

## Cabinet 23 March 2017

**Report title:** Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – Key Guarantees to residents affected by estate regeneration

**Wards:** All

**Portfolio:** Councillor Matthew Bennett, Cabinet Member for Housing

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### Report summary

Lambeth has embarked on an ambitious programme to build better quality homes for thousands of existing residents and thousands more homes to help tackle London's housing crisis. To help build these homes the council is establishing Homes for Lambeth, a wholly council-owned company, so there is no loss of control to a private developer or external housing association.

Over the past two years the council has consulted extensively in developing these Key Guarantees. The Key Guarantees are a fair offer to existing residents, which balances the needs of existing tenants, existing homeowners and the families who will benefit from the building of new social and affordable homes in the borough.

In developing the Key Guarantees the council has sought independent external review and advice and has listened to the suggestions and ideas put forward by residents to produce an offer which represents best practice.

Existing tenants will be guaranteed a new home on the rebuilt estate with enough bedrooms to meet their family's housing need, with an assured lifetime tenancy and rents set in the same way as all existing council homes in the borough.

For resident homeowners who wish to remain on the estate, the Key Guarantees make this possible. The mechanisms that have been developed to support the Key Guarantees set out that homes will be independently valued at the market rate and leaseholders will receive an additional 10 per cent (home loss payment); costs for moving are also provided for. The council recognises that there are circumstances where homeowners may not be able to meet the gap in the value of their existing home and the value of a new home on the estate. Shared ownership options are in place so that everyone who wants to remain on the estate in a like for like home can do so.

The following options have been developed to support the Key Guarantees:

- A: Leasehold – buying a new home outright.
- B: Zero Rent Shared Ownership - buying a shared ownership new home – where a homeowner has no mortgage or where a homeowner's existing mortgage can continue or a new mortgage can be obtained.

- C: With Rent Shared Ownership - buying a shared ownership new home – where a homeowner's existing mortgage cannot continue nor can a sufficient new mortgage be obtained.
- D: Alternatives - where home ownership is no longer a feasible option the council will explore other options, including a rented home on the rebuilt estate.

All options allow resident homeowners to purchase additional shares in the new homes up to 100% and provide the right to transfer the lease to a spouse, civil partner or family member who has been living with them for more than a year. If none of these options is feasible, the council is committed to working with residents to look at the best option to enable them to live on the new estate, including the option of a rented home at an affordable rent.

For those who do not wish to live on the estate, the council offers market valuation by an independent agent, a loss payment, support with moving and advice and information on future housing.

### **Finance summary**

The council is confident that the proposed Key Guarantees offer the best deal for residents while ensuring the estate regeneration programme is financially deliverable.

The most significant costs in delivering the Key Guarantees are associated with the commitment to re-house all existing secure tenants on the estates in newly built homes and to enable resident homeowners to stay living on their estate. Additional costs will include the cost of outright purchase of homeowner interests with associated Stamp Duty Land Tax, the costs of paying off homeowner mortgages where appropriate, the range of costs associated with moves including fees for professional advice, home loss, disturbance, decant and temporary accommodation costs as well as the loss of income from any partial shares in shared ownership homes provided rent-free to existing homeowners. Overall, these costs will need to be offset by receipts from sales, market rents and shared ownership rents. In order to honour these guarantees, the council/Homes for Lambeth will need to ensure that the tenure mix provided across the regenerated estates, together with the construction phasing, is optimised in order to ensure overall financial viability for the schemes.

Some capital funding is already in place to commence the process of property buybacks from those homeowners who wish to sell back to the council. The council will be able to complete these programmes of buy back in partnership with Homes for Lambeth, allowing these up-front costs to be recouped and the monies recycled into later purchases.

### **Recommendations**

1. To approve the Key Guarantees for Tenants (the principles).
2. To approve the Key Guarantees for Homeowners (the principles).
3. To require officers to produce revised Key Guarantee booklets for tenants and homeowners, embedding the proposed changes to the Key Guarantee mechanisms as set out in Appendix B.
4. To delegate authority to officers to adapt, when necessary (as defined in Section 2), the mechanisms by which the Key Guarantees are implemented so long as any such changes continue to deliver the adopted Key Guarantee principles.

