

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 04/01/2021

**Subject:** Defend Council Homes Policy

**Report of:** Councillor Lisa Homan - Cabinet Member for Housing

**Report author:** Daniel Miller - Resident Involvement & Service Improvement Manager

**Responsible Director:** Mark Meehan - Chief Housing Officer (Economy)

---

### Summary

The Council established the Residents' Commission on Council Housing in 2015 to find a way to protect the Council's housing stock for the long term from unwanted redevelopment. The Residents' Commission looked at several options and recommended that the Council transfer its housing stock to a new community gateway housing association. The Council accepted this recommendation and took steps towards its implementation. Ultimately, government policy prevented the idea from proceeding, as the government no longer provides the debt support that such a stock transfer would have required.

Therefore, in February 2017, the Leader of the Council asked three former members of the Commission to form the resident-led Defend Council Homes Unit to explore other ways of safeguarding Council homes against the threat of unwanted redevelopment. The interim report of the Unit, making recommendations for a way forward, was presented to Cabinet on 5 February 2018. Cabinet approved a process for the further development of the Defend Council Homes Policy and subsequent consultation with all Council housing residents on the draft Policy.

After exploring a number of novel legal provisions, the Unit produced a draft of the Policy that, following legal validation by counsel, was put out to resident consultation in line with the requirements of housing legislation.

This report now presents the Defend Council Homes Policy for Cabinet approval, having taken account of feedback from involved resident representatives and responses from the wider consultation.

An update on the Defend Council Homes Policy consultation outcomes and proposed changes to the Policy was given to the Economy, Housing and the Arts Policy & Accountability Committee on 10 November 2020. The committee acknowledged the high response rate in the consultation and endorsed the principles of the Policy.

This report also sets out for Cabinet approval the proposed next steps and timetable to implement the Policy.

## Recommendations

That Cabinet:

- 1) Carefully considers all responses to the section 105 consultation on the Defend Council Homes Policy and notes the significant level of support for the Policy from residents living in Council homes.
  - 2) Agrees that the Defend Council Homes Policy, attached as Appendix 1, be formally adopted as a policy of the Council and that all necessary steps, including but not limited to entering into any necessary documents, be taken to implement the policy.
  - 3) Authorises the Head of Law to register a restriction on title with HM Land Registry of all freehold titles within the Housing Revenue Account (HRA) as follows: “No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by 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”.
  - 4) Approves that the one-off costs of implementation of up to £140,000 are funded from:
    - a. the current balance of £46,700 held in the earmarked reserve for “Protecting the future of Council homes”;
    - b. existing revenue budgets of £93,300 within the Place division of the Housing Revenue Account.
  - 5) Agrees the timetable for implementation set out in the next steps and timeline section.
- 

**Wards Affected:** All

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
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.
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 in any area where redevelopment is proposed.
Being ruthlessly financially efficient	Policy will ensure the Council’s approach to any future redevelopment

	proposals on Council housing land has resident engagement as a core principle, ensuring best use of resources to secure outcomes that can be supported locally.
Taking pride in H&F	Policy promotes strong communities and that the Council follows Good Practice at all times in terms of redevelopment proposals.
Rising to the challenge of the climate and ecological emergency	Policy will promote sustainable and responsible future redevelopment proposals.

### **Financial Impact**

The costs of implementing the policy through the registration of 1,261 HRA freehold titles with the Land Registry and officer time to prepare titles is anticipated to be up to £140,000.

These costs will be funded in part from the earmarked reserve set aside for the purpose of protecting the future of the Council's homes. The reserve holds £46,700 of funding and the remaining £93,300 will be funded from existing Housing Revenue Account budgets within the Place division.

These are one-off project implementation costs. Ongoing annual reporting to the Housing Representatives Forum and the creation of local steering groups as and when required as a result of implementing this policy will be administered by existing staff and funded from existing Housing Revenue Account (HRA) budgets within the Place division.

Any other obligations under the policy which may result in unbudgeted expenditure in future, such as supporting residents' involvement in a redevelopment proposal, would need to be approved in accordance with the Council's financial regulations and this may require a further report to the relevant decision maker.

### **Legal Implications**

In implementing the Defend Homes Policy the Council is making a specific and direct commitment to residents of council housing in the borough that it will comply with the policy if contemplating a redevelopment that it considers may have a significant effect on their homes. The policy also requires the Council to consult with residents of council housing if significant changes are made to the policy.

This is intended to give residents of council housing a 'legitimate expectation' that that the Council will comply with the policy. It is considered that the creation of a legitimate expectation is a sound method of safeguarding the interests of these residents and that, in principle it will enable any member of the protected class of residents to enforce the expectation by way of judicial review.

