

London Borough of Hammersmith & Fulham

Report to: THE ECONOMY HOUSING AND THE ARTS POLICY & ACCOUNTABILITY COMMITTEE

Date: 10/11/2020

Subject: DEFEND COUNCIL HOMES POLICY CONSULTATION UPDATE

Report of: Daniel Miller, Resident Involvement & Service Improvement Manager

Responsible Director: Fiona Darby, Assistant Director Place (Economy)

Summary

This report provides an update on the Defend Council Homes Policy and the boroughwide consultation with all council housing tenants and leaseholders. The report highlights the key areas and proposed next steps to implement the Policy. This report is intended for information for the committee. A Cabinet report will be presented on 4 January 2021 with a recommendation that the Defend Council Homes Policy is signed off and implemented. We would welcome any feedback from the committee in advance of this.

Recommendations

For the Committee to note and comment on the report

Wards Affected: All

H&F Values

Please state how the subject of the report relates to our values – delete those values which are not appropriate

Our Values	Summary of how this report aligns to the H&F Priorities
<ul style="list-style-type: none">• Creating a compassionate council	Policy will ensure that residents who live in council housing will be informed and listened to and will provide extra protection if a redevelopment proposal would significantly affect their homes
<ul style="list-style-type: none">• Doing things with local residents, not to them	Policy promotes a strong resident voice in decision-making and representation through the formation of local Steering Groups for the proposed area of redevelopment.
<ul style="list-style-type: none">• Being ruthlessly financially	Policy will ensure the council's approach to any future redevelopment proposals on

efficient	council housing land have resident involvement and buy-in, reducing the risk of protracted and expensive decision making
<ul style="list-style-type: none"> • Taking pride in H&F 	Policy promotes strong communities and that the council follows Good Practice at all times in terms of redevelopment proposals.
<ul style="list-style-type: none"> • Rising to the challenge of the climate and ecological emergency 	Policy will promote sustainable and responsible future redevelopment proposals.

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Background Papers Used in Preparing This Report

Draft Defend Council Homes Policy – final version being prepared for Cabinet, so may be subject to further amendments.

1. Introduction and Background

- 1.1. In 2017 the Leader of the Council commissioned the Defend Council Homes Unit (DCHU) to find a way of safeguarding the Council's housing stock against unwarranted and unwanted redevelopment now and in the future.
- 1.2. The DCHU is made up of a resident Chair, Shirley Cupit, and independent advisors, Peter Bevington and Anthony Mason. They were supported by independent legal advice to explore the legal possibilities for safeguarding Council homes. The Leader of the Council appointed the members of DCHU on the basis of their expertise in housing, policy, legal and financial matters and their previous experience as members of the Residents' Commission on Council Housing, established by the Council in 2015.
- 1.3. The DCHU made its initial report to the Council's Cabinet in February 2018, recommending the development of a Defend Council Homes Policy. With the Cabinet's approval, DCHU and council officers have worked collaboratively as part of a project group since then to develop the Policy. The Policy has been produced in consultation with the Housing Representatives Forum, which is the central body for resident involvement in council housing. It comprises elected representatives from tenants and residents associations (TRAs), sheltered housing schemes and small blocks.

- 1.4. The draft Policy was the subject of a section 105 consultation (i.e. on matters of housing management) with council tenants throughout September 2020. The consultation was widened to seek the views of all residents of council housing in the Borough. Following the consultation, which demonstrated significant levels of support from residents, it is now for the Council to adopt the Policy formally and take the necessary steps for its implementation.

2. Policy Aims and Scope

- 2.1. The Policy represents a major landmark in delivering a 2014 manifesto commitment of the present administration, namely, to “protect council homes now and in the future”. The Policy has three main aims:

- To make sure residents are fully involved from the outset in any redevelopment proposals that are likely to affect their homes.
- To commit the Council to meet the most up-to-date standards of Good Practice when consulting residents about any redevelopment proposals and when carrying out any redevelopment that affects residents.
- To give residents effective protection against the Council failing to meet its commitments and obligations under the Policy.