## **1. Context**

- 1.1 As a landlord, Lambeth Council has a number of legal obligations to its tenants and leaseholders that must be adhered to within any regeneration process. These may be rights around the tenancy agreements for council tenants or rights related to lease agreements with homeowners.
- 1.2 It is good practice for regeneration schemes to set out in separately defined booklets for tenants and homeowners what they can expect from the council as their homes undergo redevelopment. Lambeth is doing this via its Key Guarantees to tenants and homeowners on regeneration estates.
- 1.3 The purpose of the Key Guarantees is to reduce, as far as possible, the uncertainty felt by residents where they will be required to move home as a consequence of estate regeneration, to provide residents with certainty that a new home will be available to them through the process of regeneration and to ensure that both residents and non-residents are adequately compensated for having to move or sell their home. Whilst some of the communications around the Key Guarantees has covered some issues relating to future contractual rights that residents may have living in future Homes for Lambeth properties, this latter matter will be addressed in full through a forthcoming consultation around the future tenancies and leases to be adopted by Homes for Lambeth.
- 1.4 The Key Guarantees being recommended to Cabinet for adoption across the estate regeneration programme are fair, give people the opportunity to stay on their estate and help keep communities together. The Key Guarantees also include various commitments from the council for residents involved in the regeneration process – keeping them informed throughout the regeneration process, involving them in the design process of new homes, helping them through the process of moving home (with extra help provided for those who are vulnerable or have special needs), providing appropriate adaptations to new properties and explaining how residents and non-resident homeowners will be compensated. The council is confident that all the principles outlined in this report are deliverable and will offer the best possible deal for residents.
- 1.5 In December 2014 the council's Cabinet took the formal decision to begin the estate regeneration programme across six estates in the borough. The identified estates were Central Hill, Cressingham Gardens, Fenwick, Knight's Walk, South Lambeth and Westbury. For each of these estates, feasibility work was commenced to explore the extent of regeneration that would be appropriate for each neighbourhood. When the conclusion of the feasibility work for the first estate was presented to the council's Cabinet, a set of draft Key Guarantees were appended to the report for adoption to enable progression of regeneration work (see Cabinet Decision for Cressingham Gardens of July 2015).
- 1.6 Since July 2015, Cabinet Decisions have been taken to proceed with varying degrees of redevelopment for five of the six originally identified estates. A report is also being presented to Cabinet on the future of the Central Hill estate.
- 1.7 Council officers have continued to engage with and listen to those residents affected by estate regeneration schemes with a view to improving the Key Guarantees at an appropriate time. The council also commissioned TPAS (Tenant Participatory Advisory Service), a well respected organisation that helps tenants and leaseholders, to review the Key Guarantees and benchmark them against the practice of other local authorities, in particular other London local authorities. The full TPAS Review can be found at:  
[http://estateregeneration.lambeth.gov.uk/improving\\_the\\_key\\_guarantees](http://estateregeneration.lambeth.gov.uk/improving_the_key_guarantees).

- 1.8 The Key Guarantees apply to those residents (to whom the council has a legal obligation) who have to move from their current homes as they will be demolished as part of an estate regeneration development.
- 1.9 In developing the Key Guarantees, the council has had to balance the benefits offered to homeowners with the need to ensure the deliverability of the programme. The council wishes to deliver the best possible deal for residents within a realistic financial model that delivers more and better homes. The council is confident that all the principles outlined in this report are deliverable and will offer the best possible deal for residents.
- 1.10 In the booklet used for consulting on the proposed Key Guarantees for tenants (Appendix A), that were consulted on in the Autumn of 2016, the council set out that tenants would not have the Right To Buy in the future Homes for Lambeth assured lifetime tenancies. However, the council is reviewing this position and will consult further with tenants on a contractual Right To Buy as part of discussions with them on the the future Homes for Lambeth assured lifetime tenancies.
- 1.11 The principles of the Key Guarantees will guide the delivery of our estate regeneration programmes. This report asks Cabinet to make a decision to fix these principles and offer certainty to residents by doing so. How exactly certain elements of the Key Guarantees will be delivered may depend on specific circumstances in each estate and on future government legislation and guidance, and how the Key Guarantee principles are implemented will be decided alongside residents based on these factors. The council is confident that all the principles outlined in this report are deliverable and will offer the best possible deal for residents.

