

 <p><b>h&amp;f</b> the low tax borough</p>	<p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET</b></p> <p align="center"><b>24 JUNE 2013</b></p>
<p><b>EARLS COURT REDEVELOPMENT : EARLS COURT &amp; WEST KENSINGTON LOCAL LETTINGS PLAN</b></p>	
<p><b>Report of the Leader : Councillor Nicholas Botterill and the Cabinet Member for Housing ; Councillor Andrew Johnson</b></p>	
<p><b>Open Report</b></p>	
<p><b>Classification:</b> For Decision</p> <p><b>Key Decision:</b> Yes</p>	
<p><b>Wards Affected:</b> North End Fulham Broadway</p>	
<p><b>Accountable Executive Director:</b> Melbourne Barrett , Executive Director of Housing and Regeneration</p>	
<p><b>Report Author:</b> Tomasz Kozlowski, Head of Area Regeneration (Earls Court) and Mike England Director of Housing Options, Skills and Economic Development</p>	<p><b>Contact Details:</b> Tel: 0208 753 4523 / 5344 E-mail: Tomasz.Kozlowski@lbhf.gov.uk.uk mike.england@lbhf.gov.uk</p>

## 1. INTRODUCTION

- 1.1 Cabinet on 3 September 2012 authorised the Executive Director of Housing and Regeneration to consult on a draft Earls Court Local Lettings Plan. The purpose of the Local Lettings Plan is to determine how replacement homes, to be constructed for the Council, will be allocated to eligible residents on the West Kensington and Gibbs Green estates.
- 1.2 This report sets out the results of consultation undertaken between the period 7 March to 11 April 2013, to help inform the Council in considering the adoption of the proposed Earls Court and West Kensington Local Lettings Plan.

## **2. RECOMMENDATION**

- 2.1 That the Earls Court and West Kensington Local Lettings Plan, annexed to this report at Appendix 1, be approved.

## **3. EXECUTIVE SUMMARY**

- 3.1 Under the terms of the Conditional Land Sale Agreement (CLSA) the Council is legally obliged to have the Local Lettings Plan (LLP) adopted within eight months of signing the CLSA, which took place on 23 January 2013.
- 3.2 The proposed redevelopment means that all eligible tenants, leaseholders and freeholders on West Kensington and Gibbs Green estates (the Estates) will be offered new homes in the redevelopment area.
- 3.3 The proposed LLP defines the criteria for the allocation of re-provided homes in the new development with the aim of ensuring that all eligible tenants receive a home that meets their housing needs. It also provides for “meanwhile” use for existing homes becoming vacant during the regeneration period.
- 3.4 The LLP went out for consultation to all residents of the Estates between 7 March and 11 April 2013. They were sent a covering letter, consultation draft LLP booklet, a questionnaire and newsletter. In addition, there were two drop in sessions at the local Mund Street office.
- 3.5 Responses to the consultation have been analysed and references to them are included within this report.

## **4. REASONS FOR DECISION**

- 4.1 The Council has resolved to include the Estates into the wider regeneration of Earls Court. The Council completed the CLSA on the 23<sup>rd</sup> January 2013. This transfers the ownership of the Estates to E C Properties L P in phases following the provision of replacement homes. The land on the Estates will only be transferred to the Developer when the properties are vacant. The LLP sets out how the replacement homes on the Estates will be allocated to eligible tenants.

## **5. INTRODUCTION AND BACKGROUND**

- 5.1 Following the decision to include the Estates into the wider regeneration of Earls Court at Cabinet on 3 September 2012, the CLSA was signed with E C Properties LP on 23 January 2013. This CLSA was conditional upon the Council receiving permission from the Secretary of State to dispose of housing land. This permission was granted on 18 April 2013.