- 2.2. The Council’s obligations under the Policy will be to:

- Fully involve residents in any Redevelopment Proposal in accordance with the most up-to-date standards of Good Practice at the time.
- Ensure that a Residents’ Steering Group is set up for each Redevelopment Proposal.
- Provide each resident affected with full information at every stage if a Redevelopment Proposal goes ahead, explaining what they can expect from the Council.
- Provide residents with effective means of appeal and redress if the Council should fail to meet any of its commitments and obligations under the Policy.

- 2.3. The Policy will effectively create a lawful ‘legitimate expectation’ for residents that the Council will comply with the Policy. Residents will be able to rely on this and take action in the courts if the Council fails to comply with the Policy.

- 2.4. As a key safeguard, the Policy requires the Council to register a Restriction on Title on all titles within the Housing Revenue Account (HRA) where the Council owns the freehold. The wording of the restriction on title will be: “No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by the Hammersmith and Fulham Council [or their conveyancer] that the provisions of the Defend Council Homes Policy (in the terms in effect as at the date of certificate) have been complied with or that they do not apply to the disposition.”

- 2.5.. The effect of this restriction will be to require the Council to certify that it has complied fully with the Policy before any of its registered titles can be disposed of as part of any redevelopment.
- 2.6. As a further safeguard, the Policy provides for residents to make a Compliance Referral to the Council if they believe that the Council has failed or is failing to comply with the Policy. If dissatisfied with the Council's initial response to their Compliance Referral residents may then refer the matter to the Council's Monitoring Officer.
- 2.7. To ensure the Council always continues to work transparently with residents, the Policy requires the Monitoring Officer to make an annual report to the Housing Representatives' Forum, or any successor body set up to represent the interests of residents of council housing, on the activities carried out by the Monitoring Officer during the year under the provisions of the Policy.
- 2.8. Once the Policy has been adopted, its provisions, including the obligations on the Council and the legal safeguards for residents, will continue into the future and may only be altered or withdrawn after full consultation with residents

3. Consultation Approach

- 3.1. Since the outbreak of coronavirus, Hammersmith & Fulham has seen an amazing response from residents to support their communities and become volunteers. Mutual Aid Groups (MAGs) formed in the majority of the borough's sixteen wards.
- 3.2. H&F has worked in partnership with the MAGs, tenants and residents associations, and other third sector organisations to deliver help and support to those who need it most. It has been driven from grass roots ideas and involvement and is a powerful example of community empowerment.
- 3.3. What it means to be part of a community has taken on a very practical new purpose. Despite the separation of social distancing and the stay at home advice, many people now feel closer together and better connected.
- 3.4. **Connecting and protecting communities**
The Defend Council Homes Policy consultation connected with this message of what it means to be part of a community and the importance of nurturing and safeguarding this.
- 3.5. The Defend Council Homes Policy is about protecting communities by giving residents a voice and a key role to work with us to deliver change as and when there is an identified need for this in a particular area.
- 3.6. The consultation reflected the council's aim of working with residents and key stakeholders to co-produce new approaches and to keep listening and responding to feedback.

3.7. Consultation channels

Consultation activities included:

- A consultation pack was sent to all 17,500 council housing households with freepost return envelope for hard copies of the survey.
- A consultation page was launched on Commonplace, with links from the Council's website. This page contained all of the key documents, such as the policy, one-page summary, frequently asked questions, Residents Voice meeting videos, and consultation survey.
- Dedicated telephone helpline and facility to provide consultation feedback by phone
- Promotion through the Get Involved mailing list and TRA and service improvement group mailing lists.
- Promotion through housing notice boards and on Nextdoor
- Four online information sessions
- Online attendance at Housing Representatives Forum meetings

3.8. The Defend Council Homes Policy consultation was open for feedback between 1 September 2020 – 2 October 2020. A consultation pack was sent to every council housing household in Hammersmith & Fulham.

3.9. The Housing Representatives Forum, central body for resident involvement, endorsed the consultation process that was used to consult residents about the Defend Council Homes Policy

3.10. The Housing Representatives Forum requested that the council involved third sector organisations who support our residents. In response to this request, we contacted over one hundred third sector organisations that are active in the borough to ask them to promote the Policy consultation and support residents they work with to complete any feedback.