### **Links to Council Policy**

- 1.12 The recommendations in this Cabinet Report are consistent with the Lambeth Borough Plan 2016 to 2021. In particular the Key Guarantees link to the commitment towards Strong and Sustainable Communities.
- 1.13 The Key Guarantees will ensure the council can meet its commitment to enable communities to remain together through estate regeneration projects. They provide the opportunity for people to remain living on their current estate and move into good quality new homes.
- 1.14 The Key Guarantees will be implemented consistently with other relevant council policies and strategies, such as the Housing Allocations Policy, except where it is explicitly stated otherwise.

## **2. Proposal and Reasons**

- 2.1 The proposal is that following the period of consultation and review (which included the independent review by TPAS), the revised Key Guarantees contained within this report are adopted by the council for the estate regeneration programme. The council is confident that all the Key Guarantee principles outlined in this report are deliverable and will offer the best possible deal for residents.
- 2.2 Appendices A1 and A2 are the consultation booklets that were used for the formal consultation exercise that was run in the Autumn of 2016. These represent the proposed Key Guarantees for consultation purposes, which as a result of that consultation exercise are now going to be amended and adopted as set out in this Cabinet Report. At the beginning of each of these booklets, the key changes are set out from the original Key Guarantees that were adopted in July 2015.

- 2.3 There are seven Key Guarantees for each of tenants and homeowners. Cabinet is being asked to approve and formally adopt as council policy the principles (these are listed out in paragraph 2.7 to 2.20 inclusive).
- 2.4 Cabinet is asked to delegate to officers the ability to amend the mechanisms by which the *principles* will be met. As the estate regeneration programme progresses, it may become apparent that there are other ways in which the principles of the Key Guarantees can be better met or changes in national legislation may require changes to the way that the Key Guarantees should be implemented.
- 2.5 Each of the the Key Guarantees contains two components:
- a principle; and,
  - a mechanism by which that principle can be met.
- 2.6 It is proposed that the principles, as set out below, are adopted by Cabinet.

**Key Guarantees for Tenants – the Principles:**

- 2.7 **Key Guarantee 1:** If your home is going to be demolished as a consequence of estate regeneration, you will have the choice of either taking a newly built home on your estate or take 'Band A' status to enable you to move to another council or housing association home in Lambeth.
- 2.8 **Key Guarantee 2:** You will be able to move into a home that meets your housing needs. If applicable, your newly built home will be designed to meet your disability requirements.
- 2.9 **Key Guarantee 3:** Your rent, as an assured lifetime tenant living in a newly built Homes for Lambeth home, will be set in the same way as council rents. If you experience an increase in your rent as a result of moving to a newly built home, then your rent increase will be phased in over a five year period.
- 2.10 **Key Guarantee 4:** You will be compensated for having to move. A home loss payment will be paid to you, plus reasonable disturbance costs.
- 2.11 **Key Guarantee 5:** The council will provide you with help to enable your move, with additional support offered to you if you have special needs or a disability.
- 2.12 **Key Guarantee 6:** The council will provide you with advice and information to help you make informed decisions about your future housing.
- 2.13 **Key Guarantee 7:** If you choose to stay on your current estate, you will be able to get involved in the design of the new homes and the estate as a whole and influence decisions around the phasing of building new homes and the construction works.

**Key Guarantees for Homeowners – the Principles:**

- 2.14 **Key Guarantee 1:** If you, as a resident homeowner, wish to continue to live on your new estate, you will be given the opportunity to do so. You will be offered a range of options to cater for your personal financial circumstances. If none of these options are adequate to enable you to continue living on your estate, the council will explore alternatives with you. (This Guarantee does not apply to non-resident homeowners).

- 2.15 **Key Guarantee 2:** If you, as a homeowner, do not currently live on the estate or do not wish to live in a home on the newly built estate, you can sell your home at the market value to the council after an independent valuation and make your own new housing arrangements. (This Guarantee is the only option available to non-resident homeowners).
- 2.16 **Key Guarantee 3:** The valuation of your property will be independent and based on market values and you will be compensated for having to move home.
- 2.17 **Key Guarantee 4:** The council will provide you with help to enable your move, with additional support offered to you if you have special needs or a disability.
- 2.18 **Key Guarantee 5:** The council will provide you with advice and information to help you make informed decisions about your future housing.
- 2.19 **Key Guarantee 6:** If you choose to stay on your current estate, you will be able to get involved in the design of the new homes and the estate as a whole and influence decisions around the phasing of building new homes and the construction works.
- 2.20 **Key Guarantee 7:** If you choose to stay living on your estate and if you require adaptations due to a disability or that of a family member, you will be able to have these adaptations made to your new home.

