



Haringey Council

Report for:	Cabinet	Item Number:	
Title:	Estate Renewal Re-housing and Payments Policy		
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Ward(s) affected:	Report for Key/Non Key Decisions:		
All wards	Key decision		

1. DESCRIBE THE ISSUE UNDER CONSIDERATION

- 1.1** This report describes an Estate Renewal Re-housing and Payments Policy (Appendix 1) proposed for the borough. This policy would provide a consistent borough-wide approach to the re-housing and payment commitments offered by the Council to all households required to move as a result of estate renewal schemes. The policy would apply to all regeneration and estate improvement schemes, where 10 or more units are being improved or redeveloped.
- 1.2** Implementation of the proposed policy would require a new delegation to the Assistant Director for Regeneration (in consultation with the Cabinet Member for Housing and Regeneration) to decide the 'effective date' of the policy, in respect of individual Cabinet approved schemes and the Cabinet approved phases of those schemes, thereby providing more effective management control of re-housing, voids and payments.
- 1.3** The policy brings together in one document all the relevant statutory provisions (e.g. in respect of Home Loss and Disturbance Payments) and existing Council policies (e.g. within the Allocations Policy) with guidance to facilitate the Council's estate renewal programme, by more effectively re-housing and compensating



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residents required to move and providing vacant possession for development works to take place.

1.4 This report seeks approval of the policy document (at Appendix 1) for consultation and seeks approval for the consultation arrangements and timetable (set out in section 5 below), including a further report to the Cabinet scheduled for January 2016 to consider the consultation outcome, an Equalities Impact Assessment and a final policy for approval.

2. CABINET MEMBER INTRODUCTION

2.1 The Council's estate renewal programme represents a key component in the delivery of our Corporate Plan priority to create homes and communities where people choose to live and are able to thrive and in the implementation of our ambitious Housing Strategy for the borough. We are determined to put residents at the heart of our estate renewal programme.

2.2 We want to ensure that residents who need to move as a result of an estate renewal scheme are well-informed about the re-housing commitments and financial compensation available to them, together with the support they can expect to receive, for example, from the Independent Tenant and Leaseholder Advisors the Council is engaging for its estate renewal schemes. The draft Estate Renewal Re-housing and Payments Policy (see Appendix 1) proposed in this report sets out the Council's re-housing and compensation commitments to residents, including both secure tenants and leaseholders. The purpose of the policy is to make sure residents receive good quality, timely and appropriate support and accurate information. The policy will also assist in the delivery of our estate renewal programme.

2.3 The Cabinet is being asked to approve the draft Estate Renewal Re-housing and Payments Policy for consultation over the late summer/early autumn period, with a final version of the policy then being brought back to the Cabinet for approval, taking into account the consultation results and a full equalities impact assessment.

3. RECOMMENDATIONS

3.1 It is RECOMMENDED that the Cabinet:

- 1.** Notes and approves the Estate Renewal Re-housing and Payments Policy (at Appendix 1) for consultation.
- 2.** Notes and approves delegation of the decision on the 'effective date' of the policy in respect of individual estate renewal schemes and, where appropriate, the individual phases of such schemes, to the Assistant Director for Regeneration, in consultation with the Cabinet Member for Housing and Regeneration.



