

**Key Guarantees in
Estate Regeneration:**

Review of Policy and Good Practice

**London Borough of Lambeth
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Contents

Background	3
Part One: Review of Key Guarantees	4
Section 1: Key guarantees for existing secure tenants	5
Section 2: Key guarantees for existing resident homeowners	18
Part Two: Best Practice Analysis of Key Guarantees	30
Appendix 1: Secure Tenants Affected by Regeneration - Comparison Table	33
Appendix 2 : Homeowners Affected by Regeneration - Comparison Table	37
Resource list	41

Background

The Council's proposals for estate regeneration grew out of the findings of the Lambeth Housing Commission established in December 2010. The Council's Cabinet agreed the Lambeth Housing Standard for investment in its housing stock in March 2012. The report considered by the Cabinet also identified an investment funding gap and the need for estate regeneration. The Council formally commenced its estate regeneration programme in December 2014, identifying six estates for consideration for regeneration.

An assessment of the Council's estates was therefore undertaken as well as a process working with residents to develop a charter of principles for the council to follow in regeneration schemes. The Key Guarantees were drafted as a result and were included in a report to the Cabinet in March 2015. Further to engagement with residents across the affected estates in the estate regeneration programme, these Key Guarantees were revised by a Cabinet decision in July 2015.

Since then the Key Guarantees in the same form have been adopted by the Cabinet for three estate regeneration schemes at South Lambeth, Westbury and Knight's Walk. The Council has undertaken to continue to consult with residents about the Key Guarantees, but that they would only change for exceptional reasons.

TPAS has been commissioned by the London Borough of Lambeth to conduct an independent evaluation of the Key Guarantees offered to secure tenants, leaseholders and resident homeowners affected by the councils' housing-led regeneration proposals. Current proposals include demolition, refurbishment and new housing development affecting council housing and privately owned homes. Homes for Lambeth – a wholly Council-owned Special Purpose Vehicle – has been set up to secure finance and deliver the Council's proposals for cross-tenure development and regeneration.

This TPAS report is provided in two parts:

Part one reviews the Key Guarantees by outlining the legislation and regulation which governs them, the actions necessary to deliver them, and how legislation or regulation governs or constrains these actions.

Part two evaluates the Key Guarantees and compares these with other estate regeneration schemes in London. Two appendices are included at the end of this report to support the comparison analysis.

Both parts of the report refer to actions and responsibilities as they relate to the Council. The Key Guarantees are offered by the Council, and the residents have a tenancy or leasehold with the Council. In practice it is likely that Homes for Lambeth will assume responsibility for implementing some of the Guarantees, and the SPV should therefore be aware of the findings of this review. Care should be taken to communicate to residents which organisation is responsible for which actions.

Part One: Review of Lambeth's Key Guarantees

Introduction

Lambeth Council has agreed to proceed with a programme of regeneration for a number of its estates. The regeneration will have a major impact on current residents and so the Council has spent several months developing and refining a series of Key Guarantees with secure tenants and homeowners on the estates. The Key Guarantees in their current form first appeared in a report to the Council's Cabinet concerning the Cressingham Gardens estate.

The purpose of the Key Guarantees is to:

- Provide those who will be affected by regeneration with as much certainty as possible to enable them to understand better how regeneration will affect them
- Provide confidence to those who will be affected by regeneration that, as far as is possible, they will not be made homeless as consequence of regeneration
- Set out how tenants and homeowners will be compensated for being forced to move or have to sell their home as a consequence of regeneration
- Enable the Council to negotiate with homeowners either to acquire their properties or to enter into an equity swap agreement
- Make it clear that CPOs may be required to facilitate the delivery of each estate and that negotiations with leaseholders will be taking place in that context.

The Council has stated three principles that will govern implementation of the Key Guarantees:

- They will be implemented in the context of existing Lambeth Policies (noting any specific exceptions)
- Officers will work with the residents of each estate to formulate a local lettings policy that will determine how new built homes will be allocated, taking into consideration the housing needs of the existing residents on an estate
- Officers should explore what opportunities there may be to provide assistance to tenants of private landlords on estates, with a view to enabling such tenants to remain part of the community of the estate or at the least to remain part of the community of Lambeth.

Lambeth Council wants to give residents certainty as regards the legal frameworks surrounding these guarantees. In particular the Council wants to provide assurance that it:

- Has the powers to do what is necessary to offer and deliver on the guarantees
- Understands the limits on its powers set by statute.

