

Strategic Housing and Planning Committee

8 November 2018

Cambridge Road Estate Regeneration - voluntary ballot

Report by the Director of Growth

Call-in deadline - 5pm on Thursday 22 November 2018

Purpose

To report on further details of the voluntary ballot for residents of Cambridge Road Estate (CRE) following a resolution agreed unanimously at Council on 17 July 2018

Recommendations of the Portfolio Holder for Housing including Cambridge Road Estate Regeneration

To **Resolve** that -

1. the Director of Growth reports back to the Strategic Housing and Planning Committee to agree the specific arrangements, for the ballot of CRE residents on the proposals for regeneration;
2. the Director of Growth has delegated authority, in consultation with the Portfolio Holder for Housing including Cambridge Road Estate Regeneration to commission an independent body to hold the voluntary ballot for the Cambridge Road Estate.

Benefits to the Community:

The progress outlined in this report is consistent with the council's ambition for ensuring that residents are at the heart of decision-making for CRE, rather than on the sidelines observing and believing their voice is not heard, as resolved unanimously at its meeting on 17 July 2018.

Key Points

- A. The report provides an update on progress regarding a voluntary ballot for residents of CRE following a resolution agreed unanimously at Council on 17 July 2018
- B. It is a key priority of the Council to ensure that residents are at the heart of decision-making for CRE, rather than on the sidelines observing and believing their voice is not heard.
- C. At its meeting on 17 April 2018 the Council resolved that the council carry out its own resident ballot. This resolution was further debated and confirmed at its meeting on 17 July 2018.
- D. The Greater London Authority (GLA) published guidance on 18 July 2018 on the requirement to hold a ballot where social housing estates are being regenerated if the landlord is to obtain funding from the GLA. Whilst the council is already in contract with the GLA for funding, and therefore would be able to apply for exemption from this requirement, nevertheless the council has resolved to carry out a ballot for CRE.
- E. Since the publication of the GLA guidance and the resolution from the council meeting on 17 July, work has been undertaken, co-ordinated with residents and

their representatives from CRE, to prepare for a ballot. This has included two resident led workshops involving over 70 CRE residents and 20 guests held in October 2018 - the results of which will be instrumental in shaping the ballot. It also included a public presentation and discussion immediately after the Community Engagement Committee meeting on 19 September 2018.

- F. Details regarding who will be eligible to vote and the running and timing of the ballot (including the costs) will be subject to further work by the council in collaboration with the CRE community, and will be reported to future meeting of the Strategic Housing and Planning Committee for approval.
- G. The Council will continue to liaise with GLA officers to ensure the Guidance, can be applied properly but also tailor specific elements, if required, to meet local resident circumstances where reasonable. The Council is also taking a lead through London Councils to provide for a network of London boroughs to liaise on good practice in holding ballots.

Context

1. Cambridge Road Estate is a Council estate of over 830 homes in Norbiton Ward, built in the 1970s and now in need of major investment. Over the last two years the Council has been preparing the ground for a comprehensive phased regeneration of the area. At committee in March 2017 the Council agreed to a proposal to seek a developer joint venture partner to help it bring forward the redevelopment and that procurement exercise is currently underway with three bidders competing. More detailed background and context regarding CRE and the regeneration proposals are contained in the accompanying report to this committee on the preferred bidder as part of the Joint Venture Partner procurement process.
2. The project is supported by the GLA who have provided support to the council as part of its Housing Zone programme in the form of grant and loans to bring forward the purchase of leasehold property. This funding is linked to the council achieving milestones around the CRE regeneration project including a timescale to select a developer JV partner.
3. In February 2018, the Mayor of London announced that all housing estate regeneration projects should hold a resident ballot where the Greater London Authority (GLA) provides funding for councils to enable them to build social or council housing. The final GLA guidance was published on 18 July 2018. The GLA now requires any landlord to hold a ballot of local residents as a condition of funding for regeneration schemes that:
 - involve the demolition of *any* social housing
 - the building of 150 or more new homes
4. There are a number of exemptions including where there is already a funding agreement in place with the GLA, which is the case with Kingston.