4. Consultation analysis and outcomes

4.1. Consultation responses

1003 individual responses were received either directly online to the Commonplace consultation platform, or by postal return which was then inputted onto Commonplace.

4.2. Three of total responses have not been included as part of our analysis because the respondent has declared they are not a council tenant, leaseholder, freeholder, or private tenant of a council leaseholder.

4.3. An analysis of the 1000 responses showed:

- Over 75% of the consultation responses were by postal return.
- 78% of respondents like living in their council home.

4.4. We asked residents four key questions around the Policy – these were decision-making, accountability, confidence in terms of implementation, and overall support for the Policy. The responses showed:

- 99% of respondents stated that it's important that the council involve them in decisions that affect their home
- 91% of respondents were satisfied that with the Defend Council Homes Policy in place, the council would be held accountable to always involve residents in decisions that could affect their home.
- 87% of respondents felt confident that the Defend Council Homes Policy will protect residents' homes and ensure the council meets very high standards in any redevelopment proposal.
- 92% of respondents supported the introduction of the Defend Council Homes Policy

4.5. Survey respondents were also invited to provide written comments on the Policy. An analysis of these 160 comments shows:

- 121 positive sentiment responses (76%)
- 9 questions about the Policy and its implementation (5%)
- 8 negative sentiment responses (5%)
- 22 comments that cannot be classified in relation to the Policy (14%)

4.6. **Online information sessions**

Questions raised and responded to at the four online information sessions during the consultation period included:

- How the Policy would be implemented and followed by officers
- The impact of a redevelopment proposal on market values and any potential effect on leaseholders. It was explained that, subject to the Council's adoption of the policy, a redevelopment proposal were to affect a leaseholder's home, the Council would be obliged by the policy to meet the standard set out in whatever Good Practice was in force at the time. Currently Good Practice is as set out in the Mayor's Guide above, and we would expect this or a similar standard to apply in the future.
- The definition of good practice in relation to the Mayor's Good Practice Guide to Estate Regeneration published in February 2018

4.7. At the first online meeting of the Housing Representatives Forum on 7 July 2020, resident representatives requested that an easy read version is produced, subject to the Policy being agreed by Cabinet.

4.8. At the online meeting on 15 September 2020 during the consultation period, The Housing Representatives Forum strongly endorsed the Defend Council Homes Policy and recommended its introduction by H&F Council.

4.9. The following endorsements were received from the Chair of the Housing Representatives Forum and Tenants & Residents Associations:

- *Dear Fellow Residents, it is with real pride that I express my wholehearted support for the **Defend Council Homes Policy** as presented and distributed on 4th August 2020. Significantly this policy was the culmination of years of consultation and discussion throughout the many Resident Working Groups within the Borough's commitment to involve residents in any future policies that would affect the Leaseholders and tenants in the Borough.*

As Chair of the Housing Representative's Forum, I can confirm that the DCH Policy is unique in that it protects us all for the future whereby no administration can impose a policy of purchase, change in our estates without our agreement and approval, and this is enshrined with legal protection for us all.

I recommend this DCH Policy to all residents and ask for your support in making this a legally binding obligation on the Council, to consult with us as residents.

Adriaan van Zyl

Chair Housing Representative's Forum

- *To the London Borough of Hammersmith, We, on behalf of Wormholt Residents Association, support the Defend Council Homes Policy's adoption by Council as soon as possible. We are of the opinion that the Policy will provide residents with additional safeguards in the event of redevelopment proposals that affect their homes. It will also ensure that some level of essential, affordable housing is preserved for future generations in the borough.
Wormholt Tenants & Residents Association*
- *We, on behalf of Queen Caroline TRA, support the DCH Policy's adoption by Council as soon as possible. We are of the opinion that the Policy will provide residents with additional safeguards in the event of redevelopment proposals that affect our homes. As Resident and Vice chair of Queen Caroline Estate TRA, we have lived through the uncertainty and worry when our estate was offered to developers and I know that our Residents will whole heartedly welcome this policy if it provides some assurance that our homes and community will not be taken away and any needed redevelopment will be undertaken only after proper and thorough consultation.*