This part of the report considers the guarantees for tenants and homeowners separately. It takes each guarantee in turn, and for each it outlines:

- What legislation or regulation governs that type of activity
- What key actions would be necessary to deliver the guarantee
- How legislation or regulation governs or constrains these actions.

The report has been prepared as the Housing and Planning Bill is passing through Parliament. Amendments tabled to date indicate that this legislation may be materially relevant to the management of tenancies and regeneration once enacted. It is strongly recommended that the Council identifies and takes account of any relevant provisions once the final text of the legislation is available.

Section 1: Key guarantees for existing secure tenants

Guarantee 1

Any secure tenant who wishes to continue to live at their current estate will have the opportunity to do so

Relevant legislation/regulation

This Guarantee goes beyond statutory requirements. There is no legal right to return in cases of decant for demolition.

Tenants can voluntarily agree to decant to enable the redevelopment, and such agreement would be reached outside of statutory provisions.

Where tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Ensure that the redevelopment delivers accommodation which suits the personal circumstances of secure tenants
- Develop an appropriate mechanism for allocating such accommodation to current secure tenants.

It may be beneficial to identify how many introductory and demoted tenants live on the estate and to set out how they will be treated. They are not secure tenants, and therefore are not being given the right of return specified in this guarantee. This would give tenants in these circumstances clarity about how they would be treated, and would also help the Council to quantify the provision of new accommodation it plans to make for current tenants.

To comply with statutory requirements, the council will need:

- A mechanism to offer suitable accommodation with security equivalent to their current property, and comparable price and size, to anyone whose secure tenancy is terminated using ground 10/10A.

Impact of legislation/regulation on key actions

Legislation does not guarantee where tenants can be offered accommodation when decanted due to demolition (either voluntary or mandatory move). However, because the Council may need to take legal action to gain possession of properties, legislation governing termination of tenancy to enable redevelopment should influence how the Council specifies this guarantee.

If Ground 10 is used to gain possession of tenanted properties, the Council must offer suitable alternative accommodation. Suitability relates to location, size, cost, and comparability with offers made to similar households. A guaranteed offer of Council accommodation on the estate would show compliance with the Housing Act 1985, as long as the cost to the tenant and size of property were also comparable to the tenant's previous home. If rented, the accommodation would have to be let under a secure or assured tenancy because assured shorthold would not be sufficiently secure.

If Ground 10A is used to gain possession, the requirements on the Council are somewhat higher. The Secretary of State must consider and approve the regeneration scheme. In doing this he will consider (amongst other things) to what extent the scheme includes provision for housing provided under that scheme to be sold or let to existing tenants or people nominated by the landlord. The existence of guarantees 1-9 would be relevant to such a consideration. As with Ground 10, the Council will need to show that the tenancy offered for the new accommodation is just as secure as the tenant has in their current accommodation and that the alternative accommodation is reasonably suitable (location, size, cost, consistency of offer) for the needs of the tenant and any family.

Guarantee 2

Any secure tenant who wishes to remain a council tenant will be able to do so

Relevant legislation/regulation

This Guarantee goes beyond statutory requirements. There is no legislation governing voluntary arrangements where tenants agree to decant to enable the redevelopment. There is no right to remain a tenant when the Council seeks possession from introductory or demoted tenants who will not move voluntarily. However, where secure tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

The Council has the legal power to deliver this guarantee. The Housing Act 1996, as amended by Localism Act 2011, governs allocations. The Council has flexibility within this to undertake the necessary actions to allocate new secure tenancies to existing secure tenants. The legal framework for allocation to council properties is in Part 6 of the Housing Act 1996,

although the Council may choose to use management transfer to let properties to existing tenants, and this sits outside of Part 6 requirements.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Have a procedure to enable tenants to select and be offered a council property to move to. The Lambeth Home Connections scheme will provide such a procedure, and under the terms of the allocations policy the tenant would get priority within the scheme to ensure they can secure accommodation elsewhere in an appropriate timeframe.

Impact of legislation/regulation on key actions

Legislation does not guarantee that secure council tenants can remain council tenants when decanted to enable demolition (either voluntary or mandatory move). If Ground 10/10A is used to gain possession, the Council must offer suitable alternative accommodation. Legally this accommodation could be provided by any landlord that offers appropriate secure or assured tenancies (in practice this would be a council, housing association or for profit registered provider).

Any tenant who would meet the reasonable preference criteria for allocation of housing needs to be treated according to it even if estate residents are treated outside of the allocations scheme to facilitate the regeneration (CLG allocations guidance).