3. Notes the purpose of the policy, as set out in section 1 of Appendix 1 and in paragraphs 5.13 and 5.14 of this report
4. Notes and approves the consultation arrangements and timetable (set out in section 5 of this report), including a further report to the Cabinet scheduled for January 2016 to consider the consultation outcome, an Equalities Impact Assessment and any recommended changes to the policy, for final approval by the Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative options of developing an estate renewal re-housing policy only or just a set of procedures covering the issues in Appendix 1 were considered. However, it was considered important to bring together all the policies relevant to re-housing and compensating residents in one document, rather than just cover re-housing matters. Also, a set of procedures for staff would not represent a statement by the Council of its commitments to affected residents, which is an important objective of the proposed policy.
- 4.2 In developing the proposed policy, alternative approaches to how the policy should be applied to individual estate renewal schemes were considered. Broadly, 3 approaches were considered:
 - (a) Apply the minimum statutory entitlements and existing policy commitments across all schemes
 - (b) Consider the re-housing and payment commitments to residents on a scheme by scheme basis
 - (c) Apply (a) above, but consider additional discretionary entitlements on a scheme by scheme basis
- 4.3 The approach set out in paragraph 4.2, item (a) above has been broadly adopted within the policy at Appendix 1, as this provides consistency across different schemes and amongst residents from different areas. It also provides a better balance between meeting the re-housing needs of residents affected by estate renewal and other households on the Housing Register. However, the proposed policy at Appendix 1 does provide for some flexibility on a scheme by scheme basis, for example, in respect of the degree to which residents are able to return to take up a new permanent home on their estate, which is dependent on the number of new homes provided in each scheme. In addition, Local Lettings Policies (provided for within the existing Allocations Policy) offer some additional scope for local flexibility.
- 4.4 The minimum statutory entitlements include one-off Home Loss Payments of £4,900 for eligible households and Disturbance Payments for reasonable moving costs. The Council's existing policies include, under the Allocations Policy, provision for secure tenants required to move being placed in the highest re-housing band (band A) and being able to bid for alternative accommodation under Choice Based Lettings, until 12 months prior to vacant possession being required



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for development works. At that stage, direct offers would be made to ensure re-housing takes place.

- 4.5 In addition to existing entitlements, consideration has been given to additional discretionary entitlements beyond existing policy, including:
- (a) All secure tenants under-occupying their existing home, being able to under-occupy their new home by 1 bedroom
 - (b) Adult children living with secure tenants being offered separate accommodation
 - (c) More generous 'fixed payment' Disturbance Payments, beyond those paid under existing arrangements to other secure tenants being moved to allow major repairs to their home

However, these additional entitlements have not been incorporated within the proposed policy at Appendix 1, to ensure a fair and consistent approach is taken in respect of those required to move as part of an estate renewal scheme, as compared to other groups.

- 4.6 It is proposed that the alternative options described above, should feature within the consultation questions, as they are likely to be considered important by residents who may be affected by estate renewal schemes. Equally, any additional benefits for this group may be seen as disadvantaging other groups, such as those on the Housing Register, with potential equalities implications.

5. BACKGROUND INFORMATION

London Context

- 5.1 A review of the published policies of 20 London boroughs conducted for this report, has confirmed that the re-housing of tenants affected by large scale estate renewal projects is set on a borough-wide basis in all 20 Councils, normally in their Allocations Schemes, together with confirmation of the statutory Home Loss and Disturbance Payments available. All boroughs also express a broad aim that tenants can return to their estate after re-development, but this is generally left to be confirmed on a scheme by scheme basis. In 19 of the 20 boroughs, the options offered to leaseholders were also determined on a scheme by scheme basis, although one Council has a borough wide policy awaiting approval.

- 5.2 Offering residents affected by estate renewal the clearest commitments possible in terms of re-housing and compensation is generally considered to be good practice.

Haringey Policy Context

- 5.3 The Council's Corporate Plan for 2015-2018 identifies housing as one of its five priorities, committing the Council to 'Create homes and communities where people choose to live and are able to thrive'. Housing also plays a role in delivering other Corporate Plan priorities, for example, the role new homes play in driving the priority for growth and regeneration.



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5.4 The draft Housing Strategy for 2015 – 2020 approved for consultation by the Cabinet on 17 March 2015, proposes a vision for housing in Haringey: *'Housing is about people and communities, not just bricks and mortar. This means mixed and inclusive neighbourhoods where residents can lead happy and fulfilling lives'*. The draft Housing Strategy then summarises the proposed approach under 4 objectives:

- (i) improve help for those in housing crisis
- (ii) ensure that housing delivers a clear social dividend
- (iii) drive up the quality of housing for all residents
- (iv) achieve a step change in the number of new homes being built

5.5 In November 2013, the Cabinet approved the 'Housing Investment and Estate Renewal Strategy 2013 – 2023' which includes 4 strategic objectives:

1. To improve existing housing stock by efficient and informed investment, maximising resident satisfaction, promoting low energy consumption and delivering environmental sustainability
2. To increase the supply of high quality homes, delivered through development opportunities on Council owned land and through estate renewal
3. To create mixed and balanced communities by incorporating a range of housing tenures, including new Council homes, to meet a variety of local needs
4. To enable local people to benefit from jobs, apprenticeships and supply chain involvement through construction work.