#### **Key Guarantee – Mechanisms**

- 2.21 Appendix B sets out the detailed changes to the mechanisms, as were set out in the consultation booklets (Appendices A1 and A2) that support the proposed Key Guarantees. If Cabinet adopts the recommendations in this report, officers will produce new revised booklets setting out the final Key Guarantees and any required supporting options, mechanisms and information, which will embed the changes identified in Appendix B. These booklets will be issued to residents by end of June 2017.
- 2.22 It is proposed that officers maintain the mechanisms, by which the Key Guarantees are met, under review and will from time-to-time up-date them or amend them. Such adaptations will only be made as a consequence of lessons learnt from implementation of the Key Guarantees on the estate regeneration programme, where processes or procedures need to be improved or because of outside influences (such as changes to national legislation or other council policy). Any changes to the mechanisms made by officers must conform to the Key Guarantee principles.
- 2.23 The reason for adopting the Key Guarantees is to minimise the uncertainty for those residents who are directly affected by estate regeneration and to ensure that residents are adequately compensated for being required to move home.
- 2.24 A draft set of Key Guarantees have been in operation since July 2015.
- 2.25 Council officers have engaged with those residents directly affected by estate regeneration on how the draft Key Guarantees could be improved over an extended period of time. A formal review has also been undertaken by a respected external agency (TPAS) to consider where the draft Key Guarantees could be improved and how they compare to best practice.

- 2.26 Further minor changes have been identified to the proposed Key Guarantees as a consequence of this consultation process.
- 2.27 Council officers are confident that the Key Guarantees as presented are as appropriate, reasonable and robust as they can be taking into account commercial and legal considerations. Council officers are confident that a reasonable balance has been achieved between the need to compensate homeowners, fairness to tenants and the desire to deliver additional homes for council rent.
- 2.28 Council officers will be looking to identify how best to confirm residency in existing properties to ensure that the offers to residents that are contained in the Key Guarantees are not offered to non-residents.

### **3. Finance**

- 3.1 The council is confident that the proposed Key Guarantees offer the best deal for residents while ensuring the estate regeneration programme is financially deliverable.
- 3.2 The most significant costs in delivering the Key Guarantees are associated with the commitment to re-house all existing secure tenants on the estates in newly built homes and to enable resident homeowners to stay living on their estate. Additional costs will include the cost of outright purchase of homeowner interests with associated Stamp Duty Land Tax, the costs of paying off homeowner mortgages where appropriate, the range of costs associated with moves including fees for professional advice, home loss, disturbance, decant and temporary accommodation costs as well as the loss of income from any partial shares in shared ownership homes provided rent-free to existing homeowners. Overall, these costs will need to be offset by receipts from sales, market rents and shared ownership rents. In order to honour these guarantees, the council/Homes for Lambeth will need to ensure that the tenure mix provided across the regenerated estates, together with the construction phasing, is optimised in order to ensure overall financial viability for the schemes.
- 3.3 Some capital funding is already in place to commence the process of property buybacks from those homeowners who wish to sell back to the council. The council will be able to complete these programmes of buy back in partnership with Homes for Lambeth, allowing these up-front costs to be recouped and the monies recycled into later purchases.