To deliver this guarantee tenants could be moved under management transfer rather than bidding through the allocations scheme. The approach to management transfers is at the council's discretion and is not covered by allocations legislation (Part 6 of the Housing Act 1996). However, adherence to the Council's own allocation scheme would protect against a challenge to the 'suitability of accommodation' made by tenants who are required to move under Ground 10/10A.

Guarantee 3

Secure tenants who have to move will have the choice:

- EITHER to take an assured lifetime tenancy as a tenant in a new home on the estate
- OR, if available, to take a secured tenancy in an existing refurbished home on the estate
- OR, will be given high priority (Band A) to bid for a new home elsewhere in the Borough through the Choice Based Lettings scheme.

Relevant legislation/regulation

This guarantee goes beyond statutory requirements. There is no legislation governing voluntary arrangements where tenants agree to decant to enable the redevelopment. The Housing Act 1985 states that tenants being required to move (Ground 10/10A) must be offered suitable alternative accommodation. It does not specify location, or tenure but security must be equivalent. It does not require a choice of accommodation.

The guarantee also enables compliance with regulatory requirements. The HCA tenancy standard states that tenants who are required to move due to redevelopment must be offered no less security on their return to settled accommodation. It also states that tenants whose tenancy started prior to 1 April 2012 must have no less security if they choose to move, unless they move to a tenancy where the property is let at an Affordable Rent (Lambeth Council refers to these as LHA rent tenancies).

The Council does have the legal powers to deliver this guarantee. The Housing Act 1996, as amended by Localism Act 2011, governs allocations, including making offers and assignment of priority status to applicants. The Housing Acts 1985 and 1988 govern the types of tenancies that different organisations can offer. The Council should take note of clauses in the Housing and Planning Bill which require all new secure council tenancies to be fixed term (except where existing tenants are required to move for regeneration), and forthcoming regulations that will guide implementation of these clauses.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Ensure that the redevelopment delivers accommodation which suits the personal circumstances of secure tenants who wish to stay on the estate
- Develop an appropriate mechanism for allocating such accommodation to current secure tenants
- Ensure that the CBL scheme suits the personal circumstances of tenants on the estate, so that tenants who wish to leave the estate are not deterred from doing so voluntarily.

To comply with statutory requirements, the council will need:

- A mechanism to offer suitable accommodation with security equal to their current property, and appropriate price, size and location, to anyone whose secure tenancy is terminated using ground 10/10A.

Impact of legislation/regulation on key actions

The Housing Act 1985 requires the council to offer suitable accommodation with security equal to their current property, as well as appropriate price, size and location, to anyone whose secure tenancy is terminated using ground 10/10A.

The Localism Act 2011 gives councils the power to frame allocations schemes as they wish, as long as priority is given to named groups, so the power to put people in band A does exist.

The Council may need to make a direct offer if the Council gains possession and the former tenant does not engage and make a choice. Under the Housing Act 1996 use of direct offers is at the council's discretion. Similarly, the Council may wish to make a direct offer to tenants who do not agree to move but before possession proceedings are initiated.

Guarantee 4

Where a tenant chooses to remain and move to a newly built home on the estate, the new tenancy will be an assured lifetime tenancy. Where a tenant is able to move into a refurbished home on the estate, then it is likely that the tenancy will remain a secure tenancy. When a tenant chooses to move away from the estate they will have the opportunity to bid for a secure tenancy or an assured lifetime tenancy elsewhere in the borough.

Relevant legislation/regulation

This guarantee meets statutory and regulatory requirements, within the framework of choices offered in Guarantee 3. The Housing Act 1985 gives councils the power to offer secure tenancies. The Housing Act 1988 gives other registered providers (including council schemes outside the HRA) the power to offer assured tenancies.

HCA Tenancy Standard allows landlords to choose the duration of the tenancy, although it does encourage use of fixed terms. Properties let at Affordable Rent (LHA rents?) can be let on a fixed or lifetime term, and landlords commonly (not always) let to existing tenants on lifetime terms.

A clause in the Housing and Planning Bill requires all new secure council tenancies to be fixed term tenancies but this does not apply to existing tenants who are moved for regeneration purposes.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Ensure that internal processes for issuing tenancies take account of properties managed within and outside the HRA
- Ensure that other social landlords in the borough are prepared and equipped to offer lifetime tenancies to transferring tenants.

Impact of legislation/regulation on key actions

With this guarantee the Council is committing not to offer fixed term tenancies on its new properties. Landlords are able to rebase Affordable Rents (properties let at up to LHA rents) at the end of a fixed term, so the Council constrains itself to regulated increases if lifetime terms are offered.