The policy is underpinned by a restriction on title which will be entered onto the title of on all freehold titles held within the Housing Revenue Account (HRA). No registerable disposition of this land will be able to take place without the Council first certifying that a) the disposal is in accordance with the provisions of the DCH policy or b) the disposal is exempt.

A restriction is an entry in the land register regulating the circumstances in which a disposition of a registered estate or charge may be the subject of an entry in the register (section 40(1) of the Land Registration Act 2002). Where a restriction is entered in the registry, no entry in respect of a disposition to which the restriction applies may be made in the register otherwise than in accordance with the terms of the registration.

Section 42(1)(a) of the Land Registration Act 2002 provides that the Registrar may enter a restriction for the purpose of 'preventing...unlawfulness in relation to dispositions of a registered estate...' It is considered that the disposal of land in breach of a legitimate expectation would be unlawful and could be prevented by judicial review.

The proposal to register a Restriction on Title and the wording of the restriction have been approved, in principle, by the HM Land Registry.

**Contact Officer(s):**

Name: Daniel Miller  
Position: Resident Involvement & Service Improvement Manager  
Telephone: 07768541955  
Email: daniel.miller@lbhf.gov.uk

Name: Danny Rochford  
Position: Head of Finance  
Telephone: 020 8753 4023  
Email: danny.rochford@lbhf.gov.uk  
Verified by Emily Hill, Director of Finance

Name: Janette Mullins  
Position: Chief Solicitor (litigation)  
Telephone: 020 8753 2744  
Email: Janette.mullins@lbhf.gov.uk

---

**Background Papers Used in Preparing This Report**

Defend Council Homes Policy (Appendix 1)  
Defend Council Homes Policy Consultation Report (Appendix 2)

---

## DETAILED ANALYSIS

### Proposals and analysis of options

1. The Defend Council Homes 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. 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.
3. The Policy creates a ‘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.
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 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.”
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, unless they are exempt disposals.

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.
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.
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.

## **Consultation**

9. A consultation under section 105 of the Housing Act 1985 was carried out with all Council housing tenants between 1 September – 2 October 2020. The consultation was widened to seek the views of all residents of Council housing in the Borough.
10. The consultation was delivered online via the Council's website and the Commonplace consultation platform. In addition, a postal pack was sent to every household and the consultation was promoted on Nextdoor.
11. The DCH project group acknowledged that the consultation was taking place during times of unprecedented challenge, given the prevalence of Coronavirus, with no public meetings or face to face consultation being possible. It sought to deliver a new form of accessible and inclusive consultation. The offer included four online video presentations on aspects of the draft Policy; live online information sessions; a dedicated phonenumber for questions and comments; and extensive work with the borough's network of thirty plus tenants' and residents' associations.
12. In total, 1003 individual responses were received. 92% of respondents supported the introduction of the Policy and 86% of respondents were confident that the Policy will protect residents' homes and ensure the Council meets very high standards in redevelopment. Appendix 2 provides a detailed breakdown of the consultation results.
13. The following changes have been made to the draft Policy as a result of the consultation:
  - The circumstances in which a redevelopment proposal can be said to 'significantly affect' a resident's home have been clarified. This was a concern of a number of consultation respondents.

- An amendment has been made to the Policy to require that a copy of the Policy and a 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.
  - New wording has been 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.
14. Some concern was expressed in the consultation feedback about how the Policy would be implemented in practice. These concerns will be addressed by the preparation of a Defend Council Homes Implementation Guide.
  15. The consultation feedback analysis and proposed Policy amendments were discussed and agreed at the Policy & Accountability Committee meeting on 10 November 2020.

### **Next steps and timelines**

16. All officers of the Regeneration and Redevelopment team have been briefed and trained on the Defend Council Homes Policy and its implications for existing and future redevelopment schemes.
17. A Defend Council Homes Implementation Guide will be produced, which will include procedure documents, process maps and checklists. This Implementation Guide will be signed off by the Housing Representatives Forum and in place by 31 January 2021.
18. All current redevelopment proposals, schemes and programmes will be reviewed for compliance with the Defend Council Homes Policy and steps will be taken to ensure they meet the standards of good practice required by the Policy. This review will be complete by the time the Policy is implemented.
19. The recent officer training, Implementation Guide, and review of compliance will ensure the Defend Council Homes Policy is embedded into working practices.
20. The specific duty of reviewing compliance referrals and producing an annual report for the Housing Representatives Forum will be added to the duties of the Monitoring Officer position. This will be in place by the time the Policy is implemented.
21. The terms of reference for the Housing Representatives Forum will be updated to include the Forum's continued and ongoing annual oversight of the Defend Council Homes Policy and its implementation. This will be in place by the time the Policy is implemented.
22. Subject to Cabinet approval, it is anticipated that the restriction (cited at 4.4 above) on all freehold HRA titles will be registered with HM Land Registry by

30 September 2021. But this will be dependent on turnaround times at HM Land Registry.

23. 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.
24. The DCHU comprised 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.
25. 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.
26. In early 2020, the Council sought a comprehensive review of the Policy and its aims from Ashley Underwood QC. Counsel provided a thorough evaluation of the Policy wording and approved further amendments concerning the safeguards for residents within the Policy before it went out for consultation with residents.