### **4. Legal and Democracy**

- 4.1 Article 1 of The First Protocol of the Human Rights Act 1998 provides that every person is entitled to the peaceful enjoyment of their possessions and that no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. These provisions do not impair the rights of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.
- 4.2 Article 8 of the Human Rights Act gives everyone the right to respect for their private and family life, their home and their correspondence. A public authority is not permitted to interfere with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 4.3 In the decision by the Secretary of State not to confirm the Aylesbury CPO in September this year, he agreed that if the CPO had been confirmed it would have considerable economic, social and environmental dis-benefits in terms of consequences for those leaseholders remaining on the land. The Secretary of State agreeing with the Inspector found that in practice the options for most leaseholders was either to leave the area or to invest a majority of their savings in a new property. The Secretary of State found amongst other matters, that the interference with residents' (in particular leaseholders') Article 8 rights was not demonstrably necessary or proportionate, taking into account the likelihood that if the scheme was approved, it would probably force many of those concerned to move from that area. Further, the Secretary of State concluded the impact of confirming that order was likely to disproportionately impact on those with the protected characteristics of both age (the elderly and children) and ethnicity (those of BME ethnicity in particular).
- 4.4 Whilst L.B. Southwark are in the process of judicially reviewing this decision, it is clear that the offer to residents needs to comprehensively address the dis-benefit of the redevelopment, as far as is practical, whilst balancing the needs for the scheme to remain viable and provide value for money, bearing in mind the council's fiduciary duty to the Council Tax payer and residents of the borough. Should a CPO be applied for, the Key Guarantees, the mechanisms underpinning these and the application of these in a consistent, transparent and fair manner will play a central role in demonstrating how the council has addressed any dis-benefit of the redevelopment of the estate. When making a compulsory purchase order, members and the Secretary of State in authorising it, will need to be sure that the purposes for which the compulsory purchase order is made justifies the interference with the human rights of those with an interest in the land affected and that the 'balance' is right in respect of the overarching 'public interest' as against the individual rights being 'interfered' with.
- 4.5 Section 105 of the 1985 Housing Act requires the council to maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management, including a new programme of maintenance, improvement or demolition:
- to be informed of the authority's proposals in respect of the matter; and,
  - to make their views known to the authority within a specified period.

The council is required, before making any decision on the matter, to consider any representations made to it in accordance with those arrangements.

- 4.6 Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties 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 and other conduct prohibited under that act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and,
  - Foster good relations between those who share a protected characteristic and those who do not share it, which involves having due regard, in particular, to the need to:
    - (a) tackle prejudice; and,

(b) promote understanding.

- 4.7 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, including, in particular, steps to take account of disabled persons' disabilities; and,
  - (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.
- 4.8 Compliance with the duties in section 149 of the Act 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 the Act.
- 4.9 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.
- 4.10 When considering whether to adopt the recommendations of this report, the decision maker will be exercising discretion within the constraints of the duties referred to above and should therefore have in mind the following principles of administrative law:
- the decision must be within the council's powers;
  - all relevant information and consideration, including the council's fiduciary duty to the Council Tax payer, must be taken into account; and,
  - all irrelevant considerations, including unauthorised purposes, must be ignored.
- 4.11 This proposed key decision was entered in the Forward Plan on 21 October 2016 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

## **5. Consultation and co-production**

- 5.1 The Key Guarantees have been very extensively consulted on and developed in collaboration with Lambeth residents. The Key Guarantees were first developed as a set of Regeneration Principles in 2014, when the council was first considering the estate regeneration programme, where such regeneration principles were prepared in consultation with both Leasehold Council and Tenants Council.

- 5.2 In preparation for the first Cabinet decision on the future of an estate being considered for redevelopment, the regeneration principles were converted into the Key Guarantees and then adopted in draft.
- 5.3 Over the course of 18 months, the council has undertaken a considerable amount of engagement with the residents on the six estates being considered for regeneration. On five of those estates, the draft Key Guarantees have been implemented, in some cases for over a year. This has enabled lessons to be learnt and fed back into revisions to how the Key Guarantees are presented and structured.
- 5.4 In late 2015, the council commissioned TPAS (Tenants Participatory Advice Service), a well-respected organisation that helps tenants and leaseholders, to review the Key Guarantees, in particular to consider how they perform against legislative requirements and to benchmark the Key Guarantees against the commitments made by other (primarily London) local authorities that are involved in estate regeneration. The TPAS review is available on the Lambeth estate regeneration website at [https://d3n8a8pro7vhmx.cloudfront.net/lambethhousingregen/pages/535/attachments/original/1455529905/GPE\\_Key\\_Guarantees\\_Estate\\_Regeneration\\_Schemes\\_Final\\_150216.pdf?1455529905](https://d3n8a8pro7vhmx.cloudfront.net/lambethhousingregen/pages/535/attachments/original/1455529905/GPE_Key_Guarantees_Estate_Regeneration_Schemes_Final_150216.pdf?1455529905).
- 5.5 The conclusions of this review were that:
- the draft Key Guarantees exceeded minimum legal requirements; and,
  - the draft Key Guarantees performed very well in comparison to those offered by other local authorities, in many instances exceeding those provided elsewhere.
- 5.6 Drawing on the extended engagement period and the TPAS review, council officers amended the draft Key Guarantees to produce the proposed Key Guarantees.
- 5.7 A formal consultation period was held to obtain feedback on these proposed Key Guarantees. The consultation period ran for 5 weeks, from 17<sup>th</sup> October to 21<sup>st</sup> November 2016.
- 5.8 They were provided to key interested parties, such as Tenants Council, Leasehold Council, Resident Engagement Panels and Independent Advisers a week or so earlier, thereby providing them with six weeks to respond.
- 5.9 At the beginning of this consultation period, the booklets as provided in Appendix A, were distributed to all tenants and homeowners respectively across the six estate regeneration estates. A series of consultation events were then held on each of the six estates, where such consultation exercises were tailored to the needs and circumstances of each estate. Consultation events included drop-ins, workshops and inclusion of the draft Key Guarantees in other larger events. Feedback was also received in written form, primarily through the estate regeneration website. Supporting Documents are provided which summarise the consultation that has taken place in October and November 2016.
- 5.10 During the consultation process, the council collected together frequently asked questions and issued a Questions and Answers note to all residents on the estate regeneration estates – see Supporting Documents.