5.6 In October 2014, the Cabinet approved a revised Allocations Scheme, which includes section 15.15, which sets out the re-housing priority given to tenants required to move as a result of redevelopment or regeneration, and a number of other relevant provisions referred in the proposed policy at Appendix 1.

5.7 The Council also has in place arrangements to implement relevant statutory provisions, for example, in respect of Home Loss and Disturbance Payments.

High Road West Regeneration Scheme

5.8 The Council has taken forward its Housing Investment and Estate Renewal Strategy (see 5.5 above) with the High Road West Regeneration Scheme, which was approved by the Cabinet on 16 December 2014. The Cabinet approved separate guides for secure tenants, leaseholders and private tenants at High Road West, which set out a range of provisions agreed in consultation with residents, including enhanced re-housing entitlements and payment arrangements such as:

- (a) All secure tenants under-occupying their existing home being able to under-occupy their new home by 1 bedroom
- (b) Two payment options for Disturbance Payments being offered to secure tenants – a fixed payment model and an assisted move model



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5.9 At its meeting on 16 December 2014, the Cabinet also gave delegated authority to the Director of Regeneration, Planning and Development, in consultation with the Cabinet Member for Housing and Regeneration, to agree and review the procedures associated with the guides for secure tenants, leaseholders and private tenants. In accordance with this, a delegated authority report has introduced arrangements for Home Loss and Disturbance Payments in respect of secure tenants at High Road West (as set out in paragraph 5.8 item (b) above), including a structure of fixed payments for Disturbance Payments based on the bedroom size of the property being vacated and the payment option preferred, as follows:

Disturbance Payment Option	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Fixed Payment (where tenant arranges own move)	£1,650.00	£2,000.00	£2,400.00	£2,780.00
Assisted Move (where Council arranges removals only)	£1,473.50	£1,744.00	£2,063.50	£2,384.00

5.10 The fixed payment amounts in row 1 of the table above are consistent with the existing comparable borough-wide amounts, as set out in paragraph 5.11 below. The lower payments in row 2 of the table above, reflect deductions equivalent to the charges for removals by the Council's contractors at High Road West. Secure tenants at High Road West can also request the disconnection and reconnection of appliances and/or a 4 hour 'handyman' service, again with deductions from the payments in the table above equivalent to the Council's contractor's charges for these services.

5.11 The Disturbance Payment options negotiated with secure tenants at High Road West differ from those already in place for the borough as a whole, which currently comprise 2 payment options:

(a) a fixed payment option, with pre-determined fixed payment levels based on the size of the property being vacated, updated periodically. The current fixed payment levels (as of September 2014) are as follows:

1 bedroom property - £1,650

2 bedroom property - £2,000

3 bedroom property - £2,400

For 4 bedroom plus properties, £380 will be added to the 3 bedroom figure above (i.e. £2,400) for each additional bedroom.

(b) A claim option, where the tenant can opt to submit a Disturbance Payment claim form for any legitimate moving expenses, together with receipts. The level of payment assessed under this option will be progressed, even if this is less than the fixed payment quoted to the tenant under (a) above.



5.12 The Disturbance Payment arrangements for secure tenants included in the draft Estate Renewal Re-housing and Payments Policy (see paragraph 7.50 of Appendix 1) reflect the existing borough-wide arrangements described in 5.11 above, rather than the High Road West arrangements set out in 5.9 and 5.10 above. Given the significance of this issue for tenants, it is proposed that this be specifically covered in the proposed consultation.

