the estate should you wish to move away from the estate.

Key information for this option includes:

• This option is only available to resident leaseholders and freeholders
• Your existing property will be valued by the Council as per Section 4.2
• You will select one of the available new build properties on the estate (or a property elsewhere should you wish to move away from the estate) of a similar size (or smaller), determined by the number of bedrooms, and this will be valued by the Council
• You will be notified of the estimated annual service charge. You will be responsible for 100% of these costs irrespective of the proportion of equity you own in the new property
• At the point of exchange the market value of both the existing and new properties are agreed by both parties
• Any planned maintenance contributions not covered by the service charge will be charged as per the terms and conditions of the lease - you will be responsible for 100% of these costs irrespective of the proportion of equity you own in the new property
• The length of lease will be 125 years
• There is no minimum stake that you would need to purchase in order to qualify for shared equity - however, you are required to invest the full market value of your existing home plus your full home loss payment in order to be eligible for this option
• The proportion of equity that you own in the new property is recorded on the lease
• You do not have to pay any rent on the unpurchased proportion of the property
• You can increase the proportion of equity you own in the new property up to 100% in accordance with the provisions of the lease - this is known as staircasing
At the point of sale in the future, you and the Council will share the proceeds in proportion to your respective ownership share.

You will have the normal rights and responsibilities of a full owner-occupier.

Once you have staircased to 100% ownership you will be free to deal with the property as you wish.

If you have not staircased to 100% ownership there are restrictions on what you can do with the property so that (a) if you wish to sell your interest you are free to do so but the Council must be given the first opportunity to purchase your share (at its market value) before you can sell on the open market, and (b) on your death succession rights will be restricted by the lease to either (i) your spouse/civil partner or long-term cohabiting partner, or (ii) your adult child or other relative provided that in each case they were occupying the property for at least 6 months prior to your death, provided that if succession has taken place once under (i) one further succession will be permitted from your spouse/civil partner or long term cohabiting partner to your or their adult child or relative provided that they were occupying the property for at least 6 months prior to their death so that in total there is a maximum of two permitted successions. If there are no permitted successions the Council will consider offering a shared ownership option to a household member who wishes to continue to reside at the property dependent on individual circumstances.

D: Shared ownership

Shared ownership is a part-buy, part-rent scheme under which you own a proportion of the property and pay a rent on the unpurchased proportion, which is retained by the Council.

If you choose, for whatever reason, not to invest the full market value and home loss payment for your current property (or the maximum that you can afford to – please see Section 6.2 - Options for leaseholders and freeholders in financial difficulties and in need of support and assistance), then you will be offered the shared ownership option.

There will be a minimum requirement of 25% in terms of the amount of equity purchased if you choose this option.

After an initial period, you will have the right to purchase additional proportions of equity in the property up to 100% in accordance with the provisions of the lease. This is known as staircasing. If you increase the proportion of equity you own in the new property, the amount of rent you pay will decrease. If you purchase 100% of the equity in the new property then no rent will be payable.

Key information for this option includes:

- This option is only available to resident leaseholders and freeholders.
- Your existing property will be valued by the Council as per Section 4.2.
- You will select one of the available new build properties on the estate and this will be valued by the Council.
You will be notified of the estimated annual service charge - you will be responsible for 100% of these costs irrespective of the proportion of equity you own in the new property.

At the point of exchange the market value of both the existing and new properties are agreed by both parties.

Any planned maintenance contributions not covered by the service charge will be charged as per the terms and conditions of the lease - you will be responsible for 100% of these costs irrespective of the proportion of equity you own in the new property.

The length of lease will be 125 years.

You will have the normal rights and responsibilities of a full owner-occupier.

You will be able to sub-let the property in certain circumstances with written permission from the Council.

You can increase the proportion of equity you own in the new property up to 100% in accordance with the provisions of the lease - this is known as staircasing.

For the first year of the shared ownership lease, the rent that you pay will be equivalent to 2.5% of the unpurchased proportion of the property, payable in monthly instalments - this amount will then be adjusted each year in line with the Retail Price Index (RPI) + 0.5%.

When additional proportions of equity are purchased, the rent is recalculated in the same way, at 2.5% of the new unpurchased proportion, adjusted each year thereafter in line with the Retail Price Index (RPI) + 0.5%.

On the death of the Shared Owner there will be no limit to succession rights.

Please see Appendix 4 for a worked example of a shared ownership scheme.

6.2 Options for leaseholders and freeholders in financial difficulties and in need of support and assistance

6.2.1 It is recognised that some leaseholders and freeholders may have financial difficulties and will require some additional support and assistance in securing a suitable home. The financial position of the leaseholder and freeholder may preclude the household from being able to satisfy or meet all of the minimum purchase requirements of the various options outlined in section 6.1: Housing Options. To qualify for additional support options, we will ask for supporting documents to be provided to confirm income and expenditure. If it is decided that the household has financial difficulties and qualifies for additional support and assistance, shared equity and shared ownership options will be explored and may be offered by the Council on the following basis.

6.2.2 The starting point for eligibility for a shared equity offer requires the leaseholder or freeholder to invest the full market value (all the equity in the property plus the full amount of their current mortgage) and the full home loss payment from the sale of their existing property into the purchase of their new home.

6.2.3 If the leaseholder or freeholder is only able to raise some borrowing, but at a level that is less than the mortgage for the existing property, they will be offered
shared equity to the level they can purchase based on investing all of the equity they hold in their existing property, the maximum new mortgage they can obtain, and their full home loss payment.

6.2.4 If the leaseholder or freeholder is unable to raise any borrowing (e.g. mortgage) at all and cannot otherwise match the full market value of their existing property, then they will be offered shared equity to the level they can purchase based on investing all of the equity they hold in their existing property and their full home loss payment.

6.2.5 Shared ownership will be available and offered to leaseholders and freeholders who choose not to re-invest the full value of their existing home or the maximum amount that they can afford to invest. This will be subject to an independent financial assessment. In both options, the leaseholder or freeholder would be able to staircase, increasing the proportion of the property they own.

6.3 Options for leaseholders and freeholders assessed as vulnerable and in need of assistance and support

6.3.1 The Council is also aware that there are leaseholders and freeholders that have complex needs which make them vulnerable. We will provide additional support to those leaseholders and freeholders with complex needs that are assessed as being vulnerable and assist them with their move.

6.3.2 A vulnerable leaseholder or freeholder for the purpose of this policy is someone that is "less able to safeguard his or her personal welfare or the welfare of any children in the household, and will be in need of care and attention by reason of age, infirmity, or suffering from chronic illness or mental disorder, or substantially handicapped by being disabled". Detailed consultations will be conducted with social services and relevant health practitioners to obtain the necessary information and documentation (e.g. care needs/packages) regarding the needs of the household to assess and determine vulnerability.

6.4 Temporary housing options for leaseholders and freeholders

6.4.1 For the majority of those leaseholders and freeholders who decide to take up one of the purchase of a new property on the redeveloped estate, shared equity or shared ownership options, the Council will try to ensure as far as possible that the phasing of the development is timed in such a manner that you will be able to move to your new home at the same time as you complete on the sale of your current home.

6.4.2 For some leaseholders and freeholders, however, it may not always be possible for the Council to offer you an immediate move to a newly built home.

6.4.3 In this scenario the Council would then provide you with interim housing in an existing void (empty) property, ideally on the estate, until your new home is ready to move into.
6.4.4 The offer of a temporary move to an existing void property would be contained within a formal contract between yourself and the Council and subject to you accepting the following arrangements:

- The market value of your current property will be agreed with you (as per section 4.2) - after any outstanding mortgage or debts secured on the property have been repaid, the value of any remaining equity will be held by the Council on your behalf - these funds will only be released on completion of your new home.
- If you are eligible for a home loss payment, the full amount will also be held by the Council when you move to the interim property - Home loss payments are not paid twice (you will be paid home loss when you move out of your current property but a further home loss payment will not be paid for moving out of the interim property).
- At the same time as agreeing the market value of your current property you will also agree the value of your new property - this will be fixed within the contract and will not be subject to fluctuations in the market.
- The Council will not charge you any rent for the interim property as long as you proceed with the completion of the purchase of the new property (although you will have to pay service charge) - if whilst in the interim property, you decide to opt out of the purchase of the new property, you will be required to re-pay the full rent (social rent) for the duration of your stay in the interim property and vacate the property immediately.
- As long as you proceed with the completion of the purchase of the new property the Council will not pay any interest to you on the monies held but in return the Council will not charge you any rent for the interim property (as set out above).
- To assist with the costs of the move, disturbance payments will be made to you in accordance with the provisions set out in Section 5 - Entitlement to compensation - a disturbance payment may be paid twice (once for moving from your existing home to the interim property, and again for moving from the interim property to the new property) for essential costs related to the moves.
- You will occupy the interim property during the whole period as your principal home.
- We will seek to offer you a void property that will accommodate your household’s housing needs, e.g. in terms of numbers of bedrooms required and the requirements of any medical assessment where relevant.
- The interim property will be granted through a non-secure tenancy.
- Choices of interim and new properties will be on a first come, first served basis.

6.4.5 The duration of your stay in the interim property will depend on the regeneration programme. In the interim contract, a reasonable time will be included to allow for construction and completion of the new property. If there is a delay beyond the agreed completion date, you can decide whether you want to wait for the new completion date, or opt out of the process altogether. If you opt out due to a delay in the programme (beyond the agreed dates in your interim contract), you will have to vacate the interim property immediately, but you will not be required to pay rent for the time spent in the interim property.
Appendix 1 – THE COMPULSORY PURCHASE ORDER (CPO) PROCESS

This section explains the procedure that the Council must go through to obtain powers to acquire land or property compulsorily. It is highly recommended that you also read the Department for Communities and Local Government’s Compulsory Purchase Procedure Booklet 1 for up to date information on the process, also accessible via the following link:


The Compulsory Purchase Order process has a number of stages:

1. Formulation / information gathering
2. Resolution
3. Making of the order
4. Objections
5. Public local inquiry
6. Decision
7. Further challenge
8. Taking possession of the property.

1. Information gathering and preparing the order
If the Council needs to acquire land or property for a regeneration programme, it will usually seek a Compulsory Purchase Order (CPO). Relevant information required to support the CPO will be collected and the Council will also define the boundaries of the area for compulsory purchase.

During this stage the Council will seek to identify everyone who has an interest (those who own or have rights over property or land) in the property or land to be acquired, including those with freehold or leasehold interests as well as any occupiers or tenants. This may include serving what is known as a Requisition for Information Notice. This is a legal notice that requires you to let the Council know about anyone who has an interest in your property. This could be a mortgage company or a relative who also owns the property. If you receive a notice, you must respond to it.