4.10. The following changes are proposed to be made to the draft Defend Council Homes Policy as a result of the consultation:

- The definition of the term "redevelopment" will be clarified in more detail in the Policy to reduce the risk of any future ambiguities. This was a concern of a number of consultation respondents.
- An amendment will be made to the Policy to require that a copy of the Policy and a plain English summary of the Policy be included with the First Notice to ensure that residents living in an area of proposed redevelopment are made fully aware of the Policy and how it is intended to operate at all times.
- A paragraph will be added to clarify the role of Residents' Steering Groups and the requirement for such groups to be properly trained and resourced to carry out their role.

5.11. Some concern was expressed in the consultation feedback about how the Policy would be implemented in practice. These concerns will be addressed in a Defend Council Homes Implementation Guide.

5.12. Demographics

The demographic make-up of respondents showed:

- Over 75% of respondents were tenants
- 12.5% of respondents were leaseholders
- The remaining respondents were either private tenants of a leaseholder or their status wasn't defined.
- 45% of respondents live on an estate
- 48% in a street property
- 16% in a small block
- 13% in a sheltered housing scheme
- Over 55% of respondents have lived in their home for 16 years or more
- The largest respondent group has lived in their home for 5-15 years.
- 70% of respondents were aged 55 or more
- A further 16% of respondents were aged between 45 – 54, the next largest category of respondents.
- Almost 55% of respondents were female and 37% were male. The remaining respondents either preferred not to say, or did not answer this question.
- Over 75% of respondents do not have children under the age of 18 in their household.

6. Next Steps

- 6.1. We're finalising the Defend Council Homes Policy wording, taking into account the consultation feedback. Appendix 1 reflects the version used during the consultation.
- 6.2. We're in the process of drafting the Cabinet report for the meeting on 4 January 2021. Feedback from the Policy & Accountability Committee will be very helpful to support the final documents that are presented.
- 6.3. We're obtaining accurate costs in order to register the restriction on all of the freehold HRA titles with the Land Registry.
- 6.4. We'll be meeting with the Housing Representatives Forum on 17 November to discuss the consultation findings in more detail.
- 6.5. We're starting to consider the necessary steps to implement the Policy, subject to Cabinet approval.

List of Appendices:

Appendix 1



LONDON BOROUGH OF HAMMERSMITH & FULHAM

The Defend Council Homes Policy

(draft dated 7 August 2020)

Introduction

This policy has been devised for the purpose of binding the Council to the following principle of good administration: namely, that residents of council housing in the Borough can expect the Council to honour its commitments and obligations to them under this policy, acting in accordance with Good Practice in any circumstances where their homes are significantly affected by redevelopment.

The Council will give residents further assurance that this policy will be upheld by registering a Restriction on Title on its Housing Land, preventing any disposals of Housing Land except where the Council certifies to the Land Registry that it has complied with this policy or that this policy does not apply to the disposal.

Aims of the Policy

The primary aim of this policy is to provide residents of council housing in Hammersmith & Fulham with extra protection if a Redevelopment Proposal would significantly affect their homes.

The extra protection consists of a set of written commitments by and obligations on the Council to follow certain procedures in the event of any Redevelopment Proposal that would significantly affect any council housing in the Borough. Any disposal of Housing Land required as part of a Redevelopment Programme shall be subject to formal certification by the Council that it has complied with this policy or that it does not apply to the disposal.

For the purposes of this policy, a resident's home would be significantly affected by a Redevelopment Proposal if the proposal would result in the resident's home being demolished or rebuilt or in the loss of amenities on Housing Land such as green space or other community facilities that directly benefit the resident's home.