- 5.2 The redevelopment means that all eligible tenants, resident leaseholders and freeholders on the Estates will be offered new homes in the redevelopment area. Residents will move only once, when their new homes are ready.
- 5.3 The Council's Housing Allocation Scheme was adopted by Cabinet on 15 October 2012 and came into effect on 1 April 2013. The scheme sets out how social housing will be allocated within the borough, but recognises that it will be necessary for the Council to adopt Local Letting Plans for regeneration schemes. The proposed LLP determines how the Council will allocate homes in the new development, making sure that eligible tenants receive a home based on their housing need based upon the size of households.
- 5.4 The proposed LLP is applicable to "eligible tenants". This means secure council tenants and assured tenants of Housing Associations who live on the Estates.

## **6. PROPOSAL AND ISSUES**

- 6.1 The proposal is to adopt the LLP, as revised following consultation by the Director of Housing Options, Skills and Economic Development.
- 6.2 The proposed LLP reflects the commitments and guarantees that the Council has already given to the eligible tenants on the Estates, through prior communication and engagement on the redevelopment proposals. Should the proposed LLP be adopted then further clarification and support can be provided by re-housing officers, through the proposed housing needs assessment.

## **7. OPTIONS AND ANALYSIS OF OPTIONS**

- 7.1 The CLSA obligates the Council to adopt a LLP eight months after signature, i.e. 23 September, but in order to meet other programme requirements, it would be desirable to secure Cabinet approval on 24<sup>th</sup> June. In order to comply with this obligation and to ensure a transparent and equitable process of home allocation in the Earls Court Regeneration Project, an adopted LLP needs to come into existence.

## **8. CONSULTATION**

- 8.1 The LLP has been the subject of a detailed consultation process. The Earls Court Project Team carried out consultation to ensure all residents of the Estates were given the opportunity to comment on the Draft LLP. Details of this consultation are attached as **Appendix 2** (documents circulated) and **Appendix 3** (responses received).
- 8.2 In order to achieve this:
- The Project Team issued a paper copy of the draft LLP and Questionnaire, with a covering letter and newsletter to all 760 residents of the West Kensington and Gibbs Green Estate, on 7 March 2013. This questionnaire was also available to residents on the Councils specially created webpage

[www.lbhf.gov.uk/earlscourtlettingsplan](http://www.lbhf.gov.uk/earlscourtlettingsplan). Consultation responses were also accepted via the team's projects email inbox [westken@lbhf.gov.uk](mailto:westken@lbhf.gov.uk) Consultation commenced on 7 March 2013 and closed on 11 April 2013.

- The Project Team also held two drop in sessions for residents to comment on the Local Lettings Plan. These were held on 21 March (2pm and 8pm) and 28 March 2013 (8.00am to 2.00pm) at the West Kensington and Gibbs Green Regeneration Office, which is situated at No 1 Mund Street (on the estates) in order to capture comments from the estates residents.

8.3 There was a very low response to the consultation, with only sixty one responses received, these are outlined in the summary table below with full details contained in **Appendix 3**, which gives the number and type of key queries received during the consultation period 7 March to 11 April 2013.

Type of responses	Number of responses	LLP Section	Key queries
Questionnaires	15	5. Principles  9. Re-housing Process  10. Housing Needs  11. Advanced lettings  12. Meanwhile use  14. Equalities  15. Appeals	Clarification of section 5.12 & Appendix 1;  Phasing & Prioritisation;  Status & Eligibility and type of new home to be provided;  Relocation Criteria and Preference  Allocation criteria and type of short term tenants  Agreed to need for an EIA & tenants be treated fairly  Concerns of being moved out of area
Website	0		
Email	2		Allocation Criteria
Drop in Sessions	43		Related to personal circumstances/ situations highlighted within section 5.0 of Appendix 3
Briefing (TRA's)	1		Appendix 4 outlines the queries and Appendix 3 section 8 highlights the alterations, which have been made to the draft LLP.