### **Equality Implications**

27. There are no equality implications.

*Implications verified/completed by: Fawad Bhatti, Policy & Strategy Officer, 07500 103617*

### **Risk Management Implications**

28. There are no risk management implications.

*Implications verified/completed by: Mike Sloniowski, Risk manager and Being Ruthlessly Financially Efficient Lead, 020 8753 2587*

### **Other Implications**

#### **Consultation**

29. The draft Policy was the subject of a section 105 consultation (i.e. on matters of housing management) with Council tenants and leaseholders throughout September 2020.



30. Over 1000 individual responses were received, which is a reflection of the inclusive and accessible consultation approach and the level of support for the Defend Council Homes Policy.
31. To put this into context, the Mayor's 'Homes for Londoners' consultation in 2018 across all 32 London boroughs elicited 133 direct responses: 70 from organisations and 63 from members of the public. The Defend Council Homes Policy consultation response of 1003 returns is for one London borough.
32. Further detail on the consultation analysis is contained in Appendix 2.

**List of Appendices:**

Appendix 1 Defend Council Homes Policy

Appendix 2 Defend Council Homes Policy Consultation Report



## **Appendix 1 - The Defend Council Homes Policy**

**(draft dated 4 December 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 HM 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
- the redesign of the estate or building in which the resident's home is situated to increase housing density and/or the overall supply of affordable housing; or
- the loss of common areas and/or amenities on Housing Land, such as green space or other community facilities, that benefit the resident's home.

## Definition of Terms

*Compliance Certificate:* A certificate approved by the Monitoring Officer provided to HM Land Registry confirming that the Council has complied with the provisions of this policy or, a certificate approved by the Monitoring Officer (or an officer authorised by the Monitoring Officer) provided to HM Land Registry confirming that the disposal is an Exempt Disposal and Transaction

*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 B

*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 any 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 any 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 liaise and work with the Council on all aspects of a Redevelopment Proposal, Redevelopment Scheme and/or Redevelopment Programme, having regard to the best interests of all the residents affected and to the Council's compliance with Good Practice

*Restriction on Title:* an entry in the official copy of the register of title held by HM Land Registry 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

*This policy:* the Defend Council Homes Policy

## **Scope of the Policy**

This policy is intended to cover the full range of circumstances in which a Redevelopment Proposal may arise including:

- *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 HM 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, and to be kept informed, 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 HM 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 A. The effect of this will be to prevent any disposal of Housing Land except where the Council provides a Compliance Certificate to HM Land Registry to confirm the policy has been complied with, or that it is an Exempt Disposal and Transaction.

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

### ***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, a copy of this policy and a summary of this policy 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)

### *Residents' Steering Group*

A Residents' Steering Group shall be established for each Redevelopment Proposal. The composition, terms of reference and working practices of a Residents' Steering Group shall be determined with regard to local needs, circumstances and preferences. However, as a guiding principle the members of a Residents' Steering Group shall be expected to have regard at all times to the best interests of all residents affected by the Redevelopment Proposal and to the Council's compliance with Good Practice.

The Council shall ensure that each Residents' Steering Group is adequately trained and resourced to carry out its role at all times.

## ***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 C.

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

The Residents' Steering Group established for the purposes of the Redevelopment Proposal, or an equivalent body, shall have the same or an equivalent role with respect to the Redevelopment 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.

The Residents' Steering Group established for the purposes of the Redevelopment Proposal, or an equivalent body, shall have the same or an equivalent role with respect to the Redevelopment Programme.

### **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 has not complied with this policy or has not applied the policy to a Redevelopment Proposal, Redevelopment Scheme or Redevelopment Programme 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 A**

### **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 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 B

### 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 C**

### **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 D**

### **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

## **Appendix 2 - Defend Council Homes Policy Consultation Analysis of Feedback Results**

### **Background**

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.

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.

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.

### **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.

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.

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.