2. Resolution
A report making the case for a CPO is then presented to the Council’s Cabinet for decision. If it is agreed, a resolution will be passed declaring the Council’s intention to make a CPO. The resolution is entered in the local land search register.

3. Making of the order
The CPO will be made and all known persons with an interest (those who own property or land) will be informed through service of a notice. The Council will, in accordance with the law, also make a public announcement in the local press by means of a statutory notice in the classified advertising section, inviting representations or objections to be made within 28 days. This gives everyone who is affected by the order an opportunity to express their views. Representations or objections are sent to the Secretary of State for Communities and Local Government. At the same time, all interested parties will receive a statement showing the Council’s reasons for making the CPO.
4. Objections
If no valid objections are received and the Secretary of State is satisfied that the procedures have been followed properly, the CPO will either be confirmed, modified or rejected without the need for a formal hearing. However, if objections are received which the Secretary of State considers to be valid, a public local inquiry will be held.

The Council will try to negotiate with objectors to see if their objection can be resolved prior to any inquiry. If the parties are unable to reach agreement and objections remain, a public local inquiry will be held, and interested parties notified.

5. Public local inquiry
Shortly after the closing date for objections, the Secretary of State will write to the Council and the objectors informing them that an inquiry will be held. The date of this letter is known as the relevant date. This date is used to establish the timetable for the subsequent inquiry process. No later than six weeks after the relevant date and at least 28 days before the inquiry, the Council must supply a Statement of Case to the government and each objector. This explains the reasons for making the CPO.

Within 22 weeks of the relevant date, the inquiry will normally be held; it will be overseen by a government-appointed inspector, although the Secretary of State can change the time periods. The inspector will visit the site before, during, or after the close of the inquiry. However, the inspector cannot discuss the merits of the case with objectors during the visit.

Sometimes, the government-appointed inspector may choose the written representations procedure as an alternative to an inquiry. Under this procedure, objections would be considered by an inspector in writing.

Regardless of which procedure is used, the inspector will produce a report for the Secretary of State clearly setting out their conclusions and recommendations. The inspector will recommend a course of action to the Secretary of State.

6. Decision and confirmation
After considering the inspector’s report, the Secretary of State will confirm, modify or reject the CPO. The Council must then advertise the decision in one or more local newspapers (by means of a statutory notice in the classified advertising section of the local newspaper), and notify all those affected by the CPO.

7. Further challenge
In exceptional cases there may be grounds for seeking a judicial review of the inspector’s decision in the High Court, if objectors consider that there are legal grounds on which to call into question the decision-making process of the inspector.

8. Taking possession of property and land
If the CPO is confirmed, the Council will continue to negotiate with the owners of the property or land to be acquired. The Council will only use the powers granted by the CPO as a last resort.
If the powers of the CPO are used, ownership of the land or property is transferred to the Council within an agreed timescale and compensation is paid to the owner.

Appendix 2: ITEMS TO NOTE

2.1 Value of the newly built homes

The Council is committed to delivering high quality new homes, designed to high standards inside and out and with much improved energy efficiency and insulation. As such, these properties tend to command a premium on the open market when compared to the homes they are replacing. As such, it is more than likely that the newly built homes being delivered and potentially offered to you on your estate will be valued considerably higher than the existing homes on the estate of a comparable size.

2.2 Mortgage

Please note that you will need to advise your bank/building society regarding the sale of your property. This may result in a redemption fee on your mortgage, which can be reimbursed as part of the disturbance payment (see section 4.1.2). It is recommended that you seek independent financial advice with regards to any new mortgage required for the purchase of a new property as the terms, rates and affordability criteria may have changed.

2.3 Resident and non-resident leaseholders and freeholders

These leaseholder and freeholder options are intended to allow resident leaseholders and freeholders the option to remain on their estate. As such, different options may be available to resident and non-resident leaseholders/freeholders depending on their circumstances. A definition of resident and non-resident leaseholders/freeholders can be found in the glossary above. In general, a leaseholder/freeholder will be considered resident if they have lived in the property for at least the last year as their sole or principal home.

2.4 Claiming housing benefit on shared ownership properties

Anyone living in a shared ownership home, where they part buy and part rent the property, is eligible for support in the form of housing benefit (or housing support costs as part of Universal Credit application) in respect of the rent that they pay, subject to the resident meeting the eligibility criteria for the benefit.

Housing benefit or the housing costs element of Universal Credit will also meet 100% of any eligible service charges (again subject to the resident meeting the eligibility criteria for the benefit). So, if the charge is for something that it would be covered by housing benefit/Universal Credit housing costs within a normal council tenancy, it would also be fully covered for a shared ownership property. If the claimant owned 70% of the property housing benefit/Universal Credit housing costs would (if the leaseholder were eligible for support) still pay 100% of any eligible service charges.

2.5 Stamp Duty Land Tax (SDLT)

When you buy a new residential property you pay SDLT on the purchase price in accordance with rates set by the Government. How much you pay depends on the value of the property you are buying.

The current rates and Stamp Duty calculator are available on the Government website:

https://www.gov.uk/stamp-duty-land-tax/residential-property-rates

2.6 Department of Communities and Local Government
Information on compensation that leaseholders and freeholders are entitled to can be accessed using the following website:

Appendix 3: USEFUL CONTACTS AND LINKS

**Department for Communities and Local Government**
Tel: 0303 444 0000

**Citizens Advice Bureau**
Address: Neville House, 55 Eden Street, Kingston
Tel: 0203 166 0953
Website: [http://www.citizensadvicekingston.org.uk/](http://www.citizensadvicekingston.org.uk/)

**The Leasehold Advisory Service (LEASE)**
Address: Maple House, 149 Tottenham Court Road, London W1T 7BN
Tel: 020 7383 9800
Website: [www.lease-advice.org/](http://www.lease-advice.org/)

**Leasehold Advice Centre**
Address: Birch House, Guildford, Surrey GU6 7LS
Email: Help@LeaseholdAdviceCentre.co.uk
Tel: 01483 268 434
Website: [www.leaseholdadvicecentre.co.uk/](http://www.leaseholdadvicecentre.co.uk/)

**The Royal Institution of Chartered Surveyors (RICS)**
Address: 12 Great George Street, Parliament Square, London, SW1P 3AD
Tel: 024 7686 8555
Website: [www.rics.org](http://www.rics.org)

**The Lands Tribunal**
Address: Procession House, 55 Ludgate Hill, London, EC4M 7JW
Tel: 020 7029 9780
Website: [www.landstribunal.gov.uk](http://www.landstribunal.gov.uk)
Appendix 4: WORKED EXAMPLE OF A SHARED OWNERSHIP SCHEME

<table>
<thead>
<tr>
<th>Market Value (£)</th>
<th>% Share</th>
<th>Share purchase price (£)</th>
<th>Monthly rent (£)</th>
<th>Monthly Service charge (£)</th>
<th>Total Monthly Housing cost (£) (exc. mortgage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>450,000 for 2 bed</td>
<td>25</td>
<td>112,500</td>
<td>703.13</td>
<td>37.50</td>
<td>740.63</td>
</tr>
<tr>
<td></td>
<td>50</td>
<td>225,000</td>
<td>468.75</td>
<td>37.50</td>
<td>506.25</td>
</tr>
<tr>
<td></td>
<td>75</td>
<td>337,500</td>
<td>234.38</td>
<td>37.50</td>
<td>429.38</td>
</tr>
<tr>
<td>575,000 for 3 bed</td>
<td>25</td>
<td>143,750</td>
<td>898.44</td>
<td>37.50</td>
<td>935.94</td>
</tr>
<tr>
<td></td>
<td>50</td>
<td>287,500</td>
<td>598.96</td>
<td>37.50</td>
<td>636.46</td>
</tr>
<tr>
<td></td>
<td>75</td>
<td>431,250</td>
<td>299.48</td>
<td>37.50</td>
<td>336.98</td>
</tr>
</tbody>
</table>

*Based on interest on un-purchased equity share charged at 2.5% per annum.*

This chart should only be used as an indication of likely costs. Market values and service charges will be different for each scheme.

100% of the service charge is chargeable to the resident irrespective of the % of equity owned.
### FULL EQUALITIES IMPACT ASSESSMENT FORM B

**Function being assessed:**

The Cambridge Road Estate (CRE) decant policies relate to Royal Borough of Kingston upon Thames (RBK) secure council tenants (tenants), leaseholders and freeholders (homeowners), through two separate policies:

1. Cambridge Road Estate Kingston KT1 Council Tenants' Decant Policy
2. Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy.

The policies impact a total of 1,324 occupants of 653 RBK secure tenancies and leasehold homes (108) and 71 freehold homes. Due to data protection laws the council does not currently hold any equalities data for freeholders, nonetheless, this equality impact assessment still provides qualitative analysis of the impact on freeholders. However, the Housing Needs Survey (HNS) will collect a complete set of equalities data for tenants, leaseholders and freeholders. Following, the completion of the HNS the analysis will be used to further inform the implementation of the decant policies.

**Is this a new function or a review of an existing function?**

These are new policies that specifically support and facilitate the Cambridge Road Estate regeneration, which will be in compliance with RBK’s Housing Allocations Scheme.

**What are the aims/purpose of the function?**

Both decant policies aim to set out RBK’s approach to decanting tenants and homeowners on the CRE.

The policies seek to explain the statutory rights, housing options and RBK processes available to tenants and homeowners on the CRE in order to facilitate the ambitious regeneration.

**Is the function designed to meet specific needs such as the needs of minority ethnic groups, older people, disabled people, etc.?**

All tenants and homeowners on the CRE will be impacted by this policy, therefore, all protected characteristics are likely to be impacted.

**Age**

Kingston has a relatively young population compared to the rest of England. 32% of the population is aged between 20 and 39, with a particularly high number of 20–24 year old’s, due in some part to the large student population attending Kingston University. According to the ONS, over 61’s make up 17.5% of Kingston’s population.

At least 40% of people in tenanted households on the CRE are aged 40 or younger, which is reflective of the generally more young Kingston population. Furthermore, 19.4% of people in tenanted households on the CRE are 16 years of age or younger. Young people are being priced out of the Kingston homeownership market, as well as there being a swing to generation...
rent’, in line with countrywide trends. Consistent with rising house prices and low wage, high employment levels these policies should allow the Council to meet the growing demand for housing for all groups of people by building more homes in the borough.