- 8.4 Residents who attended the drop in sessions tended to ask questions specific to their personal circumstances and raised uncertainty about the process. Residents who completed forms and questionnaires were positive, but did raise concerns. These are highlighted within section 5.0 of **Appendix 3**.
- 8.5 Following the Drop In Sessions and at the invitation of the Council a meeting was held on 11 April 2013, with the Chairs of the Tenant Resident Associations and West Kensington & Gibbs Green Communities Homes Ltd, to discuss queries and issues arising from the LLP. This meeting was chaired by the Director for Housing Options, Skills and Economic Development. Written notes were received on 15 April 2013, which have been attached in **Appendix 4**. This meeting proved helpful and constructive.
- 8.6 Officers have considered the responses made to the consultation, and as a result, a number of amendments are proposed. These are included in the Proposed LLP at **Appendix 1** to the main report and consultation summary **Appendix 3 (section 8)** and reflect all the responses received. The principal changes are as follows:
- An **additional paragraph (new 4.9)** was inserted into the section on Key Commitments to reflect the proposed cap on service charges for secure tenants moving to the redeveloped site. An equivalent reference was deleted from Appendix 2 (Resident Homeowners). The entry in Appendix 4 (Glossary) relating to service charges was amended to include eligible tenants;
  - **Paragraph 5.12 was amended** to make it consistent with paragraph 5.11 in that non-dependent children will be re-housed with an eligible tenant as long as they were living with the tenant as part of the household for a year prior to the date the CLSA was signed (23/1/2013).
  - **Paragraph 5.15 was amended** to clarify that the Local Lettings Plan provision on non-dependent children was a variation from Appendix 1 (Size of Homes set out in the Scheme of Allocation.)
  - **Paragraph 5.13 was amended** to clarify alternative arrangements for larger households with a need greater than 4 bedrooms;
  - **Paragraph 11 (Advanced Local Lettings Plan) was amended** in a number of places to clarify that it applied to eligible tenants;
  - **Paragraph 11.2 was amended** to make it clear that the Local Lettings Plan provision for eligible tenants to choose to leave the estate would apply in line with the overall phasing of the scheme;
  - **Paragraph 11.3 was amended** to clarify the arrangements for eligible tenants choosing not to move to accommodation in the regeneration scheme site. They would be made up to 2 suitable offers elsewhere. (This is consistent with the Council's overall Scheme of Allocation.) If these were both declined, they would be made one offer only of a tenancy in the redevelopment area which

met the Council's commitments. If 2 suitable offers were not made by the time the property was required for possession, the position would revert to the general Council commitments to eligible tenants, and in particular paragraph 5.18.

- **Paragraph 11.4 (h) was deleted** to remove the provision that preference would be given to the resident with the earlier date the Tenant Contract had been signed where all other factors were equal in prioritising requests for "out of phase" moves;
- **Paragraph 15 (Appeals, Information and Reviews) was amended** to include a new paragraph 15.2. This clarified that where an eligible tenant requested a formal review of an offer of accommodation on the regeneration site the property would normally and where practicable be held available while the review is undertaken;
- **Appendix 2 (Resident Homeowners) and Appendix 4 (Glossary; Effective Date) were amended** to clarify that the Council signed the CLSA with EC Properties LP

## 9. EQUALITY IMPLICATIONS

### 9.1 Equalities Impact Assessment

A detailed Equalities Impact Assessment was previously completed for the Regeneration of Earls Court/West Kensington project and the impacts have been noted in the Committee Report dated 3 September 2012.

### 9.2 Public Sector Equality Duty

The protected characteristics to which the Public Sector Equality Duty ("PSED") applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public authorities (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

The PSED is set out in section 149 of the Equality Act 2010 ("the Act") provides (so far as relevant) as follows

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected

characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

(4) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

### 9.3 Impacts and Mitigation

This section of the report addresses the needs of all protected groups under the Equality Act 2010 and how officers propose to address those needs, as well as how S149 of the Act has been taken into account in the proposed LLP (**Appendix 1**).

#### 9.3.1 Age

For example a negative impact for Older People would be the move itself and therefore the LLP mitigates against this by ensuring that each tenant has a dedicated re-housing officer who will assist with tasks which includes resettlement tasks, changing utilities, using a packing service and assisting with change of address details for benefits agencies. To minimise disruption to older people, **Paragraph 4.4 of the LLP** states that each tenant will be required to move only once.