### **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, sent to only residents with H&F borough boundaries.

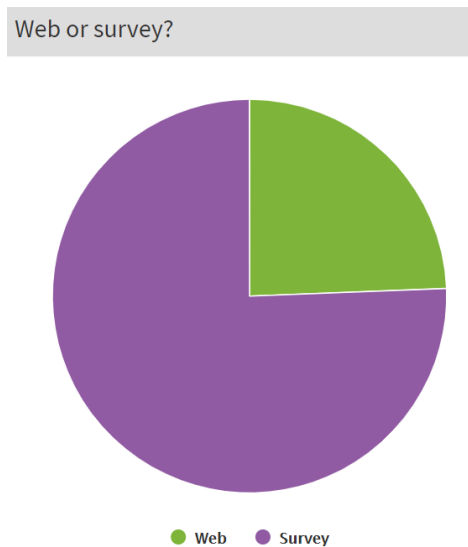
- Four online information sessions.
- Online attendance at Housing Representatives Forum.

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.

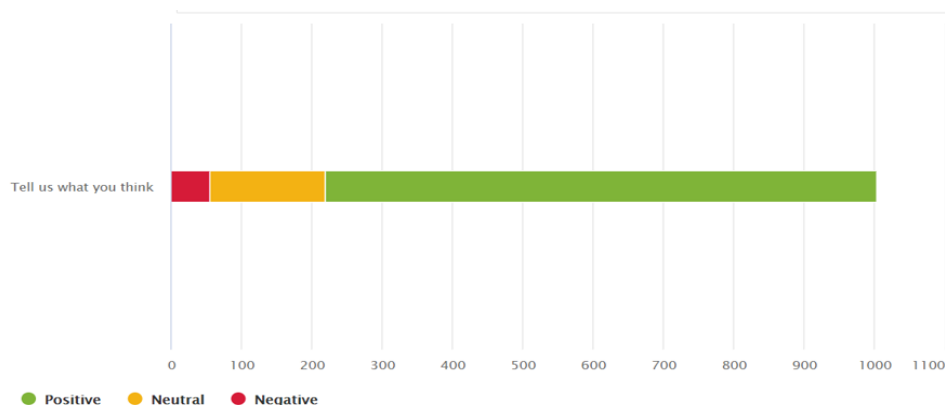
1003 individual responses were received either directly online to the Commonplace consultation platform, or by postal return which was then inputted onto Commonplace.

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

Over 75% of responses were by postal return and under 25% were online.



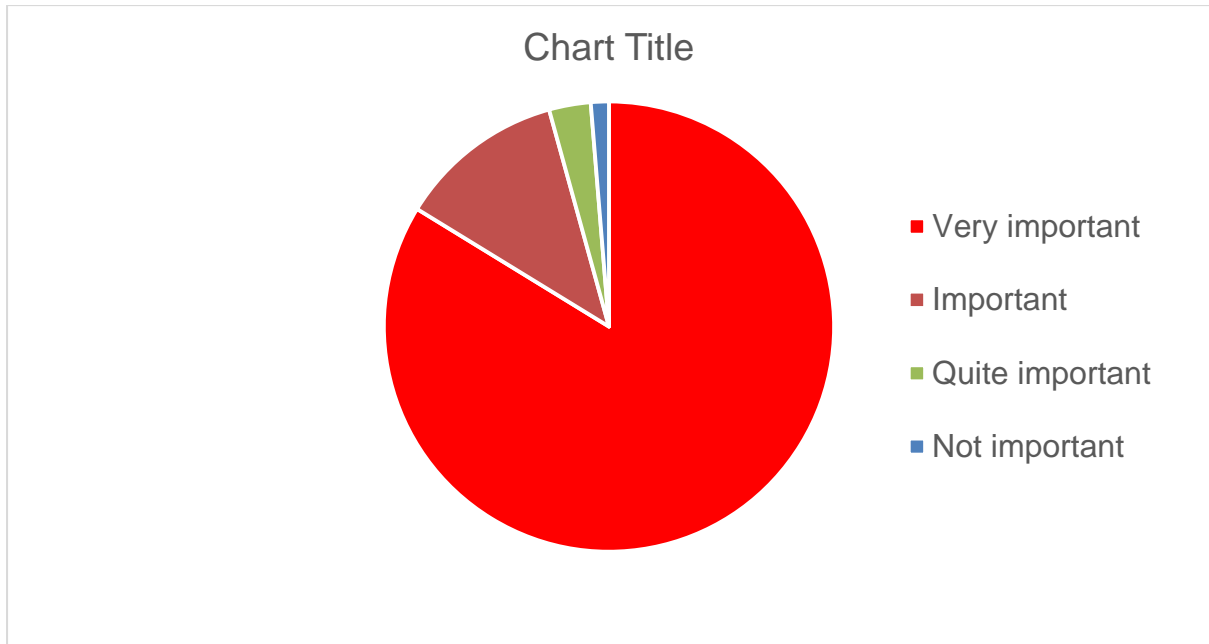
On the first consultation question of how much do residents like living in their home, 78% of those who responded positively, a further 16% were neutral and 6% responded negatively.





