



Earls Court & West Kensington Local Lettings Plan

Consultation Draft

1. SUMMARY

- 1.1 The purpose of this document is to set out how the 760 replacement homes will be allocated to Eligible Tenants (see definition in paragraph 5.2) on the West Kensington and Gibbs Green estates. The document will also cover the short term use of properties on the estate during the regeneration scheme. This is a draft for consultation with the community prior to the Council adopting the final Local Lettings Plan.

2. BACKGROUND

- 2.1 Gibbs Green and West Kensington estates are council housing estates built in the early 1960s and 1970s respectively to provide social housing. Each of the estates includes a number of properties owned by leaseholders/freeholders (originally bought under the right to buy) who are either residents or who have let out their homes for private rented purposes. There are a number of properties owned by the Council and rented to secure tenants. There are a further three Private Registered Providers (also known as housing associations) who rent to assured tenants and provide a combined total of 58 homes for social housing purposes. The Earls Court West Kensington Opportunity Area was first identified in 2009 as an area for regeneration. The Council has consulted on the regeneration scheme and has taken the decision to proceed. On 23rd January 2013 the Council signed the Conditional Land Sale Agreement with the developer.

3. VISION

- 3.1 The Council is seeking to comprehensively regenerate the local area. It is aiming to create a better place to live and work. The scheme is expected to provide over 9,000 new jobs as well as the provision of 7,500 new homes. The regeneration scheme is planned to achieve a transformational change to both estates and the surrounding area. Outcomes will include new town centres; improved transport infrastructure; improved economic health of businesses; and providing new community infrastructure to benefit the wider North Fulham area in which this scheme is located. The site will deliver significant economic growth and provide a new gateway to London, as well as re-providing 760 brand new homes for those eligible residents who live in the area presently.

- 3.2 The Council's proposals are underpinned by the Mayor of London's London Plan, which features the Earls Court and West Kensington scheme as one of his 33 Opportunity Areas. Along with White City and Old Oak, the Earls Court West Kensington Opportunity Area is one of three opportunities in Hammersmith & Fulham to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.

- 3.2 The Council's vision for Earls Court West Kensington Opportunity Area to regenerate the local economy and provide new housing is identified in our Local Development Framework Core Strategy. The Earls Court West Kensington Opportunity Area is one of the Council's 5 key regeneration opportunity areas for growth in the borough. The Council have also identified Earls Court West Kensington Opportunity Area as a key theme within the Council's Corporate Plan to regenerate the borough.

- 3.3 The scheme is also identified as a priority in two key housing documents: the Council's Borough Investment Plan (Dec 2011) and Housing Strategy (Oct 2012).

- 3.4 The Local Lettings Plan is intended to facilitate the relocation of eligible residents from the current West Kensington and Gibbs Green estates as well as those occupying Registered Provider properties (all identified in section 6 below) to enable the comprehensive regeneration of the Earls Court West Kensington Opportunity Area.

- 3.5 The operation of this scheme will be monitored and reviewed from the date it is adopted, onwards. The Executive Director of Housing & Regeneration, in consultation with the Cabinet member for Housing may make amendments to the scheme if required.

4. KEY COMMITMENTS

- 4.1 The following commitments have been made to eligible tenants affected by the regeneration scheme, as described in Section 3 of this document.
- 4.2 Eligible Tenants will receive the offer of a brand new home.
- 4.3 Existing secure tenants' rights will be unaffected by the move, except as a result of changes in legislation or changes in policy, which we will consult upon with residents.
- 4.4 All Eligible Tenants will be expected to move only once.

- 4.5 Where possible, the Council will seek to facilitate 'group moves' (where 2 or more Eligible Tenant households wish to be re-housed in close proximity to each other) that have been requested by residents.
- 4.6 An under-occupying Eligible Tenant will be offered a new home that meets their bedroom need in line with the Housing Allocation Scheme policy in place at the time, plus one bedroom.
- 4.7 Statutory Home Loss and discretionary disturbance payments will be paid.
- 4.8 Compensation will be paid to Eligible Tenants for loss of garage/exclusive use of off street car parking spaces and loss of private garden space.
- 4.9 Please refer to Appendix 2 for resident homeowners.