Whereas, the population of older people on the CRE aged 61 or older constitutes 12% which is less than the Kingston average which stands at 17.5% (ONS, 2015). These residents are more likely to have mobility or health concerns now and in the future. Falls are the leading national cause of non-fatal hospitalised injuries with 30% of people older than 65 and 50% of people older than 80 falling at least once a year. The number of older people predicted to have a fall in Kingston between 2014 and 2030 is likely to increase by 27% in people aged 65-69, 46.7% in people aged 70-74 and 60.6% in people aged 75.

Additionally, the percentage of all households which consist of someone aged over 65 living alone in Kingston in 2013 was 11.3% (JSNA, 2013-14) which is slightly above the London average (10.2%). Over half (51.9%, 5,000 people) of the population aged 75 and over live alone in Kingston; almost two thirds of these are women. The number of people aged 75 and over living alone is projected to rise to 8,128 by 2030 (JSNA, 2013-14).

Disability
In Kingston (Census, 2011) there is a higher proportion of residents who state they have no limitation in day-to-day activities (87.6%) than London (85.8%) and England (82.4%). It is estimated that around 21,000 residents aged 16 and over in Kingston suffer from a common mental health disorder (including anxiety, depression, panic disorder and obsessive compulsive disorder (RBK Annual Public Health Report 2014). Kingston has one of the highest life expectancies in England and, as a result, has a much higher than the national average level of dementia patents amongst its 75 and older population. The total number of people with dementia in Kingston in 2014 was estimated at 1,600 and this is expected to increase to 1,800 by 2017.

A total of 77 out of 1,324 (5.8%) residents (including leaseholders) on the estate have stated they have a disability. This is somewhat lower than the Kingston, London and England averages hinting that CRE residents are less limited in day to day activities.

Gender
The 2011 Census estimated that there were 78,103 males and 81,957 females living in the borough. The more recent ONS Midyear Estimates for 2015 estimate the male population as 85,458 and 88,067 Females. This equates to 49.2% male and 50.8% female respectively. The residents of the Cambridge Road Estate are 46% male and 53.7% female, which is close to the overall representation of Kingston.

The 2011 Census showed that Kingston had a total of 3,541 lone parents which ranks it 301 out of 348 when compared to other local authorities. According to LSOA data the Cambridge Road Estate is ranked as the most deprived in Kingston. 33.8% of children are from a low income family and of this 73.5% are from lone parent families. The 2011 Census showed that, out of the 3,541 lone parents in the borough, the vast majority (90.6%) are female, with only a small minority (9.6%) being male. It is expected that these figures will be similar on the CRE. However, this will not be known until the HNS is completed.
Ethnicity
Between 2001 and 2011, the proportion of Kingston’s population that came from Black, Asian and Minority Ethnic (BAME) groups rose from 15.5% to 25.5%. The Greater London Authority (GLA) estimates that in 2014, 28% of Kingston residents were BAME - and forecast this to increase to 32% in 2024.

Based on the Cambridge Road Estate tenant profile data 27.49% of the residents are white, 1.74% are mixed race, 11.93% are Asian, and 6.65% are black, 8.61% described themselves as other and 4.15% declined to answer. However, there is a considerable margin of error in the ethnicity data sets for Tenants with up to 39.3% “unknown”.

26.8% residents in the Cambridge Road Estate tenant profile data describe their main language as English, 52% of resident's main language is unknown, and 21% of residents do not speak English as their main language. There is no available data about the level of English fluency per household that is specific to the Cambridge Road Estate.

Religion or Belief
The 2011 Census shows that people stating their religion as Christian were the largest group in Kingston (52.91%).

The list below lists the top religions/belief groups in Kingston by percentage:
- 52.91% - People stating religion as Christian
- 25.73% - People stating religion as No Religion
- 7.89% - People not stating religion
- 5.92% - Muslim
- 4.69% - Hindu
- 1.11% - Buddhist.

Cambridge Road Estate tenant profile data shows the estate as a whole as being 12.6% Christian, 4% Muslim, 5% no religion or belief and 72% of residents on the housing data had no response for this question. Therefore, there is a considerable margin of error in this data set.

Sexual Orientation
There is insufficient data to assess the impact of the policies on people from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

Gender Reassignment
There is insufficient data to assess the impact of the policies on people from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

Pregnancy and Maternity
There is insufficient data to assess the impact of the policies on people from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.
Marriage and Civil Partnership

There is insufficient data to assess the impact of the policies on people from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

What information has been gathered on this function? (Indicate the type of information gathered e.g. statistics, consultation, other monitoring information)? Attach a summary or refer to where the evidence can be found.

The following internal and external evidence and data sets have been used:

- Census 2011
- ONS 2015
- Lower Layer Super Output Area (LSOA) is a geographical area
- GLA London Borough Data Store
- Equalities and Communities Engagement Team (ECET) ranking indicators
- CRE tenant profile data

The Council initially consulted on both decant policies last year. However, the most recent consultation started on Tuesday 18 April 2017, but was again suspended, on Thursday 27 April 2017, due to a General Election being called and a period of political Purdah. The consultation was then reinstated on Monday 03 July 2017 and ran for a further 4 weeks until Tuesday 01 August 2017.

Feedback was sought through a number of methods, including, the RBK consultation portal or by participants manually completing a hard copy of the survey.

In addition to the survey, feedback was also sought through:

- 2 tenant ‘Drop-in’ sessions
- 1 tenants' meeting
- 1 older residents Tea Party
- 3 homeowner ‘Drop-in’ sessions
- 1 homeowners’ meeting
- 1 Leaseholders’ Readers’ Panel

Does your analysis of the information show different outcomes for different groups (higher or lower uptake/failure to access/receive a poorer or inferior service)? If yes, indicate which groups and which aspects of the policy or function contribute to inequality?

Both decant policies will impact all tenants and homeowners on the CRE regardless of equalities' characteristics. However, this equality impact assessment has identified groups which may be potentially impacted.
**Disability**

Disabled tenants and homeowners may find the decanting experience difficult and daunting both physically and/or emotionally. Therefore, many may require extra assistance when being decanted. Some may need more help to understand the process and to ensure they get the best possible outcome in terms of a new property that suits their needs.

Additionally, some disabled tenants or homeowners may require property alterations/adaptations to ensure the new property is suitable for their needs.

See the action plan below for a breakdown of the mitigating actions that will be taken to minimise the adverse effects of the policy on people who fall within this protected characteristic.

**Age**

Older tenants and homeowners, of whom a large proportion also fall into the disability cohort, are more likely to experience a higher level of difficulty during the decant process due to high levels of mobility or health concerns both now and in the future. Additionally, they may have also been living in their properties longer and may, therefore, require more support when moving.

Older homeowners may also be potentially affected as they may find it difficult to obtain a mortgage. Many may have typically paid off their mortgages and, due to the potential increase in value of the new properties, find a new home on the estate unaffordable.

See the action plan below for a breakdown of the mitigating actions that will be taken to minimise the adverse effects of the policy on people who fall within this protected characteristic.

**Gender**

Lone parents on the estate may find relocating and resettling, either permanently or temporarily, particularly challenging. The Council recognises that lone parents generally build up strong support networks and routines that enable and support many of their day to day activities. Temporary rehousing may lead to lone parents having difficulties with tasks, such as taking their children to school or going to work. Additionally, lone parents who make up a large proportion of low income households with children and may, in turn, incur additional unaffordable expenditure due to children needing to change schools.

The Council also recognises that moving schools may lead to potential long-term attainment and socialisation issues for children.

**Ethnicity**

Tenants and homeowners from the BAME community on the estate may find it more difficult to access the appropriate information and guidance. The Council recognises that decanting can be a complicated process, especially for residents who do not speak or read English as a first language. There may be a negative impact on this group as they potentially would not understand the processes fully and be able to access the options available to them. Please see the action plan for how this will be mitigated.

See the action plan below for a breakdown of the mitigating actions that will be taken to minimise the adverse effects of the policy on people who fall within this protected characteristic.
Religion or Belief, Sexual Orientation, Gender Reassignment, Marriage and Civil Partnership and Pregnancy and Maternity
The Council does not expect any different outcome for these groups at present.

Are these differences justified (e.g. are there legislative or other constraints)? If they are, explain in what way.

The use of the powers in both decent policies is set out in legislation and the decent policies apply to all tenants and homeowners on the CRE irrespective of protected characteristics. There will be varying degrees of impact. However, the appropriate mitigating actions will be put in place to minimise any adverse impacts.

What action needs to be taken as a result of this Equality Impact Assessment to address any detrimental impacts or meet previously unidentified need? Include here any reasonable adjustments for access by disabled people. Include dates by which action will be taken. Attach an action plan if necessary.

The overall impact of the decent policies should be positive with extremely limited negative impact on the Council’s equalities’ duties. However, as identified earlier, there are some areas where due care needs to be taken in order to manage and mitigate the identified potentially adverse impacts the policies may have on specific groups. The Council has set out the actions it will undertake below.

Older people, disabled people, residents with young families, especially single parents, and those with barriers to communication are expected to experience particular challenges to relocating and resettlement. This will be mitigated through the offer of a wide suite of practical support, identified through the HNS, and accessed through the relevant Council officer. Support will be extended to include the offer of hands-on support with packing, unpacking or resettlement, in order to minimise disruption for these groups and households, wherever possible.

Disability
Disability tenant and homeowners may face particular challenges to successfully relocate and settle. This can be mitigated through the offer of a variety of practical support that is identified and made easily accessible. The policies outline the support that may also be extended to any disabled household, to include the offer of hands-on support with packing, unpacking or resettlement to manage and minimise disruptions to the lives of disabled people and their household. Support will also consist of emotional/psychological support administered by staff and local community groups where possible. Furthermore, the HNS will identify the individual levels of support required and develop a support plan where necessary in order to manage and mitigate these potential negative impacts. For example, if a tenant or homeowner requires communications in a specific format such as large print, the Council will provide it upon request.

Furthermore, the HNS will also identify where households require adaptations to their property in order to ensure that the property is suitable for their disability. For example, where a tenant or homeowner requires an accessible property this will be picked up in the HNS and prioritised to that tenant or homeowner when such a property is ready.
In order to try and mitigate the possible social isolation resulting in temporarily moving disabled tenants or homeowners the Council will try to minimise the use of temporary accommodation outside of the estate, in order to ensure that vulnerable individuals are not moved away from their established support networks, such as, doctors and family.

**Age**
The decant policies contain a number of additional support measures in order to mitigate or manage the potentially negative impact on older tenants and homeowners. In the same way, as with disabled tenants and homeowners, this can be mitigated through the offer of a variety of practical support, identified early and made easily accessible. Again, support will also consist of emotional / psychological support administered by staff and local community groups where possible.