Proposal for Estate Renewal Re-housing and Payments Policy

5.13 From good practice in other London boroughs conducting large scale estate renewal projects, the experience gained at High Road West and the need to progress a programme of estate renewal schemes across the borough, it was considered appropriate and timely to develop a borough-wide policy on re-housing and payments with the following objectives:

- (a) to provide a clear statement of the Council's re-housing and payment commitments to residents who need to move as part of an estate renewal scheme
- (b) to introduce a new delegation in respect of the 'effective date' of the policy at Appendix 1, in order to more effectively manage re-housing, voids and payments in respect of individual schemes and the phases of such schemes
- (c) to bring together in one document all the statutory provisions and Council policies relating to re-housing, payments and obtaining vacant possession for development works in order to better co-ordinate the delivery of estate renewal schemes.

5.14 The purpose of the policy at Appendix 1 is not to replace existing re-housing and payment policies, but rather to bring these together in one document to provide a consistent borough-wide approach to be applied across all estate renewal schemes and to give a clear statement of the Council's commitments to residents required to move, including:

- (a) to offer secure tenants the option of returning to a new permanent home on their estate where possible, on a scheme by scheme basis
- (b) to offer secure tenants an alternative home with a lifetime tenancy
- (c) to offer separate accommodation to adult children living with secure tenants where:
 - the tenant is under-occupying their home and the resultant two moves achieve a net reduction of at least 2 bedrooms (as set out in section 15.22.5 of the Allocations Scheme)
 - there are exceptional circumstances, for example, the tenant is severely overcrowded or a re-housing move would not otherwise take place, as determined by the Exceptions Panel, at the Council's discretion (as set out in section 15.28 of the Allocations Scheme)
- (d) to allow a secure tenant to under-occupy their new home by one bedroom where they currently under-occupy a large family home with 4 or more



bedrooms or currently occupy a substantially adapted home with 3 or more bedrooms, at the Council's discretion (as set out in paragraphs 15.22.7 and 15.23.3 of the Allocations Policy)

5.15 The resultant Estate Renewal Re-housing and Payments Policy proposed at Appendix 1, includes the following sections:

1. Purpose – which explains that the policy aims to meet the needs of both the Council and residents when it is necessary to move households in order to facilitate development works. It makes clear that the policy applies to regeneration and estate improvement schemes, involving 10 or more units.
2. Policy Statement – which explains that the policy brings together existing statutory provisions and Council policies relating to re-housing, compensation payments and obtaining vacant possession
3. Legal Framework – which sets out the relevant legislation
4. Policy Framework – which sets out relevant Council policies
5. Consultation and Communication - which sets out the consultation and equalities impact assessment required in respect of individual schemes .
6. Re-housing and Payments Programme – which includes delegation of the decision on the 'effective date' of the policy in respect of individual schemes to Assistant Director for Regeneration, in consultation with Cabinet Member for Housing and Regeneration
7. Re-housing and Payments Programme for Tenants – which covers 3 main issues:
 - (a) Re-housing
Includes the definition of which tenants are eligible for re-housing and explains the awarding of band A status to eligible households. It also describes Local Lettings Policies.
 - (b) Gaining possession
Explains how refusals of alternative accommodation are considered and the possession action taken if required
 - (c) Payments
Defines which tenants are eligible for Home Loss and Disturbance Payments and the amounts payable
8. Re-housing and Payments Programme for Freeholders and Leaseholders – which covers the same 3 main issues:
 - (d) Re-housing
Explains the entitlement to full market value and Council assistance with purchase options
 - (e) Gaining possession
Explains the voluntary agreement to acquire and the arrangements for compulsory purchase if required
 - (f) Payments
Defines eligibility for Home Loss and Disturbance Payments and the amounts payable



9. Additional Areas – which deals with private tenants, non-authorised residents and squatters. It sets out the practical help for residents, including support provided by the Independent Tenant and Leaseholder Adviser and the support available to vulnerable households. It also deals with the management of empty properties to provide vacant possession for development works.