Guarantee 5

The council assures that tenants will not be worse off in terms of the size of their accommodation than their current circumstances.

Relevant legislation/regulation

This guarantee goes beyond statutory requirements. There is no legislation governing voluntary arrangements where tenants agree to decant to enable the redevelopment. Where secure tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

However the legislation says alternative accommodation must be suitable for the needs of the family, it does not expressly say they must be offered equivalent accommodation.

The council does have the legal powers to deliver this guarantee. The Housing Act 1996 and Localism Act 2011 determine allocations rules, and this is supplemented by CLG guidance on allocation of accommodation (June 2012).

DWP regulations determine tenants' eligibility for Housing Benefit and Universal Credit, and these do take into account size of property compared to household composition for working age households.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Identify current household compositions
- Use knowledge of composition to inform the sizes of new properties developed
- Create a waiver or exceptions within the current allocations scheme to allow for deviation from usual requirements on property size and/or specification of occupants eligible for inclusion as a household member.

Impact of legislation/regulation on key actions

Councils are free to determine the size of property they allocate to tenants – the Housing Act 1996 and Localism Act 2011 are silent on size.

Councils are required to address under-occupation in their allocation schemes, and this guarantee may require the council to act outside its borough-wide allocation policy.

Accommodation offered to tenants who are subject to ground 10/10A must be reasonably suitable for the needs of the tenant and their family.

Working age tenants claiming Housing Benefit / Universal Credit will not be paid for more than the size of property they are deemed to need. The guarantee may expose the council and tenants to some financial risks.

Guarantee 6

The new home will meet your housing needs, according to the Lambeth Housing Allocation Scheme 2013 (noting an exception in relation to adult children, so that Key Guarantee 5 can be met).

Relevant legislation/regulation

This guarantee complies with statutory and regulatory requirements. Statutory requirements for allocations focus on prioritisation of households rather than alignment of property with need. The Housing Act 1996, as amended by the Localism Act 2011 oversees how properties are allocated (although transfers for redevelopment sit outside of Part 6). The HCA Tenancy Standard sets out the outcomes lettings should achieve, including meeting need and making best use of housing. The CLG guidance on allocations (2012) also encourages best use of stock. Where secure tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the

Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Assess housing need of households against the allocation scheme
- Ensure provision of new homes that cater for the range of needs identified (principally household size and composition, along with requirements linked to disability).

Impact of legislation/regulation on key actions

The Housing Act 1996 states that a local authority can allocate accommodation as it sees fit, largely so long as requirements on eligibility and priority are met.

A court considering a challenge to a ground 10/10A possession would look at consistency with the allocation scheme i.e. normal practice when determining if the alternative property offered is reasonably suitable for needs.

Guarantee 7

Tenants who are overcrowded will be offered a larger home that addresses the overcrowding, according to the Lambeth Housing Allocation Scheme 2013.

Relevant legislation/regulation

This Guarantee complies with statutory and regulatory requirements. The council has the powers to deliver the Guarantee.

The Housing Act 1996 sets the framework for allocation of accommodation. The same Act requires councils to prioritise overcrowded households in their allocation schemes, and the CLG guidance recommends adherence to the 'bedroom standard'. Similarly the HCA Tenancy Standard requires providers to address overcrowding.

Overcrowded households can be deemed to be homeless and owed a duty under homelessness legislation.

Where secure tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Assess household composition and levels of overcrowding
- Ensure provision of new homes that cater for the household sizes identified.

Impact of legislation/regulation on key actions

The Housing Act 1996 states that a local authority can allocate accommodation as they see fit, largely so long as requirements on eligibility and priority are met.

A court considering a challenge to a ground 10/10A possession would look at consistency with the allocation scheme i.e. normal practice when determining if the alternative property offered is reasonably suitable for needs.

Households allocated new accommodation that leaves them statutorily overcrowded would be able to apply promptly for transfer or homelessness assistance.

Guarantee 8

Tenants who are under-occupying by one bedroom or more will be offered a new home with one bedroom above their need (for example a couple living in a 3 bed home would be offered a 2 bed home when their need is a 1 bed).

Relevant legislation/regulation

This Guarantee complies with statutory and regulatory requirements. The council has the powers to deliver the Guarantee.

The Housing Act 1996 sets the framework for allocation of accommodation.

The HCA Tenancy Standard requires providers to address under-occupation.

DWP regulations determine tenants' eligibility for Housing Benefit and Universal Credit, and these do take into account size of property compared to household composition for working age households.