The leaseholder and freeholder decant policy also ensures that, where older tenants are negatively impacted financially, the Council will step in to ensure that staying on the Cambridge Road Estate is always an option. For example, some older homeowners may find it difficult to get a mortgage to finance the purchase of a new home on the regenerated estate. The Council has, therefore, decided to offer a Shared Equity option, which will ensure that any homeowner who falls into this category will be able to purchase a new home.

In order to try to mitigate the possible social isolation resulting in temporarily moving older tenants or homeowners the Council will try to minimise the use of temporary accommodation outside of the estate in order to ensure that vulnerable people are not moved away from their established support networks, such as, doctors and family. Older tenants and homeowners over the age of 60 will also be offered the opportunity to move into an available sheltered scheme property as an option. In order to further mitigate the potential negative impact older residents moving into sheltered schemes will be considered for early moves.

**Gender**
The decant process will include support measures that intend to mitigate and manage any potentially negative effects on lone parents on the CRE. This includes a wide suite of practical support, identified through the HNS, and accessed through the relevant Council officer. Support may also be extended to include the offer of hands-on support with packing, unpacking or resettlement, in order to minimise disruption.

The Council will also try to minimise the use of temporary accommodation outside of the estate for lone parent households, in order to ensure that they are not moved away from their established routines and support networks, such as, schools, friends and family.

**Ethnicity**
Where the HNS indicates barriers to English, this will be mitigated by making sure that key documentation is explained to household members in person, using appropriate translation resources where appropriate in order to minimise barriers to understanding key actions and activities. It is extremely difficult to provide translated copies in each of the 37 languages spoken on the CRE, therefore, the Council will provide support on a case by case basis, as required.

As part of the consultation the Council contacted a number of community groups, including both the Somali and Tamil community groups, who are present on the CRE. These groups agreed to publicise the documentation and also spread the policies and their key messages amongst their
communities. Following the completion of the HNS the Council will have a better understanding of the level of support required and will then assess and implement any required actions.

**When will you evaluate the impact of action taken? Give review dates.**

This EqIA and its action plan will be updated early in 2018 following the completion of the full HNS, which is currently gathering information on all household need on the estate, along with the full equalities’ profile of CRE. The HNS will then inform the Council whether further action is needed in order to mitigate the impact on any of the protected characteristics.

Assessment completed by:

**NAME:** Sharmake Abyan  
**SERVICE:** Housing  
**DATE:** 29/08/2017

Please send your completed assessment to your service head. A copy should then be sent to the Equality Adviser.
Council
17 October 2017

Community Call-in: Decant Policies
Joint Report by the Deputy Chief Executive and the Head of Corporate Governance

Purpose
To report a Community Call-In of the decision of the Housing Sub-Committee meeting of 7 September 2017 in respect of Housing Decant Policies.

Recommendation
The Council is recommended to determine how it wishes to respond to the Community Call-in relating to the resolutions of the Housing Sub-Committee on 7 September with reference to the options set out in paragraph 13 below.

Key Points
A. At its meeting on 7 September the Housing Sub-Committee considered a detailed report regarding the adoption of two decant policies, one relating to council tenants and the other for RBK freeholders and leaseholders, to be implemented to support the regeneration activity taking place on the Cambridge Road Estate.

B. The Sub-Committee heard how the policies had been developed with external legal scrutiny to ensure the best possible outcomes for the Council and the local community, and followed detailed consultation with the draft policies being available to residents from 18 April to 1 August 2017, with the last active consultation taking place from 3 July and closing on 1 August 2017.

C. Following debate and contributions from residents, the Sub-Committee resolved that, subject to further amendments agreed at the meeting and changes made as a result of the consultation, the two policies be approved. The agenda report received by the Sub-Committee is set out in Annex 4 (its Annexes including the Decant Policies are available to view in the electronic version of this agenda and links to the Decant Policy Annexes are provided in this report; hard copies will be available on request). The extract Minute of the discussion of this item at the Housing Sub-Committee is attached as Annex 3 of this report.

D. Subsequent to the meeting, a Community Call-In of the decision was received from local residents and the Council is now asked how it wishes to respond.

The Community Call-In
1. At its meeting on 7 September the Housing Sub-Committee received a report which recommended the adoption of the Cambridge Road Estate KT1 decant policies to be implemented to support the regeneration activity taking place on the Cambridge Road Estate in the years ahead, until regeneration is completed.

2. The Sub-Committee heard how two separate policies, one for RBK council tenants and another one for RBK freeholders and leaseholders on the Cambridge Road Estate (CRE), had been developed and consulted upon. It was reported that, following adoption by the Sub-Committee the successful implementation of these policies may form the standard for any future decant activity supporting regeneration of the Council’s housing stock.

3. It was further reported that the policies set out the broad principles and the necessary detail for the fair, impartial, effective and efficient management of decants to ensure residents are rehoused with minimum disruption and to deliver essential vacant possession of CRE properties to the Council to facilitate regeneration.
4. It was reported that the decant policies provided the necessary guidance where decanting of the Council's CRE stock (tenanted, leasehold or freehold) is required, but would not fetter the authority's discretion in taking into account individual household needs where the Council is required to exercise this discretion. Two separate and distinct policies having been developed and drafted with external legal scrutiny to ensure the best possible outcomes for the Council and the local community, specifically CRE.

5. The Sub-Committee considered that the nature of the consultation meant that the relevant documentation, namely the two decant policies, had been available to residents from Tuesday 18 April 2017 to Tuesday 1 August 2017, with the last active consultation taking place from Monday 3 July 2017 and closing on Tuesday 1 August 2017.

6. The report outlined how a key aim of both the policies was to preserve the local sense of community and the 'Right to Return' is enshrined in the tenants' decant policy, with the Council: "committed to local people remaining in the local area and to giving them the right to return to the developed estate in accordance with this policy." For home owners resident on CRE (freeholders and leaseholders of RBK properties) various housing options, which include complete or partial ownership, were included; these were designed to allow existing residents with any element of current home ownership to stay on and invest in the estate in one of the newly built homes.

7. In summary, the Sub-Committee heard how the policies are designed to be fair and equitable in their operation, taking into account financial capability and individual household need, as assessed through the extensive Housing Needs Survey (HNS) which is being conducted across the CRE.

8. The Housing Sub Committee resolved that:
   1. the details of feedback from the extensive consultation process (Consultation Summary in Annex 1 to the report) are duly noted, endorsed and incorporated as appropriate;
   2. the proposed amendments (as detailed in Annex 2 to the report — Decant Policies Consultation Changes Tables), all made as a result of stakeholders' and residents' feedback during the consultation, or legal advice, are adopted;
   3. the tenant decant policy 'Cambridge Road Estate Kingston KT1 Council Tenants' Decant Policy' (Annex 3 to the report) is approved, subject to the three amendments set out below;
   4. the freeholder and leaseholder decant policy 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy' (Annex 4 to the report) is approved; and
   5. the Equalities' Impact Assessment at Annex 5 to the report is noted

9. Following representations immediately before the Housing Sub Committee, the following amendments were agreed to in Annex 3 Council Tenants Decant Policy:
   1. ref. page A39 paragraph 14.3 — delete 'subject to appropriate advice' to read 'Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim.'
   2. ref. page A 32 paragraph 9.3 — replace 'Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord' with 'RBK tenants from the Cambridge estate who chose to live on the Regenerated Cambridge Estate will remain tenants of the Council if that is their preference; their tenancies will be life-time secure tenancies with the Council as their landlord.'
3. ref page A34 paragraph 11 – as above ie replace ‘Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord’ with ‘RBK tenants from the Cambridge estate who chose to live on the Regenerated Cambridge Estate will remain tenants of the Council if that is their preference; their tenancies will be lifetime secure tenancies with the Council as their landlord.’

10. A Community Call-In of this decision received 112 valid signatures, all from addresses within the borough. This was submitted during a five day period allowed by the procedure rules for the rectification of non compliant Call-Ins after the original version was ruled to contain defects. The Council’s Community Call-In procedure, set out at Annex 1, provides that anybody who ‘lives, works, studies or owns a property or business in the borough’ may call-in a decision and that a minimum of 100 eligible signatures is required for a call-in to be valid.

11. The terms of the Call In are set out below:

“We the undersigned petition the council to commit to ensure the residents of Cambridge Road Estate are covered by the appeals process that the council already has in place for Introductory tenants, Flexible tenants and Demoted tenants. We also ask for a clearer definition of the "discretion" and "exceptional individual circumstances" that the council is looking to use in the Decant Policy.

The three resident & community groups representing Cambridge Road Estate’s residents are appealing the decision made by Kingston-upon-Thames council’s housing sub-committee on 7 September that fails to act in the best interests of those affected by the Decant Policy.

We ask that CRE residents be covered by the appeals process that the council already has in place for Introductory tenants, Flexible tenants and Demoted tenants.

We also ask for a clearer definition of the "discretion" and "exceptional individual circumstances" that the council is looking to use in the Decant Policy.

Please sign the petition below to confirm that you wish us to ‘call-in’ the decision made by RBK and ask for it to be scrutinised further.”