Consultation Arrangements and Timetable

- 5.16 On the question of consultation, Legal Services have advised that there is no statutory duty to consult on the policy at Appendix 1, but the need to consult can arise from a legitimate expectation of consultation based on a promise or practice of the Council and that the Council's resident involvement agreement "Your Voice Counts" may give rise to such an expectation. That consultation has to be fair and this includes there being an adequate consultation period and conscientious consideration of consultation responses. A consultation period of 6 weeks is considered sufficient and sufficient time should also be allowed to consider and respond to the feedback, before a final decision is taken. Equalities data will be collected as part of the consultation process, so that an Equalities Impact Assessment (EqIA) can also be completed and considered.
- 5.17 Therefore, this report to the June Cabinet is seeking approval of a draft policy to go out to consultation, then, once the consultation period has ended, a further report will be submitted to the Cabinet to agree the final policy, taking into account the outcome of the consultation and an Equalities Impact Assessment.
- 5.18 Given the large number of consultations scheduled for summer 2015, including the Housing Strategy consultation taking place during June/early July, the Communications Team have advised that this consultation should not commence prior to 1 August and should run for 12 weeks, to take account of the holiday period and the potentially controversial nature of the policy. This approach is being adopted in respect of other comparable consultations taking place over the summer. This extended consultation period would also provide additional time for meetings with resident groups and others to be held, as necessary. Therefore, the outline timetable proposed for the consultation is as follows:
 - June 2015 – Cabinet approves draft policy for consultation
 - August - October 2015 – 12 week consultation period
 - October/November 2015 – consideration of responses and EqIA produced
 - January 2016 – Cabinet considers consultation outcome, EqIA and final policy for approval



6. COMMENTS OF THE CHIEF FINANCIAL OFFICER AND FINANCIAL IMPLICATIONS

- 6.1 This report sets out the proposed process and policy for applying a consistent borough-wide approach across all estate renewal schemes.
- 6.2 Any Home Loss and Disturbance payments relating to the council's housing stock are normally chargeable to the council's Housing Revenue Account (HRA). It has, however, been proposed that for Estate Renewal schemes these costs are met by future development partners for these projects. Where these costs are not met by a future development partner then they will be chargeable to the council's HRA. Funding that is available from the HRA is limited and before entering into any commitments it must be ensured that sufficient funding will be available.
- 6.3 The proposal to set off any tenant rent arrears against Home Loss payments is consistent with current wider Council policy and would have a positive impact on income collection rates for the HRA.
- 6.4 The offer of separate accommodation to eligible adult children living with secure tenants may impact on homeless clients currently on the Housing Register and may have a negative impact on the council's homelessness budget.
- 6.5 The offer of alternative HRA housing to decanted tenants may also have a negative impact on the homelessness budget as these tenants may take up units that may otherwise be available to homeless clients. This will however be mitigated by using decanted units as temporary accommodation until demolition dates approach and the re-provision of new units. This policy will also act to limit the security costs associated with an estate renewal project during development phases.
- 6.6 In cases where tenants refuse offers of alternative housing, a case by case review would have to take place but if they are found to be intentionally homeless it is possible that any re-housing obligations may have to be referred to Children's Services.
- 6.7 In the case of Leaseholder and Freehold units currently occupied by private tenants, it is possible that these tenants are eligible for re-housing by the council. This may also have a negative impact on homelessness budgets.
- 6.8 In exceptional cases it is also possible that the council may have to meet obligations to households described as 'hidden households' and found to be eligible for re-housing. This may also impact on the council's homelessness budget.



7. COMMENTS OF THE ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE AND LEGAL IMPLICATIONS

7.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and makes the following comments.

7.2 Tenants, leaseholders and other occupiers who are being displaced as a result of the Council's estate renewal or regeneration proposals have various statutory rights. These include the rights of secure tenants to be re-housed. The provision of alternative Council accommodation will be an allocation and will, therefore, have to be in accordance with the Council's Allocations Policy, as required by Part 6 of the Housing Act 1996 and in accordance with the Council's proposed Estate Renewal and Re-housing Payment Policy and any agreed tenant offer. A statutory duty to re-house may also arise under Part 7 of the Housing Act 1996 (as amended) i.e. the homelessness legislation.