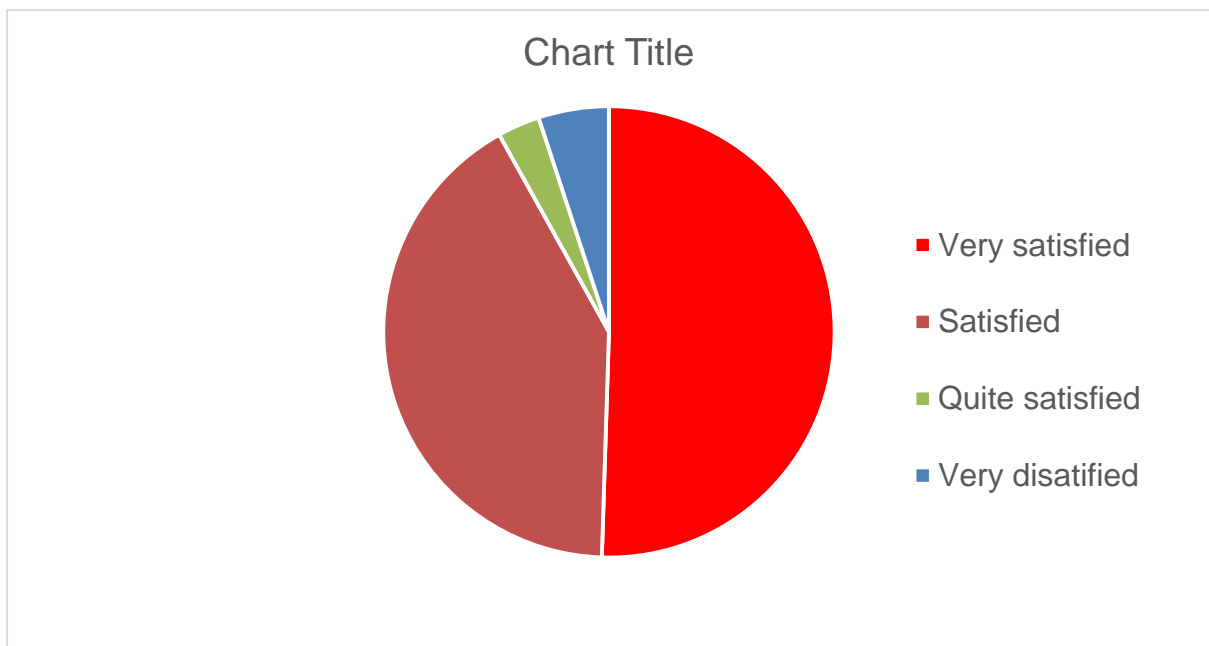
How important it was to residents to be involved in redevelopment decisions that could affect their homes.

**99%** of respondents said important or very important.



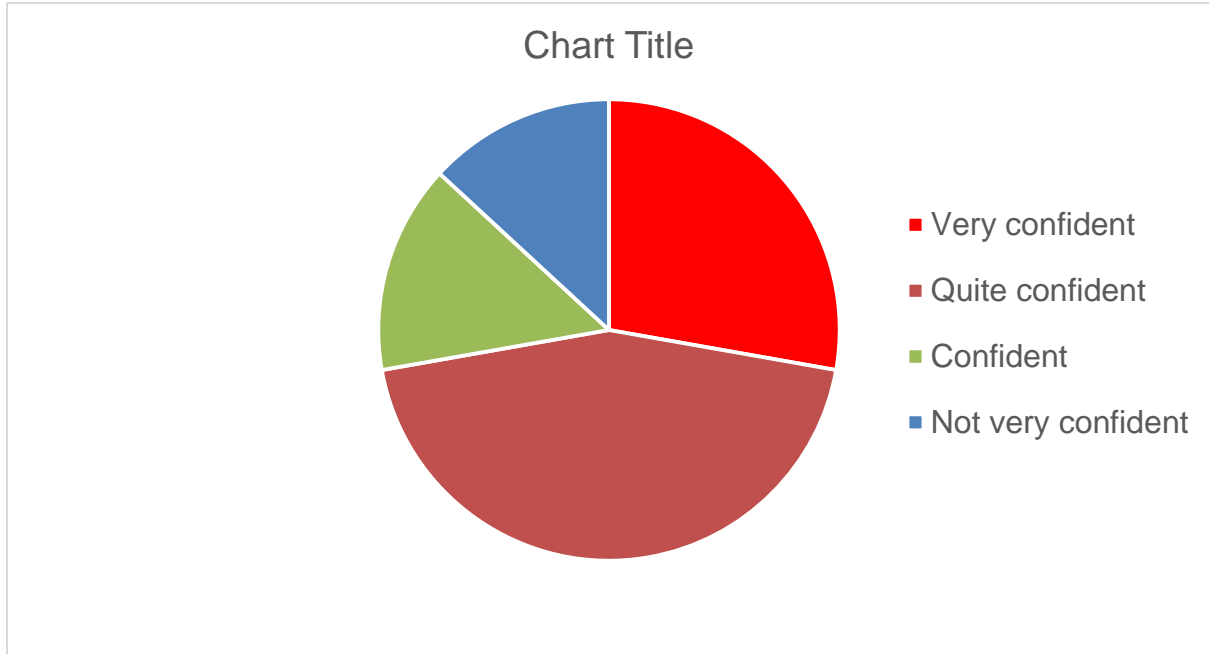
How satisfied residents were that the DCH Policy would mean the Council must involve them in such decisions.