5. GUIDING PRINCIPLES TO THE COUNCIL'S APPROACH

- 5.1 The Local Lettings Plan process will be governed by the following guiding principles.
 - 5.2 Secure tenants of the council and assured tenants of housing associations (also known as Private Registered Providers), will be entitled to the local lettings plan offers set out in this document. For the purposes of this document, they are described as Eligible Tenants.
 - 5.3 The primary objective of the final Local Lettings Plan will be to facilitate the successful relocation of all eligible residents from existing homes to new accommodation. An additional objective is to help ensure that the re-housing process and associated management issues do not detrimentally impact on the successful management of the estates and the remaining residents' well being
 - 5.4 This Local Lettings Plan will operate within the legal and regulatory framework and the policies of the Council, in particular, the Housing Strategy, the Housing Allocation Scheme. Detail on the Council's policy on Local Lettings Plans is set out in sections 2.43 – 2.50
 - 5.5 This Local Lettings Plan must support the sustainable management of the estates during the regeneration programme
 - 5.6 Eligible Tenants must sign the Tenant's Contract to be eligible for the full terms of the re-housing offer.
 - 5.7 The Council will be sensitive to equalities issues which may arise during the local lettings plan process and have regard to relevant legislation.
- This will include taking account of Eligible Tenants' special needs where required.
- 5.8 The Council can proceed with the Local Lettings Plan now that the Conditional Land Sales Agreement (CLSA), has been signed (23/01/13).
 - 5.9 Tenants of private sector landlords (whether assured Shorthold tenants other forms of private tenure terms) will not be eligible for re-housing under the terms described in this Consultation document and the final Local Lettings Plan.
 - 5.10 Generally, the Council will decide on a case by case basis who is part of an Eligible Tenant's household and will be offered re housing. This will be considered as part of the housing needs assessment set out in section 8.
 - 5.11 Members of an Eligible Tenant's household will be re housed with the 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 (23/01/13). Evidence will be required to substantiate any household changes after the 23/01/13 and tenants must inform the Earls Court Regeneration Team of any change to their household within four weeks. The Council reserves the right to refuse the addition of a household member (or members') if the reason and/or the evidence for such inclusion is considered insufficient to warrant inclusion.
 - 5.12 The following persons will normally be considered as part of the household:
 - partners living in a settled relationship with the Eligible Tenant
 - non dependent children if they have lived continuously as part of the settled household since the start of the tenancy
 - children born since the start of the tenancy or other dependent children where the eligible tenant has principal care of the child. Birth certificates will need to be produced to confirm relationship /dependence.
 - 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 normally an elderly relative or someone who is disabled. Such persons must have resided with the household for a minimum of 12 consecutive months before being considered part of the household. If this is the case, the Council will consider that proposed household member's (or members') housing needs for re-housing purposes.

- 5.13 The Council will discuss with large households whether they can be divided into two or more smaller households. Accommodation needs greater than 4 bedrooms will be considered by the Housing Options Officer concerned who may suggest that the household size is reduced through adult children and/or non dependents household members being required to make their housing arrangements elsewhere. This may enable the officer concerned to make an offer (or offers) that can help meet the household's needs. Such a decision would need to be endorsed by a panel of senior housing managers
- 5.14 Within each phase, the Council will consider the impact of the sequence of allocation on vulnerable people.
- 5.15 The Local Letting Plan will vary the household size from the Council's Housing Allocation Scheme (see Appendix 1) as there will be no studio properties re-provided in the Earls Court Regeneration site. The Council will offer a single person a 1 bedroom property under the LLP rather than a studio property.
- 5.16 Any compensation payments (including Home Loss & disturbance payments) made will be offset against accrued debt with the Council, e.g. rent arrears,
- 5.17 Acknowledging the long timeframe for the regeneration scheme, proposals for 'meanwhile uses' or short term accommodation, for vacant properties will be developed which will reflect the policies set out in the Council's Housing Allocation Scheme and related corporate housing priorities. Tenants of properties which are allocated on a 'meanwhile use' basis, will not be entitled to re-housing under the Tenants Guarantee in the terms set out in this Local Lettings Plan consultation document and the final Local Lettings Plan
- 5.18 Eligible Tenants will be made up to 2 offers of accommodation which meet the requirements of the Local Lettings Plan if there is scope within the phase. A 3rd offer can be made at the discretion of the Executive Director of Housing and Regeneration.
- 5.19 If there are substantiated extenuating circumstances then the Executive Director of Housing & Regeneration can accelerate the re-housing of an Eligible Tenant.
- 5.20 The Council may amend the Housing Allocation Scheme in the future, which may affect the delivery aspects of this Local Lettings Plan.