GLA Guidance on resident ballots

5. The GLA guidance covers:
 1. Who will be eligible to vote
 2. How the ballot should be run
 3. What should be covered as the 'landlord offer' on which people are asked to vote.
6. The GLA guidance sets out three categories of eligible voters:
 1. Social tenants named as a tenant on a tenancy agreement dated on or before the date the landlord offer is published. For CRE this is primarily Kingston council tenants
 2. Resident leaseholders or freeholders who have been living in their properties as their only or principal home for at least one year prior to the date the landlord offer is published. This excludes buy to let landlords as they are not residents
 3. Any resident whose main home is on the estate and who has been on the local authority's housing register for at least one year prior to the date the landlord offer is published. For CRE this will include most people in temporary accommodation who live on the estate
7. The GLA guidance states that there is no discretion for landlords (the GLA calls them 'Investment Partners' or 'IPs') to set their own vote eligibility criteria. It also states that
 - voters must be living on 'an existing social housing estate' - e.g. CRE
 - voters must be over 16
 - the term 'social tenants' includes (as well as council tenants) residents of 'affordable housing' e.g.
 - low cost home ownership such as shared ownership
 - low cost rental - sometimes called 'intermediate' market rent
8. It only includes 'social tenants' of the 'Investment Partner' (i.e. Kingston council for CRE) and not of any other landlord. It excludes anyone who isn't a social tenant unless they fall into one of the other categories.
9. The GLA guidance has no minimum turnout requirement.
10. The GLA guidance says landlords must appoint an 'Independent Body' (IB) to undertake the ballot. The IB must:
 - review the arrangements for voter registration and identification
 - undertake or oversee the distribution of the Landlord Offer
 - advise IPs on the ballot question
 - ensure votes cast are recorded and counted accurately

The GLA guidance requires the IB to confirm that the ballot is held in accordance with a checklist which includes the following:

- were there robust process to identify voters in place?
- did a simple majority voted “Yes or No” to an unambiguous and direct question?
- were an appropriate range of ways to vote were offered and sufficient time (minimum 21 days) for casting votes?
- was there sufficient time between the distribution of the Landlord Offer and the start of the ballot period?
- were the ballot papers delivered under separate cover from any consultation material and/or the landlord offer and did the landlord offer explain the arrangements for casting votes?
- did the ballot take place less than 6 months after the landlord offer was published?

11. The GLA guidance defines the landlord offer as:

- The broad vision, priorities and objectives for the estate regeneration, including information on:
 - Design principles of the proposed estate regeneration
 - Estimated overall number of new homes.
 - Future tenure mix.
 - Proposed associated social infrastructure.
- Details of the full right to return or remain for social tenants living in homes that are to be demolished.
- Details of the offer for leaseholders and freeholders of homes that are to be demolished.
- Commitments relating to ongoing open and transparent consultation and engagement.

Proposal and Options

12. This report follows the resolutions of the Council at its meetings of 17 April and 17 July 2018 and is updating the committee on progress against the proposals and options considered at those meetings.

Consultation and engagement

13. The council is working very closely with CRE residents and their representatives to develop detailed plans for the ballot.

14. Since the publication of the GLA guidance and the resolution from the council meeting on 17 July, work has been undertaken, co-ordinated with residents and their representatives from CRE, to prepare for a ballot. This has included two resident led workshops held in on 4 and 17 October 2018 - the results of which will be instrumental in shaping the ballot. These were organised by the Three Chairs supported by officers and ward members and were attended by over 70 CRE residents, with c20 of these attending both events, and c50 attending one or the other. There were also around 20 guests. The first event was chaired by Tom Bremner, Lead Housing Consultant, and the second event by Ed Naylor, former councillor and Mayor of Kingston. There was also a public presentation and discussion immediately after the Community Engagement Committee meeting on 19 September 2018.
15. The agreed objectives for the resident workshops were to:
 - share the Mayor's Greater London Authority (GLA) Guidance (dated July 2018) on ballots;
 - work together with local residents to get the best for Cambridge Road Estate (CRE);
 - listen to views and questions to make sure that the ballot is run fairly and gives CRE residents a chance too understand the issues and get their voice heard.
16. Both workshops have been valued and well-received by CRE residents who have commented about the positive mood and how people were working together. Over 90% of those who completed the feedback form saying they found it informative. A couple of the specific comments received are:

"I felt I'd been heard"

"It's heartening to see so many residents get involved"
17. Copies of the fliers, agendas, presentations and detailed feedback from both workshops are included in Annex 1. Annex 2 is the 88 questions gathered in the first workshop and the responses provided at the second workshop.
18. Further consultation and engagement will now take place to ensure that the ballot is co-designed between the council and the CRE community. This will include communication and door knocking and survey work to ensure that all residents have an opportunity to shape the ballot and to build on the workshops. It will also include a further resident led workshop prior to the council deciding on the detail of the ballot arrangements, so that the CRE community can shape the council's approach and seeing the results of their feedback taken into account.