12. The Officers’ response and update is set out in Annex 2

13. The Council’s Call-In procedures require the Council to consider a call-in as soon as possible, and, wherever practicable, at its next ordinary meeting. In doing so it shall provide for a representative of the signatories to the call-in the opportunity to address the meeting on the subject for a maximum of five minutes. A further period of up to ten minutes shall be allowed for questions and answers. These time periods may be extended by resolution of the Council. The options available to the Council by way of a response to the Call-In are to:

i) reaffirm the decision of the Committee OR

ii) modify the decision of the Committee OR

iii) overturn the decision of the Committee OR

iv) refer the decision back to the Committee for further consideration OR

v) establish a time limited Task and Finish Group to which the matter can be referred for further consideration and the submission of a report to the original decision making Committee

Author of report - Tom Bremner, tom.bremner@kingston.gov.uk tel 020 8547 5023
Lead Housing Consultant, Background Papers Community Call-In petition - electronic and hard copy (held by Gary Marson, Democratic Services Team Leader, email gary.marson@kingston.gov.uk, Tel 0208 547 5021)
Call-In Procedure (applies to decisions made but not yet implemented)

a) 100 interested people may call-in for review any decision of a Strategic or a Neighbourhood Committee, or the Achieving for Children Joint Committee, other than when they are exercising regulatory functions, within a period of ten working days after the date of the meeting (so that, for example, when a meeting falls on a Thursday evening the call-in shall expire at 5pm on the Thursday a fortnight hence). Formal notice of decisions will be published, normally on the day after each meeting, in order to facilitate the call-in process. An interested person is defined as someone who lives, works, studies, or owns a property or business in the Borough.

b) To be accepted as valid, a community call-in must be submitted in writing and identify the decision to be called in and the reason(s) for it being called-in. It must be apparent from the document itself that each person who has subscribed to it is clear as to the decision to be called in and the reasons for the call-in. Each person subscribing to the call-in document must sign it individually and include their name and address.

c) Where it appears to the Head of Corporate Governance that a community call-in does not meet the requirements of paragraph (b) above a period of five working days from the date of its receipt shall be allowed to provide an opportunity for any apparent defects to be rectified. Where, after the expiration of that five day period the call-in request still does not meet the requirements of paragraph (b), the Head of Corporate Governance, in consultation with the Mayor and Leader of the Council, shall be authorised to reject it.

d) When a decision is called-in under this process, it shall be referred to a meeting of the Council for review, together with a statement of the reasons for the matter having been called-in. Implementation of the decision shall be held in abeyance pending the conclusion of the call in process.

e) The Council shall consider the call in as soon as possible, and, wherever practicable, at its next ordinary meeting. In doing so it shall provide a representative of the signatories to the call in the opportunity to address the meeting on the subject for a maximum of five minutes. A further period of up to 10 minutes shall be allowed for questions and answers. These time periods may be extended by resolution of the Council. The Council may agree a response to the call in or establish a time limited Task and Finish Group to which the matter can be referred for further consideration.

f) Any such Task and Finish Group shall consist of up to seven elected Members to be appointed by the Council. No Member who participated in the original decision called in for review shall sit on the Group. The Group shall appoint its own Chair and may co-opt up to a maximum of three non elected Advisory Members with relevant experience or expertise to assist in its work.

g) The Task and Finish Group will review the decision which is the subject of the call in and in doing so may receive reports and hear evidence on the matter before it. The Group may choose its own working arrangements and shall be entitled to invite relevant persons and organisations to submit evidence and representations either orally or in writing. Meetings of the Group and its agendas and minutes shall normally be open to the public and the Access to Information Procedure Rules shall apply.

h) At the conclusion of its review the Task and Finish Group shall submit a report and recommendations to the original decision making Committee. The Committee shall consider the recommendations at the earliest practicable opportunity, normally the next meeting and may accept them or recommend to Council either that the Task and Finish Group’s recommendations be rejected, accepted in part only or an alternative course of action be adopted.

i) If Council raises no objection to the decision the decision becomes effective from the date of the Council meeting and may proceed to implementation.

j) A decision may only be called-in once under this procedure.
Housing Decant Policies Community Call-In
Officer responses to the concerns raised in the Community Call-In

Listed below are the concerns raised in the Community Call-In and RBK officer responses. These responses have been compiled with both external expert legal advice and SLLP legal advice.

- We ask that CRE residents be covered by the appeals process that the council already has in place for introductory tenants, Flexible tenants and Demoted tenants.

Section 14 of the CRE Council Tenants’ Decant Policy refers to Appeals and is reproduced below in full:

"14 APPEALS
14.1 Secure tenants can appeal to the Council or any duly delegated person, about how this policy is applied to their personal circumstances. Appeals must be made in writing within 21 days of any decision, or of any written notification of the application that the tenant seeks to challenge, setting out the reasons why the tenant believes that decision does not accord with the decant policy or the Housing Allocations scheme. The Council’s delegated officer will decide on the appeal within 28 days following its receipt.

14.2 If the appeal is successful an alternative decision will be made. If the appeal is unsuccessful the Council’s original application of the relevant policies will remain.

14.3 Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim”[SN1]

This section provides for an appeal within 21 days of the decision to be decided by the Council’s delegated officer. There are no statutory provisions which provide for an appeals process in relation to decants. In contrast there are appeals/review processes for introductory, flexible and demoted tenants set out by statute in the Housing Acts 1985[SN2] and 1996 and in regulations made under the various provisions.

However there is not a ‘one size fits all’ process and the review mechanisms do depend on what decision is being made by the council. For example some provide for a right to request an oral hearing while others don’t, and the timescales for making an appeal and making decisions differ depending on the decision being reviewed or appealed. For this and other reasons, to try a replicate statutory provisions in the CRE Council Tenants’ Decant Policy would be unworkable.

However, the intention is that the principles of similar statutory appeals or review processes would be followed in each given situation. This includes considering a request by a tenant for an oral hearing, where this is relevant and appropriate, and for the tenant to be represented. It is also the case that the Council would only use an Officer who had not been involved in the original decision, and who was more senior than the Officer who made that decision, to undertake the appeal. This is consistent with accepted good practice and used as standard across different appeals and review process by Kingston and other councils.

In summary the appeal provisions in the CRE Council Tenants’ Decant Policy do not mean that the Council is putting in place arrangements that are less fair or reasonable than those for introductory, flexible or demoted tenants.
There is no reason for the Council to change this policy as agreed at the 7 September meeting of the Housing Sub Committee as the current appeals provision fully accords with the stated aim of the policy which is that the Council is committed to meeting tenants' housing need in the first instance and will also take into account their wishes, meeting them where this is reasonable and achievable in the context of wholesale estate regeneration (paragraph 2.4)

- We also ask for a clearer definition of the "discretion" and "exceptional individual circumstances" that the council is looking to use in the Decant Policy.

The CRE Council Tenants Decants Policy states:

Section 2.5
"The Council will exercise discretion in applying this policy but will comply with duties imposed by statute, any relevant mandatory code of guidance and its own policies. The Council is committed to ensuring that no person receives less favourable treatment on the grounds of their protected characteristics as defined in law, by: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex, and sexual orientation."

Section 15.1
"There may be some circumstances when the Council, or delegated officers, may exercise discretion in relation to this policy due to exceptional individual circumstances and they will do this by taking into account all circumstances considered relevant."

The CRE Freeholders and Leaseholders Decant Policy states:

Section 1.7
"We know that the policy cannot cover every eventuality and needs to be able to reflect the personal circumstances of affected leaseholders and freeholders. The principles set out in this document set out the general approach, however where cases fall outside the policy for those who are vulnerable or who are facing financial difficulty the Council will consider individual circumstances, on a case by case basis based on the principles set out in this document."

For the policies to be more explicit than this would potentially leave some residents in a less favourable position than others as all eventualities cannot be catered for in a policy document. It is for this reason that the robust but broad provisions in both the policies are contained in the sections quoted.

The recommendation is that this is not changed in the policy documents as this could just as easily be to the detriment as well as the benefit of certain residents. The Officer view is that the current provisions provide for a reasonable and proportionate approach that allow individual exceptional circumstances to be appropriately taken into account.
Annex 3

EXTRACT OF MINUTES OF HOUSING SUB-COMMITTEE – 7 SEPTEMBER 2017

7.30pm– 10.35pm

Councillor Cathy Roberts (Chair), Councillor Maria Netley (Vice Chair) and Councillors *Paul Bedforth, Bill Brisbane, Linsey Cottington, * Kevin Davis and Margaret Thompson.

Advisory members Ms Libby Goodsearles (Leaseholders), Mr Harry Hall (Residents Associations), *Mr Robin Oliver (Registered Providers), Private Landlords - vacancy Sheltered Housing *no representative in attendance

* Absent

[*Apologies for absence were received on behalf of Councillor Kevin Davis for whom Councillor Phil Doyle attended as alternate member and on behalf of Councillor Paul Bedforth for whom Councillor Ian George attended as alternate member. Apologies were also submitted from advisory members, Tom Wood and Maria Wise.]

12. Housing Decant Policies

The Sub-Committee considered a report and associated Annexes with draft decant policies for adoption to support the regeneration activity taking place on the Cambridge Road Estate in the years ahead. Attached at Annex 3 of the report is the Council Tenants' Decant Policy and attached at Annex 4 of the report is the Freeholders and Leaseholders Decant Policy.

The policies have been developed following consultation during 2016 when specific concerns were raised and addressed, and clarification of specific government legislation was provided. In 2017 fresh consultation was undertaken when the Council's commitment to the existing community, and the ways in which the policies are intended to support these communities to return to a regenerated estate, were carefully explained. The draft policies have been available for residents to access for consultation from 18 April 2017 to 1 August 2017, with active consultation taking place from 3 July 2017 to 1 August 2017. Further representations from the newly appointed Independent Tenant Adviser for the future regeneration were considered after the close of the consultation to further enhance the depth of the consultation and to enable the Independent Tenant Adviser's recommendations to be considered. An overview of the consultation, feedback comments and the Council's responses have been collated within the Consultation Summary attached at Annex 1 to the report. The full detail of the feedback and responses has been provided on a dedicated webpage (http://www.kingstonconversations.co.uk/CREdecant) on the Council's website.

As well as supporting the regeneration of the Cambridge Road Estate (CRE) the policies are intended to form the standard for any future decant activity supporting regeneration of the Council's housing stock, facilitating necessary development and addressing the needs of residents.
The policies set out the broad principles and the necessary detail for the fair, impartial, effective and efficient management of decants to ensure residents are rehoused with minimum disruption and to deliver essential vacant possession of CRE properties to the Council to facilitate regeneration. The decant policies provide the necessary guidance where decanting of the Council’s CRE stock (tenanted, leasehold or freehold) is required, but will not fetter the authority’s discretion in taking into account individual household needs where the Council is required to exercise this discretion. The policies aim to establish good practice in decanting, which may be applied elsewhere in the borough once successfully implemented, to support other necessary activity related to the regeneration of the Council’s housing stock.

A key aim of both the policies is preserving the local sense of community and the ‘Right to Return’ is enshrined in the tenants’ decant policy, with the Council: “committed to local people remaining in the local area and to giving them the right to return to the developed estate in accordance with this policy” (ref Section 11 of the Tenants Decant Policy).

For home-owners resident on the Estate (freeholders and leaseholders of RBK properties) various housing options, which include complete or partial ownership, have been included; these are designed to allow existing residents with any element of current home ownership to stay on and invest in the estate in one of the newly built homes (ref Section 11 of the Freeholders and Leaseholders Decant Policy – ‘Your New Home Options’).

The policies are designed to be fair and equitable in their operation, taking into account financial capability and individual household need, as assessed through the extensive Housing Needs Survey conducted across the CRE.

The report was presented by the Housing Service Manager, Policy, Service Development & Partnerships, Robert Johnson who then introduced Ms Lisa Tye (of Shoomiths, an external law firm which has scrutinised the policies) who summarised two amendments to Annex 3 (Council Tenants Decant Policy) which were being proposed in response to comments arising during the consultation, namely:

- ref. page A39 paragraph 14.3 – delete ‘subject to appropriate advice’ to read ‘Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim.’