6. AREA AFFECTED

- 6.1 The properties affected by the local lettings plan include Gibbs Green estate, West Kensington estate and the Registered Provider (RP) infill properties. The street or block names of these properties are:

Homes that are Council Owned & Managed (including leaseholders & freeholders)

- 1 – 88 Churchward House
(44 x 1 bed flats & 43 x 2 bed flats)
- 1 – 88 Fairburn House
(44 x 1 bed flats & 44 x 2 bed flats)
- 1 – 38 & 101 – 160 Gibbs Green estate
(61 x 2 bed flats & 37 x 3 bed flats)
- Aisgill Avenue
(53 x 3 bed houses & 8 x 4 bed houses)
- Stanier Close
(4 x 3 bed houses & 3 x 4 bed houses)
- Ivatt Place
(14 x 3 bed houses & 10 x 4 bed houses)
- Marchbank Road
(5 x 2 bed flats & 14 x 3 bed houses & 15 x 3 bed flats & 10 x 4 bed flats)
- 1 – 52 Sharnbrook House
(16 x 1 bed flats & 36 x 2 bed flats)
- North End Road
(30 x 2 bed flats & 18 x 3 bed flats)
- 1 – 80 Desborough House
(40 x 1 bed flats & 39 x 2 bed flats)
- 1 – 80 Lickey House
(40 x 1 bed flats & 39 x 2 bed flats)
- Bellamy Close
(5 x 3 bed houses & 4 x 4 bed houses)
- Franklin Square
(14 x 3 bed houses & 12 x 4 bed houses)

Housing Association Properties

Family Mosaic Housing Association

- Lerry Close (1-6) & Thaxton Road (1-15 – odd numbers) (2 x 1 bed flat; 2 x 2 bed flat; 7 x 3 bed house; 3 x 4 bed house)
- Dieppe Close (1-28) (2 x 1 bed flat; 2 x 1 bed house; 4 x 2 bed flat; 6 x 2 bed house; 10 x 3 bed house; 4 x 4 bed house)

London & Quadrant Housing Association

- Marchbank Road (63-71 – odd numbers) (4 x 2 bed house & 1 x 3 bed house)
- Aisgill Avenue (14 a,b,c&d) (1 x 2 bed house; 3 x 3 bed house)

Shepherds Bush Housing Association

- Garsdale Terrace (1 -7) (1 x 1 bed house; 1 x 2 bed house; 5 x 3 bed house)

6.2 There are 191 private car parking spaces on the estate in garages, car ports and hard-standings. In addition, there are approximately 350 parking spaces dedicated to permit parking within the estate boundary. Across the two estates 189 households enjoy the use of their own private gardens

6.3 The replacement housing for secure tenants and assured tenants will be primarily defined by the housing needs of the residents in the first phase of re-housing.

7.0 CONSULTATION

7.1 Residents will be consulted on the Local Letting Plan and the Council will have regard to their views.

7.2 Local community representatives, such as councillors, community groups and local representatives, as well as estate residents will be given the opportunity to comment upon the Local Lettings Plan.

8.0 PHASING AND RE-PROVISION OF HOMES

8.1 To replace the existing 760 homes on the West Kensington and Gibbs Green estates, the Council will be receiving 760 replacement homes on LBHF land within the Earls Court and West Kensington Opportunity Area. Additional sites within the vicinity may also be offered.

8.2 The replacement homes will be provided in phases to enable a 'one move' solution for all Eligible Tenants. Consequently, phases of land on the West Kensington and Gibbs Green estates can only be vacated and passed over to the developer, once new homes in the affected phase have been re-provided.

8.3 Whilst this means the development period will be longer, this ensures that residents only have one move and serves to safeguard the existing community by minimising community break-up.

8.4 The Conditional Land Sale Agreement includes a phasing plan, however this plan is indicative and the developer will propose the phases on the estates that they wish to acquire and when.

8.5 When the developer proposes each phase, they will work with the Council to engage with residents on the proposed phase and the proposed replacement accommodation. The developer will also submit a Phase Impact Assessment. This assessment will include a number of strategies that outline how the estate will continue to function as a place to live while that phase is developed.