Definition of Terms

Compliance Certificate: A certificate approved by the Monitoring Officer provided to the Land Registry to confirm that the Council has complied with the provisions of this policy

Compliance Referral: a formal representation made by a resident to the Council to the effect that this policy is not being or has not been complied with or that this policy should be brought into operation with respect to a Redevelopment Proposal significantly affecting their home. A Compliance Referral may also be made to the Monitoring Officer should the referrer not be satisfied with the Council's initial response

Exempt Disposals and Transactions: the disposals and transactions that this policy does not apply to, as described in Appendix 2

First Notice: a written communication by the Council giving residents relevant information about a Redevelopment Proposal

Good Practice: practice in matters of estate redevelopment or regeneration that conforms to the highest possible standards from time to time followed by or required of local authorities, for example, such as is set out in the Mayor's Good Practice Guide To Estate Regeneration published in February 2018 and in force at the time of the introduction of this policy

Housing Land: all land, houses and other buildings held and accounted for within the Council's Housing Revenue Account

Monitoring Officer: council officer appointed under Section 5 of the Local Government and Housing Act 1989, responsible for ensuring lawfulness and fairness of decision-making in the Council

Redevelopment Proposal: an outline plan to redevelop housing land in which there is a realistic prospect of any resident's home being significantly affected

Option Appraisal: the formal evaluation of different options for delivering a redevelopment proposal or alternative plans for the housing in a given area

Redevelopment Scheme: an agreed plan (e.g. the preferred option emerging from an Option Appraisal) to redevelop housing land

Redevelopment Programme: the implementation plan and timetable for delivering a Redevelopment Scheme

Residents' Steering Group: a group of local residents who agree to work with the Council to shape the Redevelopment Proposal, participate in decision making on all aspects of the Redevelopment Proposal and provide support to residents with respect to the operation of this policy, having regard to Good Practice and residents' best interests

Restriction on Title: an entry in the land register that prevents a change in ownership being registered unless certain stipulated conditions have been met

Second Notice: a written communication by the Council containing a clear and unequivocal statement of commitments and obligations to residents in relation to a Redevelopment Programme that will significantly affect their homes

Scope of the Policy

This policy is intended to cover the full range of circumstances in which a Redevelopment Proposal may arise including, but not being limited to:

- *Strategic asset management considerations* – for example where factors such as low demand, poor condition, outdated housing type etc indicate that a block, estate or individual property may be reaching the end of its useful life and may need to be replaced
- *Strategic opportunities to provide more/better affordable housing* – for example where, perhaps in addition to asset management considerations, there is scope to redesign an estate or area to increase housing density and/or the overall supply of affordable housing
- *Health and safety considerations* – for example where structural or design problems indicate a health and safety risk to residents if they remain in situ
- *Infrastructure projects* – for example where a road or rail scheme requires a land acquisition affecting council homes
- *Commercially-driven development initiatives* – for example where a regeneration initiative affecting council homes is brought forward as a planning proposal by a private developer, a consortium of interests or even by the Council itself

This policy shall apply to all residents of Housing Land allowing for the fact that different types and levels of protection may apply in different tenures. For the purposes of this policy a resident is any council tenant or leaseholder of council housing included in the Housing Revenue Account and any tenant of a council leaseholder.

This policy shall not compromise or prejudice other protections available to residents such as those provided by their tenancy agreement or lease and those provided by law.

Policy Responsibility

The Cabinet Member for Housing shall hold political responsibility for this policy and its implementation. The Lead Director for the Economy Department shall hold executive responsibility for this policy and its implementation. The Council's senior officer responsible for housing shall hold operational responsibility for this policy and its implementation.

Key Principles

This policy is based on a number of Key Principles that have been endorsed by the Council, as follows:

- That residents are entitled to expect the Council to comply with this policy with respect to any Redevelopment Proposal and throughout any of the subsequent stages in which this policy is in operation
- That disposals of the Council's Housing Land in respect of any Redevelopment Proposal will not be permitted unless and until the Council has certified to the Land Registry that it has complied with this policy or that it is an Exempt Disposal and Transaction
- That residents are entitled to full relevant information about any Redevelopment Proposal that could significantly affect their homes and throughout any of the subsequent stages in which this policy is in operation
- That residents are entitled to participate fully and in a timely manner in all decisions having a bearing on their interests that arise from a Redevelopment Proposal that could significantly affect their homes and throughout any of the subsequent stages in which this policy is in operation
- That residents are entitled to fair and equitable treatment throughout the stages in which this policy is in operation
- That the Council will follow Good Practice in all its dealings with residents throughout the stages in which this policy is in operation
- That any significant variations to this policy (including its full revocation) can only be made following full consultation with residents