The CLG allocations guidance (2012) asks councils to have regard to the operation of the housing benefit system in their approach to under-occupation in their allocation schemes.

Where secure tenants are required to decant, e.g. where the Council applies to terminate a secure tenancy using ground 10 or 10A, Schedule 2 of the Housing Act 1985, the Council must comply with the onward-accommodation requirements specified in this legislation.

Key actions necessary

To deliver on this guarantee the Council will need to:

- Assess household composition and levels of under-occupation
- Ensure provision of new homes that cater for the household sizes identified.

Impact of legislation/regulation on key actions

The Housing Act 1996 states that a local authority can allocate accommodation as they see fit, largely so long as requirements on eligibility and priority are met.

A court considering a challenge to a ground 10/10A possession would look at consistency with the allocation scheme i.e. normal practice when determining if the alternative property offered is reasonably suitable for needs.

Working age tenants claiming Housing Benefit / Universal Credit will not be paid more than the size of property they are deemed to need. The guarantee may expose the council and tenants to some financial risks. The Council may wish to consider providing advice and

guidance on affordability to working age tenants in receipt of Housing Benefit / Universal Credit if they are subject to this guarantee.

Guarantee 9

Rents for the new homes will be at council rent levels and set in accordance with government guidelines.

Relevant legislation/regulation

This Guarantee complies with (current) statutory and regulatory requirements.

The council is asked to comply with government guidance on rents for social housing (2014) but is not required to do so. However the Welfare Reform and Work Bill will give a statutory basis for rent increases and rent setting for 2016-20 (1% reduction year on year).

Key actions necessary

To deliver on this guarantee the Council will need to:

- Calculate and apply appropriate social and affordable (LHA) rents for the new properties.

Impact of legislation/regulation on key actions

Once the Welfare Reform and Work Bill, and any supporting regulations, are enacted, the Council will need to review its rent setting procedures to ensure compliance.

Guarantee 10

The council will pay the statutory home loss payment, this was £4,900 in December 2014, plus reasonable costs of removal and disturbance. An element of home loss payment can be made before the final move to help facilitate the move. The amount will be agreed on a case by case basis; advance payments will be a maximum of £1000.

Relevant legislation/regulation

This guarantee exceeds statutory requirements. The council must make a home loss payment to tenants where possession is gained using Ground 10/10A, and it has discretion to make the payment if possession is voluntarily given. Payment to introductory tenants is not mandatory.

The Land Compensation Act 1973 creates the statutory framework for Home loss and Disturbance payments. This covers eligibility, application, payment and advance payments.

The Home loss Payment (Prescribed Amount) (England) Regulations 2015 specifies the amounts of Home loss payments payable. Amounts are updated annually in October.

Key actions necessary

To comply with statutory requirements the Council will need to:

- Create and raise awareness of processes for applying for home loss and disturbance payments
- Assess eligibility for statutory payments (secure tenants for more than 12 months only)
- Specify what items will be eligible for a disturbance payment.

Impact of legislation/regulation on key actions

1. Disturbance payments

Disturbance payments cover 'reasonable expenses' involved in moving. There is no minimum or maximum amount in law for disturbance payments and it is for providers to decide, in consultation with residents, what they will consider as 'reasonable expenses'.

For tenants that are being moved permanently, these payments should still be made in addition to Home loss.

2. Home loss payments

The council is legally obliged to make a home loss payment if:

- The move is permanent
- The property the tenant is leaving was their only or principal residence
- The tenant had lived at the property for at least a year
- The tenant moves as a direct consequence of the work being carried out.

The amount of the payment is set by legislation, currently it is £5,300 (this will be updated in October 2016). If a tenant is in rent arrears, it is possible to deduct the amount of their arrears from this payment as long as prior notice is given.

The tenant must apply in writing. Advance payments can be made – the payment is the lesser of 10% of the property value or the maximum amount payable.

Guarantee 11

The council will provide help with rehousing to all affected households during the process. Additional support will be offered to residents with special needs or disabilities. This additional help could include:

- Packing and unpacking services at the time of the move
- Help in claiming benefits at the new address
- Liaising with other agencies such as social services.

Relevant legislation/regulation

This Guarantee exceeds statutory requirements. The council has the powers to deliver this guarantee.

The Land Compensation Act 1973 states that councils have discretion to make payments to displaced tenants over and above their legal obligations.

The Housing Ombudsman states that landlords are expected to have a compensation policy which provides guidance on when it will consider offering compensation or a 'goodwill gesture'.

