

## 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  
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