8.6 Once the engagement with residents has been completed and the Phase Impact Assessment agreed, the Council will undertake a needs assessment for all residents in the affected phase. This information will then be used to inform the developer of the type and size of replacement accommodation and total floor space needed for the residents in that phase.

8.7 There may be a period during the phasing programme when the phases run concurrently.

8.8 The replacement homes

8.9 The Council has agreed with the developer a maximum floor space that reasonably represents 760 properties built to the size standards in the

London Mayor's new Design Guidelines. If the needs assessment shows that the Council needs more floor space than it is allocated for that phase, it can request for up to ten per cent additional replacement floor space to ensure we meet the needs of the eligible tenants.

8.10 The replacement homes will include flats, houses and maisonettes, including a total of 75 houses and 66 'house equivalent' properties. The Council can request 1,2,3,4 and 5 bedroom properties.

8.11 Time Scales

8.12 There is no set timescale for the development process but it is anticipated that the phasing will happen over a 10-20 year period.

8.13 The first new replacement homes will be provided on the Seagrave Road site. The developer has planning permission to build 808 homes on this site, 200 of which will be replacement homes for estate residents. The first 150 of these homes on Seagrave Road are expected to be ready for occupation by 2015/16.

8.14 Once Seagrave Road is complete and residents have been re-housed to this phase, the next phase will follow.

9. RE-HOUSING PROCESS

- 9.1 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. The tenant will need to provide all the supporting documentation to complete the comprehensive housing needs assessment.
- 9.2 Once the needs have been assessed, the tenant can be identified for a home in the new development. The re-housing officer will regularly keep each tenant and their household up to date on the progress of each phase. If the household requires any additional support with the transfer due to age or disability, then these will be planned into the removal process.
- 9.3 Once the property is scheduled to be ready, an offer will be made. The Eligible tenant will be able to view the property and agree a date for the transfer to occur. 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) and the transfer will be undertaken.
- 9.4 The Eligible tenant will terminate the tenancy agreement at their old home on West Kensington estate or Gibbs Green estate at the same time as signing up for the new tenancy at their new home.
- 9.5 If an Eligible tenant has any disabilities or the re-housing officer will undertake a 'settling in' visit within 7 days of the transfer to make sure the tenant is content with their new home.
- 9.6 The re-housing officer will be available for each Eligible tenant and their household to deal with any queries up to 3 months after the tenant has moved into their new home.

10. HOUSING NEEDS

- 10.1 There are up to 760 households to be re-housed from the site, who are primarily families with 1, 2, 3, 4 & 5 bedroom housing needs. It is likely that some households will want to use the regeneration scheme as an opportunity to move out of the area, whether they are secure or assured tenants or are resident or non resident homeowners. However, if the household moves out of the area it is unlikely they will be moving to a brand new home.
- 10.2 Existing residents who are private tenants will have no eligibility for a move to the redeveloped

site, however, the Council will provide support for private tenants and their housing needs through the borough-wide services already provided.

- 10.3 In seeking to meet identified needs within the 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 their matters dealt with by a nominated Advocate, usually a close family member or other appropriate person.
- 10.4 Tenants who currently occupy private sector housing (including homeless households registered with the Council) will be assessed on a case by case basis in line with the Council's Housing Allocation Scheme, but will not be eligible for the housing offers set out in this document. Tenants of 'meanwhile use', accommodation (as described in section 5.1.), will similarly not be eligible for the housing offers set out in this document.

11. ADVANCED LOCAL LETTINGS PLAN

- 11.1 To help deliver the early phase of the Local Lettings Plan, the Council will deliver an Advanced Local Lettings Plan which will deal with:
 1. Secure tenants who want to leave the estate
 2. Secure tenants who want to move out of phase.
- 11.2 Secure tenants who do not wish to move to accommodation in the regeneration scheme site, subject to availability, will be offered a transfer to another Council secure "lifetime" tenancy". They will still be eligible for home loss and disturbance compensation, provided they have been resident since the signing of the CLSA (23/01/13). Where secure tenants express a preference for a housing association tenancy, this will be let on an assured 'lifetime' tenancy. Such an option will not constitute an offer under the terms of the Local Lettings Plan.
- 11.3 Secure tenants who chose this option will not be eligible for a transfer back to the regenerated

site or eligible for the enhanced compensation package. If a suitable secure or assured 'lifetime' tenancy does not become available by the time the property is required for possession, a tenancy in the redevelopment area, which meets the Council commitments, will be offered. Only one 'offer' of accommodation will be made in this instance.