- ref. page A 32 paragraph 9.3 – replace ‘Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord’ with ‘RBK tenants from the Cambridge estate who chose to live on the Regenerated Cambridge Estate will remain tenants of the Council if that is their preference; their tenancies will be life time secure tenancies with the Council as their landlord.’

ref page A34 paragraph 11 – as above ie replace ‘Rehoused RBK tenants will remain tenants of the Council, if that is their preference; their tenancy will be secure with the Council as their landlord’ with ‘RBK tenants from the Cambridge estate who chose to live on the Regenerated Cambridge Estate will remain tenants of the Council if that is their preference; their tenancies will be life time secure tenancies with the Council as their landlord.’
The Sub-Committee heard representations from members of the public, including the following comments:

- Emily Davey
  - referred to her letter dated 6 September (which had been circulated to the Sub-Committee members) which indicated that, while the draft Policies were now improved from those which had been considered at the 10 November 2016 Sub-Committee meeting, there were some remaining concerns. [Two of the concerns set out in that letter were subsequently addressed by the above proposed amendments to the Council Tenants Decent Policy.]
  - requested clarification as to whether tenants/ freeholders/ leaseholders would be required to provide receipts and invoices (comparing para. 13.5 with para 13.8 and page A50 para 5.1.5)
  - recommended that an appeals procedure should be provided which is more formalised than that set out in paragraph 14 (pageA38)
  - requested reimbursement of travelling expenses if tenants are relocated to temporary housing over half a mile from the estate

- Jill Preston
  - enquired whether the Council had accessed funding which was available to local authorities to provide more social housing as part of regeneration initiatives which nine other local authorities had received to date. [It was agreed that Ms Preston would send details of this funding to Marcus Carling, Programme Director Estate Regeneration and Marcus would provide a written response to this question.]
  - enquired about the qualifications of the Council’s medical officer who will assess submitted housing medical assessment forms [The Housing Service Manager, Policy, Service Development & Partnerships, Robert Johnson, replied that the Council’s medical officer is a Bachelor of Medicine, Master of Science and member of the Royal College of Physicians and Senior Forensic Physician.]

- David Ryder-Mills
  - whether the Compulsory Purchase Order compensation will reflect the reduced value of properties affected by ‘planning blight’ [There are complex regulations for CPO compensation including a requirement that the valuation should not reflect any reduction in value caused by the effects of the underlying scheme]
  - there had been a 15% response rate to the consultation on the draft Policies – yet one of the Neighbourhood Committees had a policy that, in general, no traffic schemes would be agreed unless there was a 40% response rate. [Tom Bremner, the Lead Housing Consultant replied that the Council had worked hard on consulting and engaging on the draft Policies and provided responses to all the comments which had been made and published this feedback online.]
- Bernadette Zaparaniuk
  - the Residents Association at Cambridge Road Estate (CRE) had circulated their own consultation survey and had achieved a higher response rate, but the outcome of that survey was not included in the report to the Sub-Committee. It was Ms Zaparaniuk’s view that the people on the estate would prefer refurbishment not major regeneration of the estate. [Tom Bremner, the Lead Housing Consultant replied that the Council consultation had been accessible over a long period of time and had incorporated consultation with the Residents Association who had had opportunity to influence the development of the draft Policy.]

- Mr SR Davies
  - has there been an impact assessment of the relocation of CRE residents to temporary accommodation across the borough in terms of its reduction of the amount of temporary accommodation in the borough which is available for homeless people? [Marcus Carling, Programme Director Estate Regeneration replied that the intention is to use a potential site elsewhere to provide new temporary accommodation for the decant, rather than using the Council’s current temporary accommodation for that purpose. Currently the number of persons to be decanted was not confirmed.]
  - as Mr Davies had submitted a number of questions during the Public Question Time, the Chair invited Mr Davies to submit further questions in writing and written replies would be provided

- James Giles
  - queried, with reference to page A10 paragraph 5.2 of the report, the analysis of the gender of respondents (indicating a total of 20 persons) compared with paragraph 5.1 of the report indicated that the total number of online respondents was 25. [It was replied that the remaining 5 respondents would have made no response to this question, as opposed to responding that they preferred not to disclose their gender.]

Sub-Committee members’ comments on the report included the following:
  - the reference to the right to return should be mentioned earlier in the Policy than Section 11
  - Do-it-yourself Shared ownership (DIYSO) (part buy, part rent scheme to help people get on the housing ladder) should be considered as an offer for leaseholders wishing to be rehomed off the estate [Lisa Tye confirmed that this option was not ruled out by the draft Policy.] It was suggested that some reference to shared ownership should also be included in the Tenants Decant Policy.
  - the legal right to appeal to a Lands Tribunal as a 2nd stage of a CPO process should have been mentioned in Appendix 1 of the ‘Freeholders and Leaseholders Decant Policy’. [It was indicated that the document provided a link to more detailed information about the CPO process.]
  - Although a more formal appeal process was not statutorily required, would it not be best practice and as a way of showing the Council wished to support tenants especially vulnerable and displaced residents?
• Under the principle of equivalence (no-one should be better or worse off as a result of the scheme) will leaseholders be compensated for the higher interest rate which would be payable for a shared ownership mortgage? [It was confirmed that the CPO compensation regime takes issues of cost increases resulting from the scheme into account as part of the ‘disturbance impacts’ that affect the market value calculated for the compensation package.]

• CRE residents considered that the Independent Tenants Adviser should have been in post longer to support and advise tenants – the Summer holiday period was not a good time for consultation [Tom Bremner replied that the consultation had started in April but had had to be suspended because of the snap General Election until August and comments made during the consultation the previous year had also been taken into consideration. The comments of the Independent Tenants Adviser had been taken into account in the final stages of drafting the Policy.]

• it should be made clear that the estate regeneration is a Council regeneration and should not result in the estate land being taken over by a Housing Association [Tom Bremner replied that the draft Policy makes it clear that secure tenancies with the Council will be maintained.]

• the Tenants Policy did not make it clear that there was discretion to award travel expenses for those who are relocated so tenants would not know that they could claim this. [Tom Bremner replied that the Council will consider individual cases of hardship but it would be fairer not to have very specific provision on this as not all circumstances could be predicted and there would be a risk of adversely affecting some households]

• how could the company who is planning the regeneration have started discussing how the scheme will work financially before the Decant Policies had been agreed? [It was indicated that BNP Paribas, the appointed surveyors for the regeneration masterplan, had in mind the enhanced offer in the draft Decant Policies when packages were being negotiated.]

• were additional leaseholders meetings arranged as promised? [It was confirmed that an additional leaseholders meeting had been held.]

• request for clarification about lump sum payments for disturbance. [It was confirmed there will be an ability for the Council to make lump sum payments without requiring receipts but this will be at discretion of the Council – and receipts would be required, anyway, if tenants went to the Lands Tribunal]

• there are 50-60 temporary households consisting of single parents and children – how will these policies protect their welfare and minimise the effect on the children’s education? [This would be addressed under the Council’s policies for supporting households in temporary accommodation.]

• request for the Council officers in using their discretion on a case by case basis to recognise that Cambridge Road Estate is one of the most deprived estates in this borough and should use all ways of protecting people who are financially vulnerable

• these are generous Policies, more generous than in other authorities and reflect the very hard work which Housing officers have put into developing them.
Resolved that:

1. the details of feedback from the extensive consultation process (Consultation Summary in Annex 1 to the report) are duly noted, endorsed and incorporated as appropriate;

2. the proposed amendments (as detailed in Annex 2 to the report – Decant Policies Consultation Changes Tables), all made as a result of stakeholders' and residents' feedback during the consultation, or legal advice, are adopted;

3. the tenant decant policy 'Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy' (Annex 3 to the report) is approved, subject to the three amendments set out above;

4. the freeholder and leaseholder decant policy 'Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy' (Annex 4 to the report) is approved; and

5. the Equalities' Impact Assessment at Annex 5 to the report is noted.

Voting –

For: 4 Members (Councillors Cathy Roberts, Maria Netley, Phil Doyle and Ian George)

Abstaining: 3 Members (Councillors Bill Brisbane, Linsey Cottington and Margaret Thompson)
Housing Sub-Committee
7 September 2017

Housing Decant Policies
Deputy Chief Executive

Call-in deadline - Thursday 21 September 2017 (ten working days after the meeting)

<table>
<thead>
<tr>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>This report recommends the adoption of the Cambridge Road Estate KT1 decant policies to be implemented to support the regeneration activity taking place on the Cambridge Road Estate in the years ahead, until regeneration is completed. Two separate policies, one for RBK council tenants and another for RBK freeholders and leaseholders on the Cambridge Road Estate (CRE), have been developed and consulted upon. Following adoption by the Sub-Committee the successful implementation of these policies may form the standard for any future decant activity supporting regeneration of the Council’s housing stock.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommendations of the Portfolio Holder for Adults Social Care and Health</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To Resolve</strong> that:</td>
</tr>
<tr>
<td>1. the details of feedback from the extensive consultation process (Consultation Summary - Annex 1) are duly noted, endorsed and incorporated as appropriate;</td>
</tr>
<tr>
<td>2. the proposed amendments (as detailed in Annex 2 – Decant Policies Consultation Changes Tables), all made as a result of stakeholders’ and residents’ feedback during the consultation, or legal advice, are adopted;</td>
</tr>
<tr>
<td>3. the tenant decant policy ‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ (Annex 3 to this report) is approved;</td>
</tr>
<tr>
<td>4. the freeholder and leaseholder decant policy ‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’ (Annex 4 to this report) is approved;</td>
</tr>
<tr>
<td>5. the Equalities’ Impact Assessment (EqIA) at Annex 5 to this report is noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Key Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The decant policies will be used to support the regeneration of the Cambridge Road Estate (CRE), facilitating necessary development and addressing the needs of residents.</td>
</tr>
<tr>
<td>B. The policies set out the broad principles and the necessary detail for the fair, impartial, effective and efficient management of decants to ensure residents are rehoused with minimum disruption and to deliver essential vacant possession of CRE properties to the Council to facilitate regeneration.</td>
</tr>
<tr>
<td>C. The decant policies provide the necessary guidance where decanting of the Council’s CRE stock (tenanted, leasehold or freehold) is required, but will not fetter the authority’s discretion in taking into account individual household needs where the Council is required to exercise this discretion.</td>
</tr>
<tr>
<td>D. The policies aim to establish good practice in decanting, which may be applied elsewhere in the borough once successfully implemented, to support other necessary activity related to the regeneration of the Council’s housing stock.</td>
</tr>
</tbody>
</table>
E. Following last year’s consultation, two separate and distinct policies have been developed and drafted with external legal scrutiny to ensure the best possible outcomes for the Council and the local community, specifically the CRE.