Elderly tenants who have needs, which require adaptations in their homes are catered for at **Paragraph 10.3**, which states that “In seeking to meet the identified needs within households that are eligible for re-housing, the Council will establish links with the local community services to assess local housing needs of residents with physical disabilities, learning difficulties and any other needs that are required to be taken into consideration. The Occupational Therapy service will be available for those residents who may require an adaptation. The Council will set up an Advocate System where the Eligible tenant can opt to have matters dealt with by a nominated Advocate, usually a close family member or other appropriate person.” This will help to advance equality of opportunity between older people and younger people, by helping older people to move more easily.

A number of tenants raised concerns about non dependant household members not being re-housed. This was where their care needs were provided by members of their current household. In order to mitigate against the impact on Older people who have care needs provided by members of their family **Paragraph 5.11** states “members of an eligible tenant’s household will be re-housed with the Eligible Tenant as long as they were living with the tenants part of the household for a year prior to the date the CLSA was signed”. **Paragraph 5.12** goes on to state that “an adult relative who has become a settled member of the household because they are in need of support and cannot live independently. This is an elderly relative or someone who is disabled. Such person must have resided with the household for a minimum of twelve consecutive months before being considered part of the household”.

**Paragraph 5.10** states that “Generally the Council will decide on a case by case basis who is part of an Eligible Tenant’s household”.

No negative impacts have been identified which specifically relate to young people

### 9.3.2 Disability

It was identified that the Regeneration would impact more negatively on disabled groups than on non-disabled people because they would need more help with resettlement. The LLP mitigates against this to bring the impact to neutral by including **Paragraph 10.3** “In seeking to meet the identified needs within households that are eligible for re-housing, the Council will establish links with the local community services to assess local housing needs of residents with physical disabilities, learning difficulties and any other needs that are required to be taken into consideration. The Occupational Therapy service will be available for those residents who may require an adaptation. The Council will set up an Advocate System where the Eligible tenant can opt to have matters dealt with by a nominated Advocate, usually a close family member or other appropriate person.” This will help to advance equality of opportunity between older people and younger people, by helping older people to move more easily.

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Additionally, **Paragraph 9.3** “The re-housing officer will support the tenant and the household by arranging the necessary removal arrangements (e.g. removal firm, disconnection & reconnection of services)” it is envisaged that this too will encompass packing services, disconnection and reconnection of utilities and notifying benefits agencies of change of address. On the day transport will be arranged to assist with the journey. These measures will help to advance equality of opportunity between disabled and non-disabled people by neutralising the impact of moving

### 9.3.2 Gender Reassignment

It was identified that the move might generate a higher level of anxiety for tenants by the characteristic of gender reassignment, for example if they are worried about being separated from their neighbours. Therefore, **Paragraph 4.5** will mitigate against this “Where possible the Council will seek to facilitate ‘group moves’ that have been requested by tenants”.

### 9.3.3 Pregnancy and Maternity

It was identified that the impact of moving would be greater on women who were pregnant or on maternity leave. **Paragraph 9.3** states “The re-housing officer will support the tenant and the household by arranging the necessary removal arrangements (e.g. removal firm, disconnection & reconnection of services)” it is envisaged that this too will encompass packing services and notifying benefits agencies of change of address. In addition it is envisaged that the Advanced LLP which forms part of the LLP will seek to prioritise this group along with others in its move out of phase implementation.

### 9.3.4 Race

The move will impact more negatively on those from BME backgrounds, solely due to the statistical analysis reflecting a higher make up of BME groups than across the rest of the borough. It was concluded that there was no solution to this, but that a mitigating factor will be to ensure use of translators where necessary.

### 9.3.5 Religion and belief

It was identified that a higher number of Muslims will be impacted due to the fact that they are proportionally over represented on the estates, however it was also concluded that there were no practical measures to be taken.