11.4 Secure tenants who wish to move 'out of phase' can do so if there are surplus properties available. The following factors will be considered when prioritising requests for "out of phase" moves:

- a) Secure tenants who have signed the Tenants Contract
- b) Secure tenants who are:
 - i. Pregnant or who have member of the household who is pregnant
 - ii. registered disabled with significant mobility problems or who have a member of the household who is registered disabled with significant mobility problems
 - iii. aged 65 years or over
- c) Secure tenants who need to move to be near support networks e.g. family move
- d) Secure tenants who wish to move from a house to a flat or maisonette.
- e) Size & floor level of available properties.
- f) Secure tenants most affected by demolition and construction works.
- g) The length of the secure tenancy
- h) Where all other factors are equal, preference will be given to the resident with the earlier date the Tenant Contract was signed.

11.5 The process for the allocation of surplus properties 'out of phase' will continue through the development once the previous phase has been prioritised.

12. MEANWHILE USE / SHORT TERM USE

12.1 The Council aims to maintain Gibbs Green estate and West Kensington estate to a high standard throughout the lifetime of the regeneration scheme. One of the key ways the Council aims to achieve the high standard is to ensure the continued use of the properties on the estate

until they are required for demolition.

- 12.2 To create mixed, balanced sustainable communities the Council will allocate to short fixed term tenancies (2 year tenancies) to households with low to medium incomes that are not necessarily from reasonable preference groups, who will deliver this objective.
- 12.3 The simplest approach to deliver this objective is to let to the Council's Homebuy Register, which includes applicants who wish to rent at sub market levels. Some households may be seeking to save money for a deposit to enter low cost home ownership which the Council is keen to encourage. This will give such households the experience of managing a household budget and also provide an opportunity for such households to save money towards a deposit for a low cost home ownership option.
- 12.4 The allocation of homes for meanwhile use to households the 'Home Buy Register' will be made in line with section 2.43 to 2.50 of the Housing Allocation Scheme.
- 12.5 The allocation of homes for accommodation will be made in line with the Council's Housing Allocation Scheme and Homelessness Strategy.
- 12.6 Members of any household who has been allocated a property for 'meanwhile use' will not be eligible for the offers set out to 'Eligible Tenants'.

13. FRAUD

13.1 All Eligible Tenants who will be subject to the Local Lettings Plan will be required to comply with the Council's policy on fraud, as set out in 3.19 to 3.26 of the Council's Housing Allocation Scheme. (See Appendix 3 of this document).

14. EQUALITIES

14.1 The Council will have regard to the needs of equality groups and potential positive and negative impacts when preparing the equalities impact assessment initial screening document.

15. APPEALS, INFORMATION AND REVIEWS

15.1 Eligible Tenants who are unhappy about a decision made under this Local Lettings Plan can review of the decision and the procedure will comply with Section 5.3 to 5.6 of the Housing Allocation Scheme.

16 GENERAL RULES & CONDITIONS

16.1 Where appropriate, the rules and conditions set out in the Council's Housing Allocation Scheme will apply to the Local Letting Plan. However, Section 6.7 to 6.9 – Income & Resources – will only apply to the properties in 'Meanwhile Use'.

17. INFORMATION CONTACT:

17.1 If you are not able to read or understand the content of this Local Lettings Plan Consultation Draft, please contact:

Earls Court Regeneration Team

Housing and Regeneration Department
London Borough of Hammersmith
& Fulham Council
3rd Floor Hammersmith Town Hall Extension
King Street
London W6 9JU

Tel: 020 8753 5646 / 6889
Email: westken@lbhf.gov.uk

17.2 Please refer to Appendix 4 for Glossary

APPENDIX 1 - SIZES OF HOMES

The Council's approach to sizes of homes that are allocated to applicants is guided by the CLG Bedroom Standard which is as follows:

The bedroom standard allocates a separate bedroom to each: married or cohabiting couple adult aged 21 years or more pair of adolescents aged 10-20 years of the same sex pair of children aged under 10 years regardless of sex.

Source: CLG Allocation of Accommodation: guidance for local housing authorities in England (June 2012).