## **6. Risk management**

- 6.1 Whilst the Key Guarantees provide the benefit of compensating residents for having to move home and also help meet the council's objective to seek to enable communities to remain together, the Key

Guarantees also reduce the risk to progressing estate regeneration projects. While, as highlighted in the Finance Section (Section 3 of this report), honouring the Key Guarantees is costly, at the same time they reduce risks to the delivery of an estate regeneration project and reduce the costs associated with land assembly.

- 6.2 As identified by the TPAS Review, there is now considerable precedent set across London in terms of commitments to residents affected by estate regeneration. There is also emerging policy on this matter from the Greater London Authority with the recently published consultation draft of a Good Practice Guide to Estate Regeneration. The Key Guarantees are consistent with such precedent and perform well against the draft Good Practice Guide (see Appendix C).

## **7. Equalities impact assessment**

- 7.1 The impact of estate regeneration and the implementation of the Key Guarantees will be different for each project at different times and therefore EqIAs are required on a project basis and reviewed at regular intervals. No specific equalities impact assessment has been carried out to inform this Cabinet Report as they are being carried out at a project level. The Key Guarantees are, however, drafted in such a way that they enable the council to meet its public sector equalities duties.
- 7.2 At a programme level, in order to ensure that equalities matters are addressed, the following approach is taken.
- 7.3 In progressing estate regeneration projects, the Housing Regeneration team will abide by the council's approach to equalities, which are embedded in the Future Lambeth Borough Plan. The principles that will be followed by the Housing Regeneration team will be:
- 7.3.1 **Information.** Any equalities strategy for an estate regeneration project is only as good as the information it is based on. It is therefore essential to collect adequate information concerning those affected by estate regeneration and to maintain such information up-to-date. This is undertaken through the course of estate regeneration projects by means of activities such as housing needs assessments, which are carried out for all affected households.
- 7.3.2 **Training.** Equalities principles must be embedded in all minor decision-making throughout an estate regeneration project. This requires that those working on estates projects are continually mindful of equalities issues and have access to adequate training to ensure that they embrace such principles in their day-to-day work.
- 7.3.3 **Assessment.** Formal equalities impacts need to be carried out to inform any major decisions or commitments on the future of an estate. For a typical estate regeneration project, equalities impact assessments are required at the following stages:
- Feasibility Stage – to help inform whether or what part of an estate will be redeveloped – an Equalities Impact Assessment accompanies the Cabinet Decision on the scale of redevelopment for an estate;
  - Masterplanning and Local Lettings Plan Stage – to help inform the design work and to ensure that the replacement homes adequately cater for the existing community of residents, whose homes are being demolished – an Equalities Impact Assessment then accompanies any Cabinet Report that seeks authorisation for a compulsory purchase order; and
  - Allocations – to help inform the allocations process to ensure that homes are allocated in a way that conforms with equalities principles – once construction and decanting has commenced, equalities reviews will be undertaken at pre-defined intervals specific to each estate.

## **8. Community safety**

8.1 Not relevant. Community safety is a factor for consideration on individual estate regeneration projects.

## **9. Organisational implications**

### **9.1 Environmental**

Not applicable.

### **9.2 Staffing and accommodation**

Delivery of the Key Guarantees will take place through the estate regeneration programme and will be implemented by the Housing Regeneration team.