Key actions necessary

To deliver this guarantee the Council will need to:

- Specify eligibility for additional help
- Determine the parameters for support packages
- Identify and contact households eligible for additional help – dedicated staff may be required.

Impact of legislation/regulation on key actions

A policy rather than ad-hoc approach will be required, to comply with Ombudsman expectations and deliver transparency to residents.

Guarantee 12

The council will make every effort to ensure that people only have to move once by phasing development so some new homes are built before existing homes are demolished.

Relevant legislation/regulation

This Guarantee exceeds legal requirements. The council has the power to deliver the guarantee.

There no entitlement to rehousing in the redevelopment area, and therefore no legal requirements around 'smooth' decants.

Key actions necessary

To deliver this guarantee the Council will need to:

- Assess needs of residents by area and phase development accordingly.

Impact of legislation/regulation on key actions

n/a

Guarantee 13

Those tenants who require adaptations to their property due to their disability or to the disability of a family member will have this carried out before they are required to move into a new property. Any necessary adaptations will be carried out in consultation with the user and with relevant professionals e.g. Occupational Therapists or Social Workers

Relevant legislation/regulation

This Guarantee exceeds statutory requirements. The Council may be obliged to provide assistance if the household is eligible, but it is not obliged to do so before the move. The Housing Grants, Construction and Regeneration Act 1996 and Regulatory Reform (Housing assistance) (England and Wales) Order 2002 cover provision of financial assistance for adaptations, either as Disabled Facilities Grants or alternative discretionary assistance.

Key actions necessary

To deliver this guarantee the Council will need to:

- Assess needs of residents
- Agree and implement specified works
- Identify most appropriate funding source for each case
- Determine and disseminate policies on funding and recharges.

Impact of legislation/regulation on key actions

The Council could recharge the tenant for the cost of works, if it chooses to. Under The Care and Support (Preventing Needs for Care and Support) Regulations 2014 a council may not charge for works under £1000, but may charge for works over £1000 if it does not take the occupant's income below the amount set out in Care and Support (Charging and Assessment of Resources) Regulations (basically income support/pension credit +25%).

Guarantee 14

Vulnerable tenants will be offered a handyman service to assist with small jobs required for the removal.

Relevant legislation/regulation

This Guarantee exceeds statutory requirements. The Council has the power to deliver the Guarantee (general power of competence).

Although there is no requirement to provide support, there is a requirement to compensate residents for 'reasonable costs' of moving that they incur.

Key actions necessary

To deliver this guarantee the Council will need to:

- Define 'vulnerable' and specify the extent of the handyman remit.

Impact of legislation/regulation on key actions

Vulnerable tenants may be able to claim for such works under the Disturbance payments scheme specified in the Land and Compensation Act 1973. The Council may wish to specify circumstances when the handyman should be used rather than independently arranged tradespeople.

Guarantee 15

The council will provide all possible advice information and support to tenants who choose to seek rehousing either elsewhere in Lambeth or outside of the Borough.

Relevant legislation/regulation

This Guarantee exceeds statutory requirements. The Council has the power to deliver the Guarantee (general power of competence).

The Housing Act 1996, as amended by the Localism Act 2011, specifies that councils must provide free advice and information about the housing allocation system.

Key actions necessary

To deliver this guarantee the Council will need to:

- Ensure advice and information offered to applicants through Home Connections and Housing moves is appropriate to residents of the estate.

Impact of legislation/regulation on key actions

The requirement is largely for procedural information to be provided, but people with access needs must be offered more practical help.

Section 2: Key guarantees for existing resident homeowners

Guarantee 1

Any resident homeowner who wishes to continue to live at their current estate will have the opportunity to do so

Relevant legislation/regulation

This guarantee exceeds statutory requirements. The Council has the power to deliver the guarantee.

The Land Compensation Act 1973 creates a framework for homeowners displaced due to redevelopment works. There is no legal requirement for a 'right of return' for a resident homeowner, however the Act does put a duty on local authorities to re-house displaced households who are legal occupiers if no suitable accommodation is available on reasonable terms.

The Land Compensation Act 1965 governs values paid for properties subject to a compulsory purchase order. Where the local authority negotiates with a resident rather than seeking a compulsory purchase order, it may by law agree a settlement that makes the resident better off.

Key actions necessary

To comply with statutory requirements and deliver the guarantee, the council will need to:

- Develop a process so current residents are able to select a home for purchase or rent 'off plan' so they are not excluded by normal operation of the market.
- Seek provision of a range of price points and tenures so that homeowners in different circumstances have a genuine 'opportunity' to remain on the estate. To illustrate, if new homes are sold for more than current market value of existing homes, residents may be unable to purchase e.g. because of inability to raise finance/mortgage.