Operation of the Policy

Restriction on Title

The Council shall, on adopting this policy, apply to the Land Registry to register a Restriction on Title on Housing Land where the Council is freeholder, using the wording of the non-standard form of restriction attached as Appendix 1. The effect of this will be to prevent any disposal of Housing Land except where the Council provides a Compliance Certificate to the Land Registry or certifies that it is an Exempt Disposal and Transaction.

A list of Exempt Disposals and Transactions is attached as Appendix 2.

Redevelopment Proposals

This policy shall not pre-empt or prevent initial discussions between the Council and residents about the possibility, for whatever reason, of redevelopment that may affect their homes. The policy shall only apply and come into operation when there is a Redevelopment Proposal.

For a Redevelopment Proposal to be deemed to fall within the scope of this policy the Lead Director for the Economy Department (or equivalent officer of the Council) will need to have reasonable cause to be satisfied that:

- there is a realistic prospect that the redevelopment could significantly affect residents' homes and
- there is a realistic prospect of the proposal becoming a Redevelopment Scheme within the following twelve months

Any resident who has reason to believe that a Redevelopment Proposal that could significantly affect their home exists and that this policy should be brought into operation may submit a Compliance Referral to the Council.

Within 30 days of a decision of the Lead Director for the Economy Department (or equivalent officer of the Council) that this policy applies, a First Notice shall be issued to every resident whose home could be significantly affected by the Redevelopment Proposal.

First Notice

The First Notice shall provide relevant information such as:

- Nature, scope and status of the Redevelopment Proposal
- A statement of current Good Practice guidance in relation to taking the Redevelopment Proposal forward and the identity of the source and authority for the Good Practice guidance
- Timetable and arrangements for determining the result of the Redevelopment Proposal, including any formal Option Appraisal process
- Arrangements for residents to be involved in determining the result of the proposal including arrangements for informal and formal consultation
- Arrangements for establishing a Residents' Steering Group and the role of the Residents' Steering Group
- The procedure for residents to make a Compliance Referral including the role of the Monitoring Officer
- Appointment of independent advisers (as applicable)

Redevelopment Schemes

If, following a formal Option Appraisal and/or consultation, a Redevelopment Scheme emerges as the preferred option, the Council shall carry out further discussions and consultation with residents as necessary to determine levels of support for the scheme.

In certain circumstances it may be appropriate to determine levels of support for a scheme by holding an estate ballot. A note on estate ballots is attached as Appendix 3.

If the Council decides to proceed with a Redevelopment Scheme, a number of further stages will be involved. These will include such of the following as necessary to comply with this policy and the particular requirements of the Redevelopment Scheme:

- Development partner procurement
- Masterplanning
- Obtaining outline planning permission
- Developing a funding plan
- Drawing up an implementation plan for the scheme

Arrangements for residents to be involved in each of these stages shall be made in accordance with the Key Principles and agreed with the Residents' Steering Group and shall be set out in a communications and engagement plan for the Redevelopment Scheme in question. A copy of the communications and engagement plan shall be given to every resident whose home would be significantly affected by the scheme.

At the point where each of the above stages, such as may be required, have been completed and an agreed implementation plan is in place, the Redevelopment Scheme shall be deemed to have become a Redevelopment Programme.

Redevelopment Programmes

At least 30 days prior to the start of any Redevelopment Programme, the Council shall prepare and issue a Second Notice.

Second Notice

The Second Notice shall be issued to every resident whose home will be significantly affected by the Redevelopment Programme.