**91%** were satisfied or very satisfied.



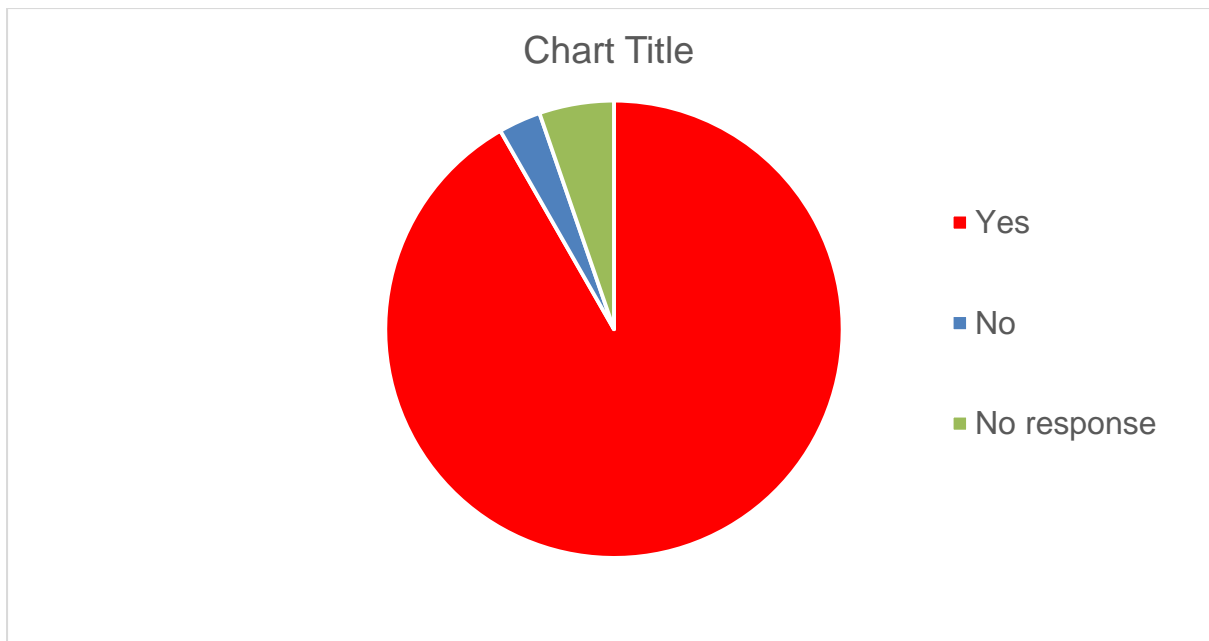
How confident residents were that the DCH Policy would protect their homes and ensure the Council would meet very high standards in any redevelopment.

**87%** were confident or very confident



Whether residents supported the introduction of the DCH Policy.

**92%** supported its introduction.



**Most additional comments were positive:**

Here is a snapshot of comments by common theme:

“Council homes must stay as council homes, to support generations after me.”

“As a Council tenant, the DCH policy gives me a sense of being valued and security regarding the involvement in any decisions making of my home.”

“We as a community must not go through the selling off of council estates / land and property. If this Policy is implemented for the protection of our future rights, then I am for it.”

**Key questions and concerns raised by residents in terms of themes, with our responses:**

**Q. *Whether the Policy would be fully implemented in practice.***

- The Council will develop a DCH Policy Implementation Guide, subject to Cabinet approval, in order to embed the Policy in redevelopment processes. Already talking to the Regeneration Team about this.
- Made a Policy amendment to require that a copy of the Policy and plain English summary is sent to residents in a proposed redevelopment area, to make them fully aware of the Policy.

**Q. *How the term ‘redevelopment’ might be interpreted.***

- The definition of “redevelopment” to be further clarified in the Policy to reduce the risk of future ambiguities.