The Guarantee suggests that homeowners will not need to move off the estate during redevelopment. Therefore the Council will need to make new homes available to resident homeowners before current homes are demolished.

Impact of legislation/regulation on key actions

The Land Compensation Act 1961 governs values paid for properties that residents subject to a compulsory purchase order should be no worse off and no better off (in terms of value paid for their asset) as a result of the order. This creates boundaries around the offers that can be made to create 'opportunities' in fulfilment of this guarantee e.g. the Council would not legally be able to 'gift' equity to homeowners subject to CPO to enable them to stay on the estate.

Guarantee 2

Homeowners will receive home loss payments plus disturbance costs reimbursement (10% for resident homeowners or 7.5% for non-resident homeowners).

Relevant legislation/regulation

This guarantee exceeds statutory requirements. The council has the powers to deliver the guarantee.

The Land Compensation Act 1973 and the Planning and Compulsory Purchase Act 2004 set the framework for awarding home loss payments and disturbance payments. They specify requirements on the Local Authority and qualification criteria for residents.

The Home loss Payment (Prescribed Amount) (England) Regulations 2015 specifies mandatory amounts for home loss payments which are available to resident owners.

In order to be entitled to compensation for disturbance an owner must normally be in physical occupation of the land. There is, however, a limited right to disturbance for owners of investment properties who are not in occupation (a basic loss payment).

Key actions necessary

To comply with statutory requirements the council will need to:

- Identify resident homeowners, length of residence, confirm residence over the previous 12 months, and (for leaseholders) length of time left on the lease
- Identify non-resident homeowners and their length of ownership
- Create and disseminate guidance for claiming 'reasonable expenses' for disturbance payments e.g. process, what is likely to be considered payable, and how much for each type of expense.

Impact of legislation/regulation on key actions

1) Home loss payments for resident homeowners

For homes acquired under s30 of the Land and Compulsory Purchase Act 1973 where the resident is a freeholder or has more than 3 years remaining on the lease: the statutory home loss payment is 10% of the market value of their interest in the land, subject to a minimum of £5,300 and a maximum of £53,000 (this will be uprated in October 2016). Joint owners share the payment.

For homes acquired under s30 of the Land and Compulsory Purchase Act 1973 where the resident has less than 3 years remaining on the lease: The statutory homeless payment is £5,300.

For homes acquired following negotiation by the resident, home loss payments may be made on the same terms as for compulsory purchase order, including where more than the market value has been paid to the resident to purchase the property.

In all cases, owners must have been resident for one year prior to the displacement. Where this condition is not met, the Council can make a discretionary payment that does not exceed the terms of a home loss payment.

The resident must make a claim in writing, and the Council must pay within prescribed timescales (Section 32)

The Council may make payments in advance of the displacement. The payment must be the lesser of 10% of the market value, or the maximum statutory payment.

2) Disturbance payments for resident homeowners

If residents are eligible for a home loss payment they will also be eligible for a disturbance payment. The amount to be paid is equal to 'reasonable expenses' incurred due to moving from the premises. A person working from the premises also has the right to claim for disturbance to that business due to the relocation.

Where structural modifications have been made for a disabled person (where the council paid or would have paid had it been approached), the disturbance payment must cover the reasonable cost of making comparable modifications to their new home.

Where a resident is not statutorily eligible for a disturbance payment, the Council has discretion to make payment on the same terms.

Compensation is payable in respect of incidental charges or expenses incurred in acquiring, within a period of one year of date of entry, an interest in other land in the United Kingdom.

3) Basic loss payments for non-resident owners

The Planning and Compulsory Purchase Act 2004 specifies that non-resident homeowners whose homes are purchased compulsorily should receive 7.5% of the value of their property, up to a specified maximum amount.

Guarantee 3

The Council will pay relevant and reasonable legal and valuation costs, which enable homeowners to obtain their own independent advice.

Relevant legislation/regulation

This guarantee complies with statutory requirements.

The Land Compensation Act 1973 specifies that reasonable costs should be refunded to residents whose property has been acquired (voluntarily or by compulsory purchase).

Key actions necessary

To deliver this commitment the council would need to:

- Provide guidance for homeowners on the level of fees that would be considered reasonable, to avoid disputes and residents being out of pocket at a later date
- Develop and promote a procedure for claiming back costs.

