



Lambeth

CABINET MEMBER DELEGATED DECISION (NON-KEY) 4 MAY 2021

Report title: Local Lettings Plan, Westbury Estate

Wards: Clapham Town

Portfolio: Councillor Matthew Bennett; Cabinet Member for Planning, Investment and New Homes

Report Authorised by Eleanor Purser and Sara Waller: Strategic Directors for Sustainable Growth and Opportunity

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Report summary

This report seeks to obtain approval for a Local Lettings Plan for allocating new homes for rent on the Westbury Estate development. The first phase of homes, 64 all at council level rent, are currently under construction, with residents due to move in this summer.

The Council will retain 100% nomination rights for these New homes; this local lettings plan will be implemented through the nominations agreement the Council will have with Homes for Lambeth (HfL) Ltd.

The homes will be transferred to Homes for Lambeth at practical completion and will be let by Homes for Lambeth on assured lifetime tenancies.

Finance summary

There are no financial implications for this decision.

Recommendation

1. To implement the Cabinet decision of November 2015 approving a local lettings plan for the Westbury Estate.
2. To adopt the local lettings plan attached to this report which identifies and prioritises nominees to the new homes for rent on the Westbury Estate.

1. CONTEXT

- 1.1 Westbury Estate was included in the Council's estate regeneration programme in December 2014 because of the considerable potential for intensification and provision of much needed additional new homes.
- 1.2 The current estate consists of 242 residential properties, which comprise 178 tenanted properties and 64 leasehold properties. The buildings on the estate are of two main types – two 20-storey towers and several low-rise blocks.
- 1.3 Apart from the two towers (Amesbury Tower and Durrington Tower which will remain), the density of the estate is low. In the low-rise portion of the estate, there are 82 homes, of which, 48 are tenanted and 34 are leasehold properties. All the low-rise portion of the estate needs to be vacated and demolished to facilitate the new development.
- 1.4 Across the whole scheme, approximately 270 new homes will be delivered in three phases. The first phase is near completion with 64 council rent homes to be completed by Summer 2021. Phases 2 and 3 are still in the planning stages, but will contain a mix of social, intermediate and private rented new homes.
- 1.5 In the Council's Cabinet decision in November 2015 to redevelop the Westbury Estate, the Council committed to put in place a local lettings plan for residents on the estate. Through its adopted Key Guarantees to residents affected by estate regeneration, the Council has committed to work with residents in the formulation of localised lettings plans. Local Lettings Policies are defined in the Lambeth Housing Allocation Scheme 2013 as follows:

The Council may from time to time agree to a proportion of properties being let through Local Lettings Policies approved by the Council...Local Letting Policies may set out, but not be limited to:

- The properties or area covered by the Local Lettings Policy,
- The type of tenancies to be offered
- Eligibility criteria for applicants,
- How priority may be determined between applicants

2. PROPOSAL AND REASON

- 2.1 The terms of the proposed local lettings plan were set out and approved in the Cabinet report of 17th December 2018 which determined there are to be two elements to this local lettings plan:
- 2.2 a) **Westbury Local Allocation Strategy:** the new scheme development has been designed so as to accommodate re-housing of secure tenants (and resident homeowners) on the estate, so that the Council is able to honour its commitments under the Key Guarantees to those directly affected by estate regeneration to make sure that there is a suitable new home available for them to move into as a consequence of their existing home being demolished.

A process to effect this, including a decant programme, has been adopted and in operation for some time so will not be applicable to the overall decision required within this in this report. The current process ensures that the new homes are fairly and appropriately allocated to the existing residents (resident homeowners and secure tenants of the estate) on a phased basis as the scheme progresses.

and

- 2.3 b) **Westbury Local Lettings Plan:** This applies whereby once provision has been made for the rehousing of secure tenants and resident leaseholders 'a portion' of the remaining newly built affordable homes for rent will be reserved for those who will be most affected, albeit indirectly, by delivery of the Scheme. In the case of Westbury, this Local Lettings Plan will be strictly limited to those secure tenants living in Amesbury and Durrington Towers at the time that the Local Lettings

Plan is implemented, who will experience construction work for an extended period of time and in close proximity to their homes.

- 2.4 Upon completion, the new homes for rent will be transferred to Homes for Lambeth to let. However, the Council will have 100% nomination rights for these new homes and the proposed Local Lettings Plan will be implemented through the “nominations” process. The homes will be let on Assured Lifetime tenancies and rents will be calculated in the same way as Council rents.
- 2.5 The nominations process will follow the normal approach already taken by the Council, using the choice-based lettings systems or direct offers. Any Local Lettings Plan would have to operate within the following parameters:
- Housing must be an appropriate size; no under occupation.
 - Scheme must be easy to understand.
 - Only for existing secure tenants (not adult children or other non-dependent members of their household).
 - Must follow the same principles as the current allocation scheme.
 - Be subject to an Equality Impact Assessment once activated.
 - Only cover up to 50% of available properties.
- 2.6 The 64 new **social homes** at Westbury Phase 1 will comprise as follows:

Table 1: phase 1 bed size breakdown

Type	1 bedroom	2 bedroom	3 bedroom	4 bedroom	New Homes
Flats	26	16	11	4	57
WC Adapted	1	3	3		7
Total	27	21	12	4	64

- 2.7 Phase 2 and 3 are still in the planning stage and although it is not yet clear of the exact mix of tenures the overall scheme will produce approximately 270 new homes with a minimum of 179 habitable rooms to be provided as social rented and a minimum of 37.8% of the habitable rooms in these two phases being provided as social rented or intermediate rented home. It is intended that the Local Lettings Plan applies to all phases of the scheme.
- 2.8 “Local residents” means those secure tenants living in Amesbury and Durrington Towers at the time that the Local Lettings Plan is implemented who will experience construction work for an extended period of time in close proximity to their homes. It does *not* include other residents such as private sector tenants, leaseholders or those staying with friends or family.
- 2.9 Residents have been advised of the commitment to local lettings for a proportion of the new homes through newsletters and at meetings. The principle of the plan being open to all residents has been communicated with details of the process to follow. The transfer of the new homes to Homes for Lambeth and the implications for secure tenants transferring over has been highlighted at meetings and will be fully explained when the Westbury Estate Local Lettings Plan is launched.

Housing Allocations Proposal

- 2.10 The new homes at Westbury Estate will be allocated in the following ways:
- 1) Secure Tenants and those eligible for a secure tenancy affected (including those with a ‘Right To Return’ and an ‘Option To Return’ under the “Key Guarantees”) are guaranteed a new home on the rebuilt estate if they want one. Offers and administration to be undertaken by the Council working with HfL.

- 2) Secure Tenants on the transfer list who live in Durrington or Amesbury Tower will have priority ahead of other applicants for 50% of the residual homes of each property size (i.e. those remaining after those with Right to Return or Option to Return are housed). Priority between applicants will be determined by the Housing Allocation Scheme (see below). They may be made direct offers on a one-offer basis. The London Borough of Lambeth vacated homes will be let in the usual way through the current Housing Allocations Choice Based Letting Scheme.
- 3) When all qualifying local residents have had the opportunity to be considered for the available properties, the remaining properties and those which have been vacated in the tower blocks due to this plan will be advertised and let in the normal way to those on the wider housing register and transfer lists.
- 2.11 If more than one person bids for or is interested in a particular property, priority between applicants will be determined in the normal way as set out in the Housing Allocation Scheme 2013. In other words, those in Band A will have priority, followed by those in Band B, and so on. Priority between applicants in the same Band and Level will be based on the transfer registration date and or Medical Override.
- 2.12 Except as otherwise provided for in this Local Lettings Plan, the Lambeth Housing Allocation Scheme 2013 will apply. For instance, the follow aspects of the Scheme will apply (this is not an exhaustive list):
- i) Eligibility and priority between applicants will be determined by the Scheme
 - ii) The size of property that someone can bid for will be determined by the Scheme
 - iii) Tenants who are currently suspended from bidding, for instance due to rent arrears or subject to a possession order, will not be able to bid for these properties.
 - iv) Those with assessed medical needs will have priority for properties that are suitable for people requiring this type of accommodation.
 - v) The Council reserves the right to make direct offers of properties without advertising them in exceptional circumstances
 - vi) The parameters for exercise of discretion in exceptional circumstances are as set out in the Scheme.
 - vii) In the event that Housing Allocation Scheme may conflict with this Local Lettings Plan in any respect, the Head of Accommodation Services will have discretion to decide how best to proceed in order to best meet the aims of both policies.

3. FINANCE

- 3.1 No financial applications.

4. LEGAL AND DEMOCRACY

- 4.1 Section 166A of the Housing Act 1996 requires every local housing authority in England to have an allocation scheme for determining priorities, and as to the procedure to be followed, in allocating housing accommodation and a council is not permitted to allocate housing except in accordance with its allocation scheme.
- 4.2 Paragraph 4.21 of the statutory code of guidance, *Allocation of accommodation: guidance for local housing authorities in England* (DCLG, 2020MHCLG, 2020) states “Section 166A(6)(b) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). It also states that “this is the statutory basis for so-called ‘local lettings policies’ which may be used to achieve a wide variety of housing management and policy objectives”.

- 4.3 The Cabinet report - *Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – Westbury – Proposed Compulsory Purchase Order* dated 18th December 2018, delegated decisions regarding a Westbury Local Lettings Plan to the Cabinet Member for Planning, Investment and New Homes
- 4.4 Section 149 of the Equality Act 2010 sets out the public sector equality duty in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity and
 - Foster good relations between those who share a protected characteristic and those who do not.
- 4.5 Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.
- 4.6 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.7 The Council’s Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the Council’s website for five clear days before the decision is approved by the Cabinet Member or Director concerned (Constitution, Part 2, Section 3). Any representations received during this period must be considered by the decision-maker before the decision is taken.