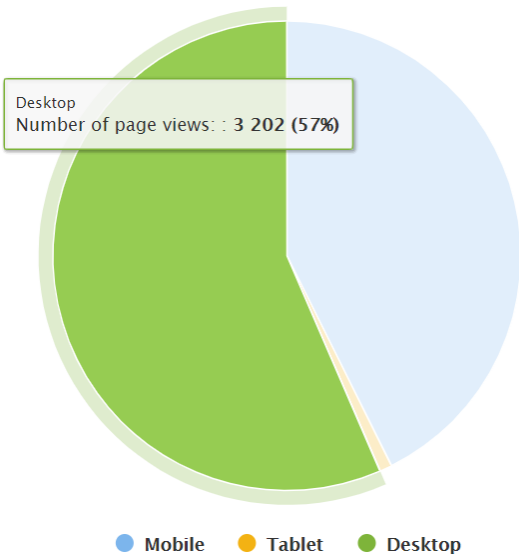
**Q. *How Residents’ Steering Groups that would be established to represent the interests of all residents.***

- Policy amendment to clarify the role of Residents’ Steering Groups and require the Council to properly resource and train such groups to carry out their role.

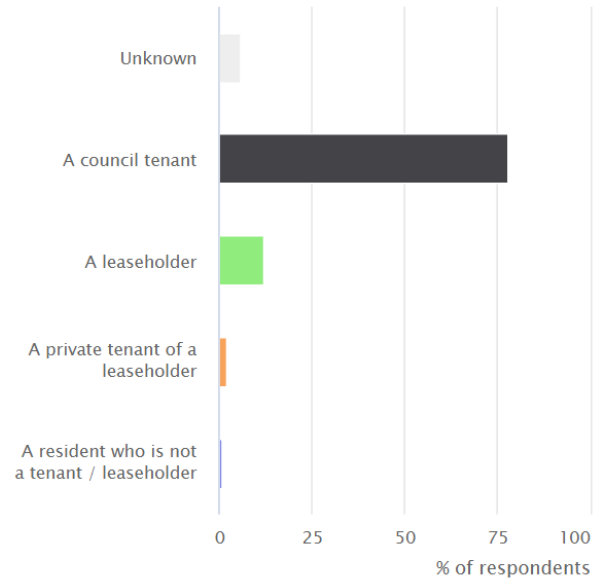
The full list of all the comments can be found on the Commonplace consultation platform at: [Look Back At | Tell Us What You Think \(commonplace.is\)](#)

# Analysis of Respondents

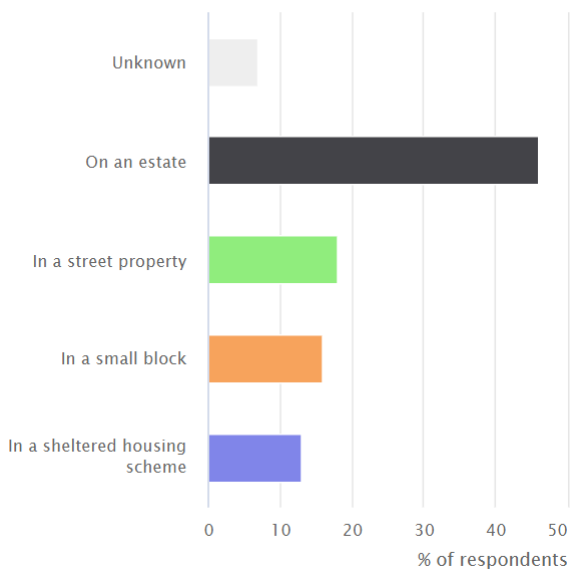
## Devices



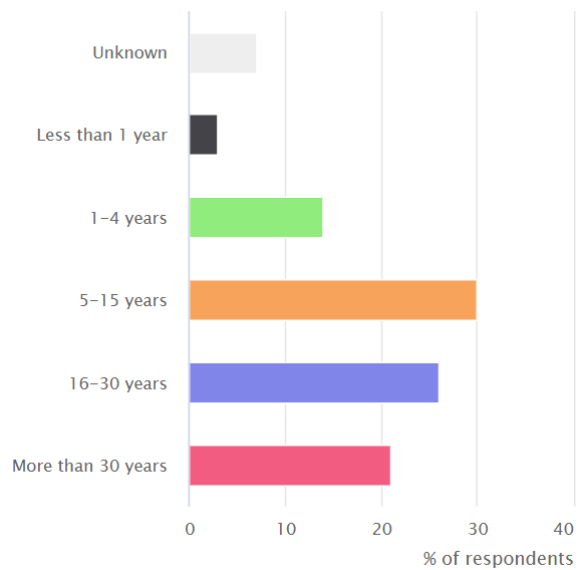
## Are you.....?