Note: In the case of non-dependent adults over the age of 18 years old who are not carers; vulnerable; or the subject of other exceptional circumstances; they will not be considered as members of the household for the purpose of this Housing Allocation Scheme.

The annex table sets out the size of a property a household successfully applying for home can expect. The Council will not offer a home that is larger or smaller than the identified need (subject to Section 6.10). In detail:

- The number of bedrooms you need depends upon the size of your family
- The chart shows the size of home that we consider you need
- A single parent is counted as a couple and an unborn baby beyond the first trimester is counted as a child

- Single people without children will usually be offered a studio/bedsit
- Two children of the opposite sex under ten will be expected to share a bedroom
- Council or Private Registered Provider (PRP) tenants 'trading down' from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Some PRPs may have policies that vary from the bedroom requirements set out below
- In exceptional circumstances, applicants with a disabled child who requires their own bedroom will be considered on a case by case basis.

Size category	Size of household	Size of property
1	Single person	studio/bedsit
2	Couple without children	1 bedroom
3	Two adults of the same sex and generation* for example flat sharers or two siblings	2 bedroom
4	Couple expecting a child or with a child, including an adult son or daughter	2 bedroom
5	A couple with two children of the same sex	2 bedroom
6	Two adults of opposite sex who do not live as a couple for example, brother and sister	2 bedroom
7	A couple with two children of opposite sex and both under 10	2 bedroom
8	A couple with two children of opposite sex one of whom is over 10	3 bedroom
9	A couple with three children	3 bedroom
10	A couple with four children (all of the same sex or two of each sex)	3 bedroom
11	A couple with two children of the opposite sex under 10 and one dependent relative (for example widowed mother)	3 bedroom
12	A couple with four children (three of one sex and one of the opposite sex)	4 bedroom
13	A couple with more than 4 children**	4 bedroom
14	A couple with 3 children and one dependent relative	4 bedroom

* Less than 20 years apart but does not apply to parents/children

** Accommodation needs greater than 4 bedrooms will be considered by the Housing Options Officer concerned and options considered and offered to the household. The officer concerned may suggest that the household size is reduced through adult children and/or non dependents household members being required to make their housing arrangements elsewhere. This may enable the officer concerned to make an offer (or offers) that can help meet the household's needs. Such a decision would need to be endorsed by a panel of senior housing managers.

APPENDIX 2

Resident Homeowners

Resident Homeowners have a different legal relationship with the Council than eligible tenants and are therefore not included in the Local Lettings Plan.

Resident Homeowners will only be eligible for the move to the new site if they have lived at their property a year from the 'Effective Date' and have submitted a right to buy application before 30th June 2011.

The Effective Date is the date on which the Council will make these Leaseholder/Freeholder Contracts available to homeowners. The date is dependent upon key approvals being in place, giving more certainty that the scheme can go ahead. The approvals that need to be in place are as follows:

- the Council signing the CLSA with EC Properties Ltd;
- the consent of the Secretary of State for the Council to sell its housing land, and
- the grant of satisfactory planning permission on the main development site along with the signature of any related planning agreements

The date that all of these key approvals have been secured is the Effective Date.

Resident Homeowner Commitments

Resident homeowners will not be expected increase borrowing to purchase an affordable home in the site.

Service charges will be capped for 5 years for resident homeowners who move to the redeveloped site.

Service charges will be capped for secure tenants who move to the redeveloped site.

Compensation will be paid for major works service charges that haven't been taken into account in the valuation of the property.

Buy Back of leasehold & freehold properties and Local Lettings Plan Options

The Council will develop a Buy Back Policy, which will encompass the leaseholder and freeholder contracts

which will be made with resident and non resident homeowners after the Effective Date.

The Council will engage a 'Buy Back' officer who will lead on the negotiations of the purchase of the interest and the offer of a discounted sale for a new home in the redeveloped site. Resident homeowners will not have to increase their mortgage in their move to the new site.

Where the Council buys properties before they are needed for the next phase of development, the Council will be able to let the properties to 'short term occupiers at affordable rent levels in accordance with the Council's Housing Allocation Scheme and Tenancy Strategy.

The Council will engage in separate discussions with each of the 3 Private Registered Providers and make a fair and reasonable offer.