Summary of feedback from resident workshops

19. The agendas and format for both workshop were put together by the Three Chairs in collaboration with officers.
20. The first workshop (4th October 2018) was designed to make sure that everyone understood the GLA Guidance and to allow residents to ask questions and provide initial feedback and comments through working on tables, each of which was facilitated by residents, officers or ward councillors on the following four topics:

1. Any issues of clarity about ballots and the GLA guidance
 2. Who should vote in a ballot and why?
 3. How should the ballot be run?
 4. How to involve young people and children.
21. The feedback was then analysed and used to design the second workshop. There were two parts to this.
22. The first part was the questions asked on the night and a commitment made to respond to all of these by the second workshop. There were a total of 88 questions asked through the table groups covering a wide range of issues including specific queries about the regeneration proposals, how binding would the vote be, the timetable for the ballot and regeneration, what would rent and utility charges be on new properties etc. Annex 2 is a copy of the questions and the response provided at the second workshop (it should be noted that these were provided 'subject to legal advice and further consideration' in the spirit of wanting to respond quickly and be open and transparent rather than as a definitive statement of council policy at this stage).
23. The second part was using the feedback to summarise the key issues and themes raised by residents. These themes were:
1. Gaining trust and confidence
 2. Voter eligibility and the ballot process and timing
 3. Landlord offer, information pack and the alternative to regeneration
 4. Giving everyone a say and involving young people.
24. Each theme had a series of key points such as whether only CRE residents should vote, using several methods of communication, information on both the regeneration proposals and what the alternative is and how to ensure all residents can understand the landlord offer.
25. The workshop on 17 October involved residents working on each of these four themes and moving round tables so that everyone had a chance to discuss the key points, change or add anything and then prioritise these through 'voting' using four stickers.
26. By far the most popular item was 'help ensure all residents can understand the landlord offer' with 63 'votes'.
27. The following is a summary of the ten most popular points highlighted with the amount of 'votes' for each:
1. Everyone understand the landlord offer - 63
 2. Details about the regeneration included in the landlord offer - 29
 3. Decision making for no/alternative to regeneration - 21
 4. Independent advisors - 20

5. What will happen if no vote - 16
 6. Balanced & equal promotion of [regeneration] offer and alternative - 15
 7. 50% turnout to make ballot valid - 15
 8. Only CRE should vote - 13
 9. Ensure everyone gets information pack - 13
 10. Simple and straightforward ballot - 12
28. The next step is to analyse the feedback in more detail and to look at the legal, practical and other implications. This will be done alongside a wider survey of CRE residents to provide an opportunity for everyone to comment on these issues.
 29. At the second workshop residents were asked (by a show of hands) if they would like a further workshop before the council make its decision on the ballot and this was welcomed. Officers will work with the RSG and Three Chairs to set this up at the appropriate time.

Timescale

30. There are broadly four key steps over the next year in the timescale for the ballot:
 - Step 1** Winter/Spring 18/19 - Council commissions independent body to run a ballot, agree the scope and whose eligible to vote; and continue to work with CRE residents getting ready for the master planning stage
 - Step 2-** Spring/Summer 2019 - master planning with residents and agreeing the regeneration proposals/landlord offer
 - Step 3** - Summer/Autumn 2019 - regeneration proposals/landlord offer published and voter registration
 - Step 4** - Autumn/Winter 2019 - ballot held and decision on estate regeneration
31. It is currently anticipated that a residents ballot will be held in the autumn or winter of 2019 in order to align with the funding programme for the estate regeneration.
32. A further report will be presented to a future meeting of this committee detailing the scope, administration, plans and decisions and target ballot date.

Resource Implications

33. The council is currently scoping the resource implication of administering the ballot and these costs are to be met within existing regeneration budgets earmarked for the Cambridge Road Estate. The council is committed to working with CRE residents to run a successful ballot process and the feedback from the recent workshops and future engagement will help the council further refine the detailed programme of work that will be set out within a future report to the appropriate council committee.

Legal Implications

34. The Guidance that has been published by the Mayor of London is not binding on the Council, though it provides a useful template and structure for the Council to use. However, if there are good reasons for the Council departing from any aspect of the Guidance, the Council is able to do so.

Risk Assessment

35. If an effective ballot is not undertaken then any decision to regenerate CRE will not be able to demonstrate the support of local residents which will create risk to its sustainability.
36. Ensuring that the council considers the risk of challenge to any ballot process and and mitigate disruption to prevent delays, uncertainties, and extra costs in future.

Equalities Impact Assessment

37. An equalities impact assessment will be undertaken as part of the council's decision making on the arrangement for the ballot and as such included in a future report.

Health Implications

38. None specifically identified at this stage.

Road Network Implications

39. None specifically identified.

Environmental & Air Quality Implications

40. None specifically identified

Background papers

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- GLA guidance; workshop feedback, presentations etc.; council reports and minutes for 17 April and 17 July 2018; SHAP report on preferred bidder 9 Nov 2018.