5 CONSULTATION AND CO-PRODUCTION

- 5.1 This is not a major change of policy and therefore consultation under section 166A(13) of the Act with every private registered provider of social housing and registered social landlord with whom the Council has nomination agreements is not required.
- 5.2 The principle of homes being made available to residents of Amesbury and Durrington Tower has been discussed in detail with the Westbury Estate Residents Engagement Panel (REP) who fully support this plan.
- 5.3 The ability of residents to undertake a ‘double decant’ has been included as a direct result of consultation with the Westbury REP.
- 5.4 Communications about the Local Lettings Plan will commence once this report and the attached plan receive approval from the Cabinet Member for Planning, Investment and New Homes and will include letters to all residents, features in the Westbury Newsletter and HfL and Lambeth Council websites and through continued monitoring through the REP. Once the status of the new homes and Homes for Lambeth is confirmed, communications will be issued with the details of the Local Lettings Plan, eligibility and how to apply.

- 5.5 The draft Local Lettings Plan has been circulated to the three ward councillors and to members of the Westbury REP.

6 RISK MANAGEMENT

Table 2 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Secure tenants unaware of their right to access new homes.	2	4	8	All secure tenants eligible for rehousing via this decision, to be contacted individually by officers.
2	Vacant possession not achieved on further phases.	3	4	12	This Local Lettings Plan will prioritise those households currently living in homes where vacant possession is required.

Key

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7 EQUALITIES IMPACT ASSESSMENT

- 7.1 Priority between residents of these blocks will be determined by the Housing Allocation Scheme 2013 that was subject to a comprehensive Equalities Impact Assessment when it was introduced.
- 7.2 . An EqIA was undertaken for the Westbury Estate regeneration programme in 2018 and updated in 2020. These EqIAs noted both possible negative and positive impacts of the regeneration programme for groups of certain protected characteristics, in particular gender, ethnicity, health and disability. Female led households and residents of black ethnicity were more likely to be impacted, with this reflecting the profile of social tenants and leaseholders generally; the profile of the housing waiting list, and the profile of residents living in overcrowded conditions – all of which are more likely than the borough average to be headed by female applicants and applicants from black British, black Caribbean, black African and other black backgrounds. This local lettings plan is an identified mitigation to minimise possible negative impacts, ensuring the delivery of those identified positive impacts including a reduction in overcrowding and an increase in affordable housing supply which will positively impact female and black led households.
- 7.3 Furthermore, an element of this local lettings plan is stock neutral, because every tenant moving from the two towers will release their old home for allocation. Therefore, this will not affect the overall profile of those housed by the Council. There are therefore no significant equalities issues.

8 COMMUNITY SAFETY

- 8.1 None

9 ORGANISATIONAL IMPLICATIONS

- 9.1 **Environmental**
None

- 9.2 **Staffing and accommodation**
No extra resource is required for the administration of this plan. The scheme will be administered jointly between the Housing Regeneration Client team, who will lead on the process; the Housing

Accommodation Services and, for Secure Tenants, the Regeneration Decant team.

9.3 Procurement

None

9.4 Health

Housing and health are intrinsically linked – Better housing and good quality sustainable homes in cohesive communities promote good health and well-being.

9.5 Corporate Parenting

None

10 TIMETABLE FOR IMPLEMENTATION

Activity	Proposed Date
Date published on Forward Plan	n/a
Submission to Procurement/Category Board Administrator	n/a
Procurement/Category Board Date	n/a
Publication on Decisions online	04/05/2021
Decision date	12/05/2021

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Matthew Bennett	Cabinet Member for Planning, Investment and New Homes	26/11/20	26/11/20	Throughout
Councillor Jennifer Brathwaite	Deputy Leader (Housing and Homelessness)	28/01/21		None
Eleanor Purser and Sara Waller:	Strategic Directors for Sustainable Growth and Opportunity	28/01/21	11/02/21 & 28/04/21	Throughout
Bayo Dosunmu	Strategic Director for Resident Services	28/01/21	30/04/21	None
Neil Euesden	Director of Housing	28/01/21	09/02/21	None
Tom Branton	Director of Regeneration and Housing Growth	28/01/21	28/04/21	None
Charlie Conyers	Head of Accommodation, Housing Management	08/01/21	08/01/21	1.1 – 2.12
Andrew Ford-Johnson	Assistant Director of Finance (HFL Programme)	28/01/21	28/01/21	3.1
Greg Carson, Legal Services	Legal and Governance	08/01/21	08/01/21	4.1 – 4.6
Nazyer Choudhury, Democratic Services	Corporate Resources	08/01/21	15/01/21	Throughout

Report History	
Original discussion with Cabinet Member	November 2018
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/a
Key decision reasons	N/a
Background information	<p>Cabinet Report 9 November 2015 <u>Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – Westbury Estate</u></p> <p>Cabinet Report 17 Dec 2018 <u>Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – Westbury – Proposed Compulsory Purchase Order</u></p>
Appendices	1. Westbury Estate Local Lettings Plan

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Alice Orr-Ewing, Estates Transition Manager

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Matthew Bennett, Cabinet Member for Planning, Investment and New Homes

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None