APPENDIX 3

Investigation of Fraud: Offences related to information given or withheld by applicants

- The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for re-housing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.
- For the reasons set above, the Council is keen to ensure that information submitted to support a housing registration application is truthful and accurate.
- Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:
 - Knowingly or recklessly give false information, or
 - Knowingly withhold information which the

housing authority has reasonably required the applicant to give

- It is for individual housing authorities to determine when these provisions apply and when to institute criminal proceedings. However, the circumstances in which an offence is committed could include:
 - Any false information given on an application form for social housing
 - Any false information given in response to subsequent review letters
 - Any false information given or submitted by applicants during the proceedings of a review
- Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s 146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenants or a person acting as the tenant's instigation.
- Any tenancy fraud that may occur after the grant of a tenancy (e.g., tenancy passed on to a third party such as subletting of a tenancy) will be approached in a similar fashion. New powers to be granted to local authorities to pursue such cases through the criminal rather than the civil courts will be used by Hammersmith & Fulham.
- In both instances - at application stage and tenancy stage – the Council will support and work with all Registered Providers to reduce and eliminate tenancy fraud.

APPENDIX 4 GLOSSARY

Assured Shorthold tenants – mainly private tenants
Assured tenants – L&Q, Family Mosaic or SBHA tenants

Build phase – the phase when the properties are built and subsequently occupied.

Council's Corporate Plan – the Council's plan that sets out it manages its business affairs

Conditional Land Sale Agreement – the contract which explains what happens if developer decides to go ahead and buy Gibbs Green estate and West Kensington estate

Demolition phase – this is the phase of the development when the households are moved out and once the properties are empty, the housing is demolished

Earls Court West Kensington Opportunity Area – the area identified by the Mayor of London in the London Plan.

Effective date – is the date on which the Council will make these Leaseholder/Freeholder Contracts available to homeowners. The date is dependent upon key approvals being in place, giving more certainty that the scheme can go ahead. The approvals that need to be in place are as follows: the grant of satisfactory planning permission on the main development site along with the signature of any related planning agreements, the consent of the Secretary of State for the Council to sell its housing land and the Council signing the CLSA with EC Properties Ltd. The date that all of these key approvals have been secured is the Effective Date.

Eligible tenant (s) – secure & assured tenants who qualify for re-housing under the Local Lettings Plan Secure tenants of the council and assured tenants of housing associations (also known as Private Registered Providers). Joint tenants will be considered as a household rather than as individual joint tenants.

Freeholder – ownership of the freehold of the property. In the Local Lettings Plan, the freeholder refers to those people who have bought houses from the Council that were previously rented from the Council.

Housing Allocation Scheme – the rules which the Council uses to offer housing to people in the borough

Interim statement – information which shows how far the Council has got in writing its Local Lettings Plan

Leaseholder – the ownership of the lease of a flat, the freehold which is owned by the Council

Lifetime tenancy – an assured or council tenancy

which is for an unlimited time

Local Development Framework Core Strategy – the planning document for Hammersmith & Fulham Council for the use of land within the borough.

Local Lettings Plan (LLP) – the plan the Council have for letting properties within the Earls Court Redevelopment area, particularly the re-provided 760 homes.

Mayor of London's London Plan – the London Plan is the overarching strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031

Meanwhile use or short term use – the renting of homes in the short term while the regeneration is underway

Phase (PPDN) – the re-housing of the estate will be carried out in stages – each stage is called a phase or a PPDN.

PPDN – Pre Phase Draw-down Notice (see phase - above)

Private sector landlords – landlords who rent their property out to private tenants

Registered members of the household - the members of the household who will be re-housed

Private Registered Provider – also known as a Registered Social Landlord or Housing Association. The 3 Registered Providers in this site are : Family Mosaic; London & Quadrant (L&Q); Shepherds Bush Housing Association (SBHA)

Regulatory framework – the statutory rules which the Council has to operate within

Re-housing offer – the flat, maisonette or house that residents will be offered

Resident homeowners – a term used to include both leaseholders and freeholders

Resident Homeowner Contract – the legal document for leaseholders and freeholders which explains their rights in the regeneration scheme

Right to buy – the right which council tenants have to buy the home they rent from the Council

Secure tenants – council tenants

Service charges - bills which resident homeowners have to pay for estate services e.g. cleaning

Statutory homelessness and disturbance payment – the payments to tenants and leaseholders to help with the costs of moving

Tenant's Contract – the legal document for council and RP tenants which explains their rights in the regeneration scheme.


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