F. The nature of the consultation has meant that the relevant documentation, namely the two decant policies, has been available to residents from Tuesday 18 April 2017 to Tuesday 1 August 2017, with the latest active consultation taking place from Monday 3 July 2017 and closing on Tuesday 1 August 2017. Further representations from the newly appointed Independent Tenant Adviser (ITA) for the future regeneration were considered after the close of the consultation to further enhance the depth of the consultation and to enable the ITA’s recommendations to be considered. A full overview of the consultation is included as Consultation Summary - Annex 1. A detailed and specific response to the comments received during the consultation will be available on the RBK website before the Committee meeting.

G. A key aim of both the policies is preserving the local sense of community and the ‘Right to Return’ is enshrined in the tenants’ decant policy, with the Council: “committed to local people remaining in the local area and to giving them the right to return to the developed estate in accordance with this policy” (‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ - 11 ‘RIGHT TO RETURN’).

H. For home-owners resident on CRE (freeholders and leaseholders of RBK properties) various housing options, which include complete or partial ownership, have been included; these are designed to allow existing residents with any element of current home ownership to stay on and invest in the estate in one of the newly built homes (‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’ – 6 ‘YOUR NEW HOME OPTIONS’).

I. The policies are designed to be fair and equitable in their operation, taking into account financial capability and individual household need, as assessed through the extensive Housing Needs Survey (HNS) conducted across the CRE.

**Context**

1. The decant policies are to be applied to support the regeneration of CRE and are specific to only that area at this time. Successful implementation of the policies will ensure fairness and good practice is applied to the logistical exercise of obtaining vacant possession of the Council’s stock as it is required for the phased regeneration of CRE. Further, successful implementation may enable the policies to serve as the standard for other regeneration schemes undertaken by the Council in the years ahead.

2. A fundamental element of both individual decant policies is to protect and enhance the existing CRE community, giving all RBK secure tenants and all resident owners on the estate the ‘right to return’ and facilitating this through the policy.

3. The decant policies necessarily have to support the logistical requirements of the CRE regeneration and to be sufficiently flexible to be adapted to the specific needs and circumstances of each individual household affected by the Council’s ambitious regeneration aims for the estate.

4. The two separate decant policies, attached as Annex 3 ‘Cambridge Road Estate Kingston KT1 Council Tenants’ Decant Policy’ and Annex 4 ‘Cambridge Road Estate Kingston KT1 Freeholders and Leaseholders Decant Policy’, will become
effective on adoption and operational to support CRE's physical regeneration at a
time determined by the needs of the wider regeneration project.

5. The policies are tenure specific, with a policy for RBK's secure tenants affected
and a separate policy for RBK's leaseholders and freeholders, independently
tailored to the specific needs of each.

Proposal and Options

6. Options:
   - No decant policy for the CRE regeneration would risk undermining the
effective regeneration of the estate, with the authority unable to acquire
possession of properties in a timely and organised fashion to enable the
efficient phasing of the project through to completion
   - A borough-wide policy would risk not adequately addressing the special
needs of this unique community and losing this opportunity to preserve
and enhance this community, its homes and environment
   - One policy to fit all circumstances, of all tenants, leaseholders and
freeholders, would again risk not adequately addressing the needs of
specific households with specific needs and specific financial or other
circumstances
   - Two separate policies devised specifically for CRE provides the preferred
option to ensure the needs of specific households, with specific needs and
specific financial or other circumstances, are taken into account.

7. The significant regeneration being undertaken at CRE will inevitably require
residents to be decanted and a policy is required for this and officers are
recommending the option to adopt the fourth and final of the options considered
above, two separate policies to address the specific needs of all residents on
CRE.

Consultations

8. The policies have been developed through an earlier consultation last year that
sought to clarify specific explanations of government legislation and other
specific concerns raised. In addition, the fresh consultation carefully explained
the Council's commitment to the existing community and the ways in which the
policies are intended to support these communities to return to a regenerated
estate.

9. In response to feedback received from initial consultation more evening meetings
were arranged and in addition the Leasehold Forum and the Reading Panel also
discussed the new policy during evening meetings.

10. In addition to online engagement, which included a survey of opinion, there were
also a variety of engagement opportunities in the latest consultation, including
'drop-in' sessions on the estate, an older persons' event, meetings with
residents, and 'reading' sessions where relevant officers have carefully taken
tenants and home-owners through the separate policies, clause by clause, in
addition to answering specific questions on specific concerns that residents
themselves have raised either in person, through representatives, by email or
letter. In total more than 170 separate items as consultation responses were
received.
11. The consultation was wide-ranging, with responses carefully noted by officers to provide valuable feedback to improve the policies, in terms of clarity, accuracy and ‘user-friendliness’. In addition, one significantly substantive policy change, regarding Shared Equity home ownership, was made. The changes to succession for Shared Equity homeowners are set out now within the policy at C: Shared Equity and are designed to reflect similar rights enjoyed by Shared Ownership home owners in terms of introducing more rights to succession.

12. A summary of the consultation, all feedback comments and the Council’s response have been collated within the attached Consultation Summary at Annex 1 to the report.

13. The changes proposed as a result of the consultation with residents and through briefings with relevant elected members and colleagues, to make the broad policy outlined more explicit in specific instances, are as detailed in Annex 2 – Decant Policies Consultation Changes Tables.

Timescale

14. The policies if approved will be adopted on 21 September 2017, 10 working days after the meeting, and will become operational to meet the decanting needs of the Cambridge Road Estate during the regeneration as the need arises.

Resource Implications

15. There are no immediate resource implication arising from the recommendation to adopt these policies. There will, however, be resource implications from the point of implementation, partly dependent on the scale of need indicated through the detailed Housing Needs Survey undertaken, which will be met as detailed immediately following.

16. Acquisitions and all other associated costs, including disturbance payments, home-loss or other compensatory or similar payments, will be met either through Greater London Authority (GLA) funding or through the emerging RBK joint venture development company.

Legal Implications

17. The regeneration of the Cambridge Road Estate will affect a significant number of households and these policies have been formulated to assist in the process of moving households from their existing homes in order to facilitate the regeneration. These policies have been reviewed in line with current legislation.

Risk Assessment

18. Failure to manage any necessary decants efficiently and effectively carries a risk to the impact on the regeneration of the Cambridge Road Estate. Failure to achieve timely vacant possession of properties on the estate, in line with the requirements of the phased approach to regeneration that the Council will implement, will have an adverse impact on the scheme, the Council and residents. Having a clearly defined policy will ensure that each case is dealt with consistently and in a sensitive way taking resident households’ needs into account. This will minimise disruption for the tenant, leaseholders and freeholders and limit the resourcing implications for the housing service, as well as mitigating the risk of adversely impacting upon the phased regeneration of the estate and any subsequent reputational damage to the authority more widely.
19. The regeneration will be delivered in phases allowing tenants to be relocated directly into a new home as the preferred operational option. There may, inevitably, however, be some occasions where this may not be practicable, causing some slight risk in terms of temporary accommodation supply, rent collection and resident dissatisfaction. However, any risk will be mitigated through a phased approach to development over the extensive lifetime of the project, enabling the least disruptive application of the decant policies for households concerned.

Equalities Impact Assessment

20. An Equalities’ Impact Assessment (EqIA) has been undertaken and is attached at Annex 5. This will be reviewed and a further EqIA undertaken prior to the implementation process to ensure fairness and compliance with the 2011 public sector equality duty (the equality duty) created under the Equality Act 2010.

21. The Housing Needs Survey (HNS) is currently gathering information on all household need on the estate, along with the full equalities’ profile of the CRE, which will feed into the review of the current EqIA.

22. Regeneration or redevelopment is likely to affect all residents to varying degrees. At present there is no initial impact which has been identified with and there are no adverse implications with regards to the following diversity strands: faith or belief, and sexuality or gender identity, pregnancy and maternity and marriage or Civil Partnership. In addition, there are no known initial adverse implications under the terms of the Human Rights Act 1998 and Children Act 2004.

23. The EqIA sets out a full analysis of where this policy may potentially impact specific groups. It also sets out clear actions which the Council will undertake in order to meet its duty to manage and mitigate these potential impacts.

Road Network, Environmental and Air Quality Implications

24. None arising out of the recommendations of the report.

Background papers

A detailed and specific response to the comments received during the consultation will be available on the RBK website before the Committee meeting.

**Background papers** - held by the author of the report – Robert Johnson, Service Manager, Policy, Service Development & Partnerships, tel: 020 8547 5816

robert.johnson@kingston.gov.uk
RBK Decant Policies Preliminary Report

Introduction

This document is a follow up to the ITHA’s Report on the Decant Policies which was submitted during August 2017. We recognise that enhancements have been made to the Policies since then. However, we also believe that there is room for further improvement in these key documents.

The following recommendations result from discussions with representatives from the 3 Resident Groups, CREST, CRERA, 1Norbiton, which took place 6 September 2017.

Residents have requested that the Housing Committee considers seriously the following representations:

Council Tenants’ Decant Policy

<table>
<thead>
<tr>
<th>Section</th>
<th>NewmanFrancis’ View &amp; Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 THE DECANT PROGRAMME</td>
<td>There should be recognition that some residents may prefer a temporary move whilst the regeneration is taking place and that this option should be available to residents if preferred</td>
</tr>
<tr>
<td>9 REHOUSING OPTIONS TABLE Page 6</td>
<td>We recommend that residents should be offered the “highest priority” rather than just “high priority” when bidding for other homes.</td>
</tr>
<tr>
<td></td>
<td>We recommend that secure tenants who wish to become shared owners should be offered free independent financial advice (eg financial MOT/Health Check) from to assess their financial eligibility as well as mortgage products available etc</td>
</tr>
<tr>
<td></td>
<td>We recommend that as part of the Rehousing Options residents are offered the “Right of Return” when taking up the option of a permanent (not just temporary) move off the estate. This would need further clarification but could prove popular with residents and has been offered on other schemes (Lambeth Regeneration)</td>
</tr>
<tr>
<td>9.4 HOUSING ALLOCATIONS SCHEME</td>
<td>For the CRE regeneration we recommend that RBK adopts a 1 plus 1 option without condition for residents who are under-occupying. This option is offered without further conditions on a number of other schemes</td>
</tr>
<tr>
<td>12.6 &amp; 12.7</td>
<td>We recommend that the Council commits to paying any additional transport expenses which residents may incur as a result of moving temporarily – eg. transport fares to work, school, college etc</td>
</tr>
<tr>
<td>13 FINANCIAL AND OTHER ASSISTANCE</td>
<td>In the Mayor’s Draft Report on Regeneration (November 2016) the Mayor recommended that where possible housing providers should look to exceed the statutory minimum around compensation. We recommend that RBK should</td>
</tr>
</tbody>
</table>
consider offering a more generous home loss payment and that this would be good practice and demonstrate a real commitment to social tenants

| 13.9 | We consider that offering two sets of disturbance payments when residents must move into temporary housing is good practice. We would also recommend that residents should qualify for two sets of home loss payment when residents must live in a temporary home for longer than 12 months |

**Further Recommendations**

- The Council should consider providing a handyman service especially around supporting vulnerable residents when moving into their new homes.