7.3 Displacement may give rise to a statutory entitlement to home loss and disturbance payments under the Land Compensation Act 1973. The amount of home loss payments are fixed by the legislation, but the amount of the disturbance payment is discretionary and acts to compensate the tenant or resident leaseholder/freeholder for the reasonable expenses of having to move. These payments are in addition to the full market value of the property that a leaseholder or freeholder is entitled to.

7.4 The Council may use its powers under Grounds 10 and 10A Housing Act 1985 to secure vacant possession of secure tenancies and may as a last resort use its compulsory purchase powers under s226 of the Town and Country Planning Act 1990 if it needs to compulsorily purchase tenanted, leasehold or freehold properties.

7.5 The Council's resident involvement agreement gives rise to a legitimate expectation that the Council will consult on the discretionary matters included within the Estate Renewal Re-housing and Payments Policy and in the case of *R (Moseley) v Haringey* the Supreme Court has recently endorsed the following general principles of consultation:

- That consultation must be at a time when proposals are still at a formative stage;
- That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
- That adequate time must be given for consideration and response; and
- That the product of consultation must be conscientiously taken into account in finalising any proposals.

7.5 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough to enable them to make an intelligent response



7.6 In approving the final policy the Cabinet will have to comply with the Council's Public Sector Equality Duty under the Equality Act 2010.

8. EQUALITIES AND COMMUNITY COHESION COMMENTS

8.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under section 4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

8.2 The draft policy allows for considerations to be made for groups through the individual housing needs assessment process laid out in section 7. Section 9 confirms that special adaptations identified in the individual assessments would be covered by the Council's aids and adaptations budget for HRA properties or the Disability Facilities Grant, and prioritised for those with medical needs. Sections 9.7 and 9.8 also make a commitment that the Council will provide additional support and information over housing options and processes for vulnerable and elderly residents.

8.3 A full EqIA will be needed to consider the impact of the policy on all the protected groups and where necessary mitigate any adverse impacts on those groups.

8.4 In addition, as confirmed in paragraph 5.5 of the policy at Appendix 1, an EqIA specific to each estate renewal scheme will need to be completed on a scheme by scheme basis, before a decision is taken to proceed with an individual scheme.

9. HEAD OF PROCUREMENT COMMENTS

9.1 The recommendation to agree a borough-wide approach to the re-housing and payment commitments offered by the Council does not have any immediate Procurement activities within it. Any Procurement projects that need to be undertaken to meet the objectives set out within the report will be dealt with on an individual basis and will be subject to normal procurement practise.

10. POLICY IMPLICATION



- 10.1 The proposed Estate Renewal Re-housing and Payments Policy will contribute to meeting the Council's Corporate Plan and draft Housing Strategy objectives and play an important role in delivering the Council's Housing Investment and Estate Renewal Strategy for the borough. It brings together a number of existing Council policies, for example, relevant aspects of the Allocations Scheme, and existing arrangements for Home Loss and Disturbance Payments, to help ensure their effective co-ordination in the delivery of the Council's estate renewal programme.

11. REASONS FOR DECISION

11.1 The main reasons for the decisions recommended at paragraph 3.1 are :

- (a) to give clear direction to Members and residents on the Council's commitments to households would need to move as part of an estate renewal scheme
- (b) to introduce a new delegation in respect of the 'effective date' of the policy at Appendix 1, in order to improve management control of re-housing, voids and payments in respect of individual estate renewal schemes
- (c) to help facilitate the effective co-ordination of relevant policies on re-housing, payments to residents and obtaining vacant possession in order to deliver the Council's estate renewal programme
- (d) to conduct an effective consultation on the proposed policy at Appendix 1
- (e) to be able to report back to the Cabinet with the consultation outcome, an Equalities Impact Assessment and any amendments to the policy, for final approval

12. USE OF APPENDICES

Appendix 1 – Draft Estate Renewal Re-housing and Payments Policy

13. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

13.1 Background documents:

- (a) Draft Housing Strategy 2015 – 2020
- (b) Housing Investment and Estate Renewal Strategy 2013 – 2023
- (c) Allocations Policy
- (d) Cabinet report and minute in respect of High Road West Regeneration Scheme – 16 December 2014