### **9.3 Procurement**

There is a commitment to keep Independent Advisers engaged on each estate regeneration project for the full life of the project. This will require re-procuring the current Independent Advisers, as it will mean for most projects that such fees will go above OJEU thresholds.

### **9.4 Health**

The Key Guarantees help to reduce uncertainty around estate regeneration projects and should therefore reduce any stress experienced by those residents on estates experiencing estate regeneration. The Key Guarantees embed within them commitments to ensuring that those with disabilities and special needs are given the extra help that they require to enable them to move home.

## **10. Timetable for implementation**

10.1 If the recommendations in this report are adopted, then officers will amend the Key Guarantees booklets and re-issue to residents on estate regeneration estates. This will take place before the end of June 2017. Until such Key Guarantee booklets have been issued, the current draft Key Guarantees will remain in effect.

10.2 It is not envisaged that the Key Guarantee principles will require revising unless there are major changes to legislation around estate regeneration. The mechanisms, which underpin the way the Key Guarantees will be implemented, will be kept under review by officers and revised from time-to-time.

10.3 In the booklet used for consultation purposes around the Key Guarantees for tenants (Appendix A1), the council set out that tenants would not have the Right To Buy in the future Homes for Lambeth assured lifetime tenancies. However, the council is reviewing this position and will consult further with tenants on a contractual Right To Buy as part of discussions with them on the the future Homes for Lambeth assured lifetime tenancies.

10.4 The council is currently preparing the future proposed tenancies and leases to be adopted by Homes for Lambeth. During the spring of 2017, the Independent Advisers, retained on the regeneration estates, will help the council carry out an independent legal review of the proposed contents of the tenancies and leases. This will be followed by consultation with residents on the draft tenancies and leases, which will take place over the summer of 2017.

| Audit trail   |                                     |           |               |                   |
|---|-------------------------------------|-----------|---------------|-------------------|
| Consultation  |                                     |           |               |                   |
| Name/Position   | Lambeth cluster/division or partner | Date Sent | Date Received | Comments in para: |
| Rachel Sharpe on behalf of Sue Foster Strategic Director. | Director, Strategic Housing,        | 09.03.17  | 14.03.17      | All               |
| Matthew Bennett   | Cabinet Member for Housing          | 09.03.17  | 14.03.17      | All               |
| Neil Vokes  | Associate Director                  | 09.03.17  | 13.03.2017    | All               |
| Christian Fleming, Finance                                | Corporate Resources                 | 09.03.17  | 14.03.17      | Section 3         |
| Greg Carson, Legal Services                               | Corporate Resources                 | 13.03.17  | 14.03.17      | Section 4         |
| Henry Langford, Democratic Services                       | Corporate Resources                 | 02.03.17  | 14.03.16      | All               |

| Report history   |  |
|--|--|
| Original discussion with Cabinet Member                          | September 2016   |
| Report deadline  | 13.03.17   |
| Date final report sent   | 15.03.17   |
| Part II Exempt from Disclosure/confidential accompanying report? | No   |
| Key decision report  | Yes  |
| Date first appeared on forward plan                              | 21.10.16   |
| Key decision reasons   | 2. Expenditure, income or savings in excess of £500,000<br>3. Meets community impact test  |
| Background information   | <ul style="list-style-type: none"> <li>• <a href="#">Future Lambeth Borough Plan, 2016-20</a></li> <li>• <a href="#">Delivering Better Homes, Cabinet report, dated 4th Nov 2013</a></li> <li>• <a href="#">Lambeth Estate Regeneration Programme: Strategic Delivery Approach' (22/10/12)</a></li> <li>• <a href="#">Building the homes we need to house the people of Lambeth, Cabinet Report, dated 8<sup>th</sup> December 2014</a></li> <li>• <a href="#">Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – Cressingham Gardens Estate</a></li> <li>• <a href="#">TPAS Review</a></li> </ul> |
| Appendices   | <ul style="list-style-type: none"> <li>• Appendix A – Consultation Booklets (October 2016)</li> <li>• Appendix B – Changes to be made to the Key Guarantee mechanisms</li> <li>• Appendix C – Consideration of GLA draft Good Practice Guide</li> <li>• Appendix D: Key Guarantees Consultation Report and Appendices</li> </ul>   |