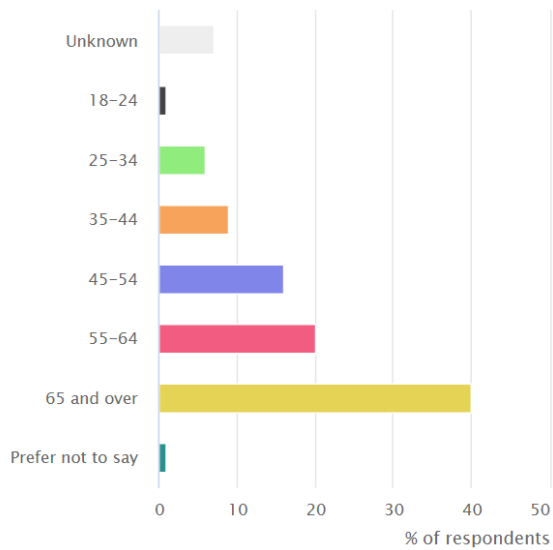
## Where do you live?



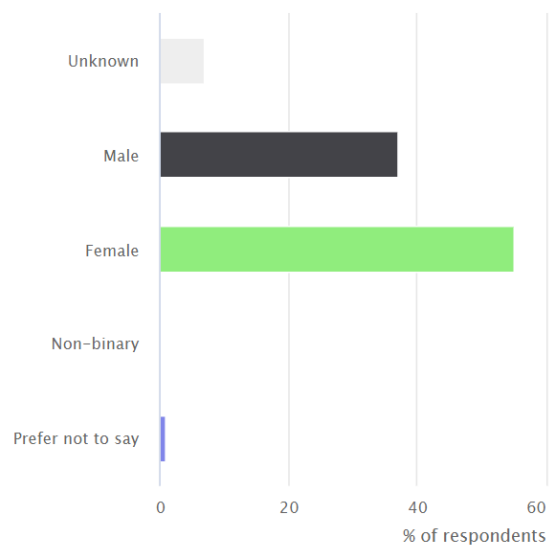
## How long have you lived in your home?



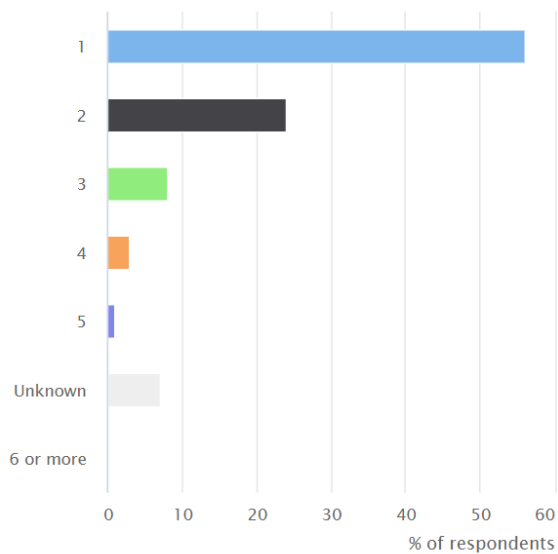
### What is your age group?



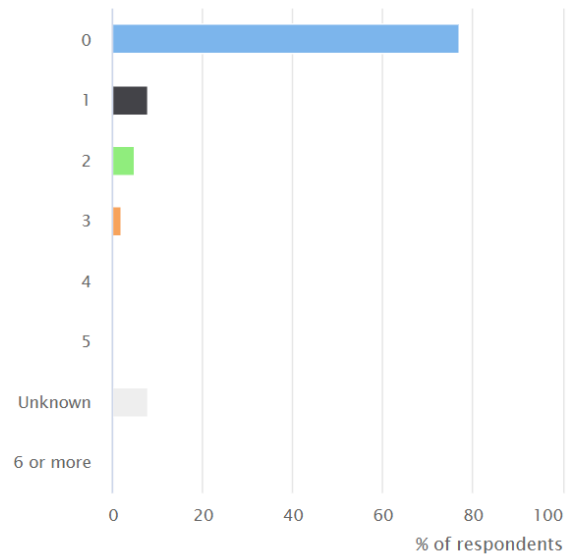
### What is your gender?



### How many adults aged 18 or over live in your household?



### How many children under 18 live in your household?



## Endorsements for the Policy from the Housing Representatives Forum

*The Housing Representatives Forum endorsed the consultation process that was used to consult residents about the DCH policy.*

*The Housing Representatives Forum strongly endorsed the DCH policy and recommended its introduction by H&F Council.*

## **Endorsements from Tenants & Residents Associations & Sheltered Housing Tenant Representatives**

*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 4<sup>th</sup> 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 Chairman 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.*