No other religious groups were identified as being disproportionately represented in the Estates, therefore the impacts will be of equitable value to them as other residents.

### 9.3.6 Sex (gender)

In the EIA of September 2012 it was identified that there would be a higher impact on females who are over represented in the lone parent families on the Estates, however the LLP provides a positive impact, which will reduce the impact to neutral; as overcrowded lone parent families will be re-housed to right sized accommodation within the lifetime of the project.

### 9.3.7 Sexual Orientation

The impact identified for those who are lesbian, gay, bisexual was in relation to a greater anxiety being caused for these groups through stigmatisation or alienation by new neighbours. The LLP seeks to mitigate this at **Paragraph 4.5**, which states "Where possible, the Council will seek to facilitate 'group moves' that have been requested by residents. It is likely that this will be of more relevance to those who are lesbian, gay, bisexual, than to those who are heterosexual, as the former are more likely to be subject to hate crime on grounds of sexual orientation, for example.

### 9.3.8 All Groups: discretionary element to LLP

It is stated at **Paragraph 9.1** of the LLP that each Eligible tenant will be allocated a dedicated re-housing officer at the start of each phase. The re-housing officer will visit the tenant and undertake a comprehensive housing needs assessment in the tenant's home.

Discretion will be used on an on-going basis within the regeneration in support of the Council's statement at **Paragraph 5.10** of the draft LLP.

Implementation of the LLP will be within the scrutiny of the Executive Director of Housing and delivered by experienced Re-housing Staff.

Equalities of groups will be evaluated and reviewed on an on-going basis through the implementation of the LLP and customer feedback mechanisms.

## 10. LEGAL IMPLICATIONS

10.1 Housing authorities are required by Section 166A(1) of the Housing Act 1996 to have an allocation scheme to determine priorities and define the procedures for the allocation of housing. The Council's Housing Allocation Scheme was adopted by Cabinet on 15 October 2012 and specifies that all transfer applicants will be considered in the same way as other housing register applicants.

10.2 As set in the report, the Housing Allocation Scheme allows for the adoption of local letting plans for new schemes and also specifies that existing secure tenants whose homes are due to be demolished will have priority for new replacement homes provided on their estates before the properties are made available to other applicants.

10.3 Implications verified/completed by Janette Mullins Principal Solicitor (Housing and Litigation) x2744

## **11. FINANCIAL AND RESOURCES IMPLICATIONS**

11.1 The Cabinet report of 3 September 2012 provided a budget for the project, which included the resources necessary to produce and administer a LLP for the project. The "meanwhile" use for existing homes which become vacant during the Regeneration period will protect the income within the HRA.

## **12. RISK MANAGEMENT**

12.1 As part of the 3<sup>rd</sup> September 2012 Cabinet report, officers considered the risks of the comprehensive redevelopment scheme. As new risks emerge they will be added to the register, as necessary and the corporate risk register will be amended to reflect any changes in the nature of the risk.

## **13. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

13.1 There are no procurement issues pertaining to this Cabinet Report

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	see appendices below	Tomasz Kozlowski Ex 4532	Housing and Regeneration

## Schedule of Appendices

Appendix	Subject	Holder of File	Department
Appendix 1	Proposed Local Lettings Plan	Mike England Ex 5344	Housing and Regeneration
Appendix 2	<p>a) Consultation Letter dated 7<sup>th</sup> March 2013</p> <p>b) Newsletter distributed to all Estate Residents</p> <p>c) Earls Court &amp; West Kensington Local Lettings Plan – Consultation Draft</p> <p>d) Questionnaire Earls Court &amp; West Kensington Local Lettings Plan Consultation Draft</p>	Tomasz Kozlowski Ex 4532	Housing and Regeneration
Appendix 3	Note on results from the Consultation Events and Questionnaires	Tomasz Kozlowski Ex 4532	Housing and Regeneration
Appendix 4	Notes of TRA Meeting dated 11 April 2013	Tomasz Kozlowski Ex 4532	Housing and Regeneration