The Second Notice shall include a clear and unequivocal statement of commitments and obligations to residents in accordance with the Key Principles in relation to relevant matters such as:

- Timing and phasing of the Redevelopment Programme
- Programme management and resident involvement arrangements, including the role of the Residents' Steering Group
- The procedure for residents to make a Compliance Referral including the role of the Monitoring Officer
- Appointment of independent advisers
- Communications, engagement and consultation
- Rights and entitlements of tenants and leaseholders
- Temporary and permanent rehousing
- Rehousing, compensation and disturbance packages
- Decanting arrangements
- Health and safety, site conditions and security
- On-site communications and complaints
- Community support, community facilities and community legacy
- Programme monitoring, review and evaluation

The Second Notice shall also include a statement of current Good Practice guidance in relation to the above matters and the identity of the source and authority for the Good Practice guidance.

Implementation

If a Redevelopment Programme proceeds to implementation, the Council shall nominate a Programme Manager with overall responsibility for the Redevelopment Programme and the delivery of each of the Council's commitments and obligations under this policy.

Compliance Referrals

Any resident who has reason to believe at any stage that the Council may have failed or may be failing to comply with this policy shall be entitled to refer the matter

in the first instance to the Council and, if not satisfied with the Council's response, to the Monitoring Officer.

Annual Report

The Monitoring Officer shall make an annual report to the Housing Representatives' Forum, or any successor body set up to represent the interests of residents of council housing, on the activities carried out by the Monitoring Officer during the year under the provisions of this policy.

Consultation

This policy has been approved following full consultation with residents and in accordance with the requirements of s105 of the Housing Act 1985.

Variations to this Policy

Any significant variations and/or amendments to this policy may only be made following full consultation with residents on the nature and implications of the proposed variations and/or amendments.

Revocation of this Policy

This policy may only be revoked following full consultation with residents on its proposed revocation.

Appendix 1 (of Policy)

Wording of the Restriction on Council Freehold Title

“No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by the Hammersmith and Fulham Council [or their conveyancer] that the provisions of the Defend Council Homes Policy (in the terms in effect as at the date of certificate) have been complied with or that they do not apply to the disposition.”

Appendix 2 (of Policy)

Exempt Disposals and Transactions

- (a) exercise of Right to Buy
- (b) commercial leases, other than those relating to the development of housing land
- (c) statutory undertakings – utilities, highways authority etc and electricity sub-station leases
- (d) grant of a tenancy (e.g. in the context of shared ownership) by the Council
- (e) compulsory purchase orders
- (f) 'compliance' disposals (e.g. disposals to comply with legislation such as that which would have required councils to sell their higher value voids)
- (g) any other disposals or transactions required by statute
- (h) disposals for the "community benefit" (public land, sports facilities etc.)
- (i) lease extensions (voluntary and statutory)
- (j) collective enfranchisements (voluntary and statutory)
- (k) academy leases (leases granted to schools that have been converted to academies)
- (l) grant of a lease to a community building or amenity space
- (m) grants of deeds of easements and rights of way
- (n) 'de minimis' disposals and transactions with a monetary value below £10,000 assessed on an open market basis
- (o) deeds of variation and deeds of rectification relating to any of the above

Appendix 3 (of Policy)

Estate Ballots

Where it is reasonably necessary to do so, the Council shall ask residents to vote on a Redevelopment Scheme in a ballot.

In deciding whether or not a ballot is reasonably necessary the Council shall consult with the Residents' Steering Group.

In all cases where a ballot is held the Council shall follow the guidance on resident ballots set out in section eight of the Greater London Authority Capital Funding Guide (or any subsequent guidance).

Appendix 4 (of Policy)

Related Policies

Council-wide

- Planning policies
- Local development framework/local development scheme

The Economy Department

- Borough housing strategy
- Building homes and communities strategy
- Homelessness strategy
- Asset management strategy
- Procurement policy (e.g. procurement of development partners)
- Introductory tenancies
- Allocation scheme
- Other housing management policies
- Tenancy and lease agreements
- Resident involvement policy/strategy
- Policies on redevelopment/regeneration
- Policies on the rights and entitlements of tenants and leaseholders

Nation-wide & London specific

- The London Plan
- London Housing Strategy
- The Mayor's Good Practice Guide to Estate Regeneration
- Greater London Authority (GLA) capital funding guide