- The Council should ensure there are options for residents to choose to move into a different phase of the regeneration if they wish to and explain how this will work. For example, residents may want to move to a certain part of the estate which may not be redeveloped until a future phase and may prefer to go into temporary accommodation until their preferred phase is completed.

- In the documentation, the Council should include a commitment to minimise service charges in the new homes.

- The Council could consider offering additional compensation to secure tenants who choose/have to give up bedrooms and/or gardens etc.

- **Additional compensation** should be offered and negotiated with social tenants for any additional improvement works have carried out to their homes. Receipts should be provided as evidence.

- **Cost of living in the new properties**: The Council needs to provide commitments about the cost of living in the new properties including a commitment to minimise service charges (see above) as well as the recognition that Council Tax charges are likely to rise.

- The Council needs to be clear about how rents will be set in the new properties and a commitment that they will be set according to existing council rent levels. Residents have also requested that for existing residents there should be no increase in rent in the new properties.

- There needs to be further clarification about the role and qualifications of the medical officer.

**Temporary Moves**

- There needs to be absolute clarity that temporary moves will take place within the Kingston area unless residents indicate that they would prefer a temporary move outside of Kingston.
Freeholders and Leaseholders Decant Policy

<table>
<thead>
<tr>
<th>Section</th>
<th>NewmanFrancis’ View &amp; Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>NewmanFrancis recommends that the Council makes available <strong>Independent Financial Advice to resident homeowners via one to one consultations</strong> – to assess residents’ financial viability (Financial MOT/Health Checks), Mortgage advice (suitable mortgage products, including shared equity/ownership products, other financial advice etc). This should be included in the Decant Policy</td>
<td></td>
</tr>
<tr>
<td>5. ENTITLEMENT TO COMPENSATION Page 10</td>
<td>Stamp Duty: needs to be made clear that Stamp Duty will be paid as long as the resident makes a forward purchase within 12 months of selling their old property. Clarification is needed on what level of Stamp Duty will be paid (up to the value of the old property?)</td>
</tr>
</tbody>
</table>
| Further Recommendations | * In our view resident freeholders will see the various options to acquire a leasehold property as inferior in comparison to their present circumstance  
* NewmanFrancis recommends that the Council provides a clear DIYSO Shared Equity/Ownership option for resident home owners and demonstrates a commitment to this option in the decant policies. This will help homeowners who do not wish to move into a new property on the estate, an opportunity to find another property in the Kingston area  
* The Council needs to give more consideration to those resident homeowners who for whatever reason are unable to meet the eligibility requirements for the resident homeowner options. For those residents (often vulnerable residents) who cannot raise a mortgage or afford the rents payable under the Shared Ownership option the Council should identify further options which would allow this group of residents to remain living on CRE – this could include an **affordable and or council tenancy rental option**. |

Howard Mendick,  
NewmanFrancis, September 2017
Dear Sirs

Re the Cambridge Road Estate Decant Policies Consultation

The Decant policies have improved since their first draft. I am grateful to the council officers for listening to previous comments. However there continues to be issues with the consultation process and the policies. Please may I take this opportunity to detail the issues.

The Consultation Process

The council focus on literature and in particular the online survey could be challenged under the Equality Act. In deciding to inform tenants and homeowners of the consultation through letters and asking those under 60 to complete an online survey the council has assumed that everyone on the estate is physically capable of reading English i.e. there are no blind or partially sighted people on the estate, no one is illiterate and everyone can read and write in English and if they are under 60 has access to the internet and is able to use the internet. This is a very brave assumption.

There are clear problems with report concerning the online survey page A10 para 5.2. For example the report states there were 25 respondents to the online survey 10 males 9 females and one who would not disclose their gender. Please could the council state what the remaining 5 people were, male, female, both or neither.

Proposals which require a considerable re interpretation of English Law

T1 The council is proposing to use Compulsory Purchase orders against tenants in properties the council already owns. Compulsory Purchase Orders are usually used against Freeholders and Leaseholders, possession proceedings are used against tenants.

T18 The amendment tries to limit tenants ability to defend themselves in court. Under English law anyone may defend themselves in Court, access to court is not conditional upon receiving appropriate advice employing a solicitor or barrister. In England we are all free to defend ourselves. If the council will not delete the words “subject to appropriate advice” please could detail which Statute they are relying upon which restricts access to Justice to those who receive legal advice.

pA50 para 5 the deduction of service charge arrears from compensation payable. Please could the council amend this to agreed service charge arrears to reassure leaseholders that the council will not deduct disputed service charge arrears from the compensation payable.

Clarification of Terms

The treatment of secure tenants

T4 – Despite the “reason for the change” claiming that the “text change strengthens option and eliminates doubt as to the Council’s true position on retaining tenants’ rights as RBK secure tenants on their return to the regenerated Cambridge Road Estate if that is their preference” the amended text fails to clarify the situation because the critical sentence fails to mention the Cambridge Estate.
Under Sched 7 para 81B (2) of the Housing and Planning Act 2016 the local authority has to grant a
life time secure tenancy when doing a management transfer ie a decant. The sentence just rehearses
the law.

"Rehoused RBK tenants will remain tenants of the Council if that is their preference; their tenancy
will be secure with the Council as their landlord" ie if RBK is going to move a secure tenant
anywhere in its stock it has to give the secure tenant a life time secure tenancy.

The fear is that

a) the tenants will be told they can either have a secure tenancy elsewhere in Kingston or an
Assured Tenancy on the regenerated Cambridge Estate. This has helped elsewhere on
regeneration projects. (Note: Assured Tenancies are not the same as Secure tenancies they
have a mandatory ground for rent possession regardless of the cause of the rent arrears.
Cambridge Estate tenants have twice voted to reject stock transfer to a housing association.)
Or

b) The tenants will be given secure life time tenancies off the estate but if they want to return
to the regenerated estate they will only be given the new secure tenancies which are fixed
term tenancies. Local Authorities have also attempted to do this elsewhere in London and
have been informed that it is against the law.

The wording could be amended to

"RBK tenants from the Cambridge estate who chose live on the Regenerated Cambridge Estate
will remain tenants of the Council if that is their preference; their tenancies will be life time
secure tenancies with the Council as their landlord”

T9 This is the same as T4 the text needs to be amended as above if the council plans to own land and
buildings on the regenerated estate this should not difficult to make these amendments but will
offer re assurance to tenants.

T10 Please could the council confirm in an amendment to the text that it will abide by English Law
and Sched 7 para 81B (2) of the Housing and Planning Act 2016 and grant secure tenants who chose
to move into alternative housing stock owned by RBK life time secure tenancies

The meaning of long term cohabiting partner

Both the decant policies refer to “long term cohabiting partners” pA34 para 10.1 and 10.3 and pA55
para C. But it is not clear what is considered long term without a definition the tenant is left reliant
on the whim of the officer.

The requirement to produce invoices and receipts

The tenants decant policy at A37 para 13.5 refers to some tenants being given a lump sum without
the need to provide receipts and invoices. But this is contradicted at A37 Para 13.8.

The freeholders and leaseholders decant policy is vague concerning who will have to produce
receipts to be compensated and who will not have to produce receipts see pA50 para 5.1.5

Please could the council detail in what circumstances tenants/freeholders/leaseholders will be
required to produce receipts and invoices in order to receive disturbance payments.
The definition of a residential freeholder/leaseholder

pA47 para 4.1.3 It is difficult for the leaseholder/freeholder to meet the requirements of this paragraph. The definition of a resident leaseholder/freeholder is that they must have “been in continuous occupation of the property as their principal home for at least one year preceding the date of the acquisition of the property by the Council”. The freeholder/leaseholder will not know when the council will acquire their property at the start of the process however the council requires them to state if they are resident or non resident at the start of the process. Even then there will be some whose circumstances change and they either need to move into or out of the property in question.

Treatment of those in financial difficulties

pA56 para 6.2 and para 6.2.5 it is not clear who decides and how they will decide if a household in financial difficulties. Nor is it clear at pA57 para 6.2.4 what will happen to homeowners who are in negative equity or those who have done equity release. Please could the council explain what will happen to existing freeholders who can only buy leasehold properties but have no income or capital with which to pay service charge. Housing benefit will only on cover part of the service charge.

Reducing the potential for litigation

The appeals procedure

The tenants decant policy appeals procedure is weak it is not to a more senior officer not involved in the original decision and there is no opportunity for a hearing see A38 para 14. The Council already has a statutory appeals procedure for it flexible tenancies, introductory tenancies and demoted tenancies. Under these appeals procedures the drug dealer or neighbour from hell has a stronger appeal process than the tenants who paid their rent and abided by their tenancy.

There is no appeals procedure for leaseholder and freeholder other than under the CPO procedure and the valuation of the property.

The Council could provide an appeals procedure either similar to the statutory procedure for flexible tenancies, introductory tenancies and demoted tenancies or like the blue badge appeals procedure.

The path to Judicial review where Council’s have provided an inadequate or non existent appeals procedure is well trodden. Currently the Council is almost inviting residents to walk this path with them, is this really the council’s objective if so have they set aside a suitable fight fund to pay for this?

Increasing the potential for rent arrears

pA33 para 9.3 5 and p35 para 12.7 refer to temporary rehousing please could the council confirm that it will provide temporary housing within half a mile of the estate and if this is not possible that the council will reimburse residents their additional travelling costs. Many people on the Cambridge Estate are on low incomes, they should not be asked to choose between taking their child to school/ going to work and going into debt/rent arrears due to the cost of public transport.

I will be attending the Housing Sub Committee meeting on the 7th September and intend to speak at the meeting. I would be happy to answer any questions concerning this letter.

Yours faithfully

Emily Davey