Impact of legislation/regulation on key actions

The law (case law, at least) requires the acquiring authority to pay for reasonable professional fees involved with a compulsory purchase transaction. This would normally be in the form of a refund via compensation, which can be made in advance of the relocation (as specified above). It may be worth considering whether all residents can afford to proceed in this way, or whether direct payment of fees by the Council to the surveyor/solicitor may be more appropriate.

Guarantee 4

New Leasehold: Homeowners will be able to acquire the leasehold of a new home on their existing estate (100% equity share).

Relevant legislation/regulation

This guarantee exceeds statutory requirements. There is no statutory right to return to the area after redevelopment.

Key actions necessary

To deliver this guarantee the Council will need to:

- Assess likely demand and ensure sufficient suitable properties are provided to meet needs of existing residents
- Model for and provide an appropriate amount of this property.

Impact of legislation/regulation on key actions

The Land Compensation Act 1965 requires that residents must not be in a better or worse financial position as a result of a compulsory purchase order than they would otherwise have been. It is not necessarily the case that all homeowners will be able to afford a 100% share – and the council is not permitted to increase the value of the asset owned by them by ‘gifting’.

Residents who own freehold could perhaps be considered to be in a worse position if they become leaseholders – in terms of cost and legal powers over their property.

The Land Compensation Act 1973 requires local authorities to rehouse residential occupiers displaced by redevelopment (voluntarily or by compulsory purchase) where suitable alternative accommodation is not available to them. Development of new homes for sale which take account of possible demand from existing residents may help avoid people needing to assert statutory rights in order to seek recourse.

Guarantee 5

Shared Equity: If resident homeowners are unable to afford the full value of a new home, then they will be able to acquire a lower equity share of a new home, where the value of the equity share would be the same as the value of their existing property plus home loss payment. The equity share that a resident homeowner owns should normally not be less than 60% of the value of the new property. There would be no rent payable on the Council owned equity share.

Relevant legislation/regulation

The Localism Act 2011 gives local authorities the ability to lend money e.g. for the purposes of shared equity or shared ownership (general power of competence).

The Land Compensation Act 1973 gives the Council the power to pay reasonable expenses linked to acquisition of a new home, as long as the home is purchased within one year of displacement and is comparable to what the resident moved from.

Stamp duty is payable on the value of the equity share, and a homeowner using the full value of their home sale and home loss payment to purchase the share may have no spare funds available to pay stamp duty. The Council may wish to consider whether this is an expense it would pay.

This guarantee is described differently from the government Help to Buy or London Help to Buy scheme, and so is presumed to be council-run and not necessarily delivered within the framework of the national/GLA scheme.

Key actions necessary

To deliver the guarantee the council will need to:

- Assess how many resident owners may wish to purchase using shared equity, and ensure property is provided in the redevelopment meet these households' requirements
- Develop a procedural link between administration of Home loss payments and purchase of shared equity properties
- Develop a procedure that ensures current local residents have first choice of suitable new homes.

Impact of legislation/regulation on key actions

The Mortgage Credit Directive regulates second charge lending. Local authority lending secured on land is exempt from registration with the FCA, but it is possible that wholly-owned council companies would be outside of this exemption. The Council should seek to clarify whether its preferred delivery vehicle is required to work within mortgage governance arrangements.

Guarantee 6

Shared Ownership: Resident homeowners will alternatively have access to shared ownership of a new home on the estate, according to the following criteria:

- a. Minimum equity share to be 25%
- b. Rent payable on the Council retained equity of 2.75% per annum.

Relevant legislation/regulation

This guarantee complies with statutory requirements. The council has the powers needed to deliver the guarantee.

The Leasehold Reform Act 1967 (schedule 4a) and the Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 create a framework for administration of shared ownership properties.

The Local Government Act 2000 gives powers to promote or improve wellbeing through provision of financial assistance. Similarly the Localism Act 2011 gives local authorities the ability to lend money e.g. for the purposes of shared equity or shared ownership (general power of competence).

The government-backed-shared ownership scheme will shortly lift household income restrictions, although it is assumed this is a separate council-run scheme. The Council may wish to consider if it will mirror the rules of the national scheme.

Key actions necessary

To deliver the guarantee the council will need to:

- Assess how many resident owners may wish to purchase using shared ownership, and ensure property provided in the redevelopment meet these households' requirements.

Impact of legislation/regulation on key actions

The 2009 regulations require a statement on how rent will be calculated, but do not regulate the process for calculating rent.

Guarantee 7

Retained Properties: Resident homeowners may be able to swap to a retained home on their estate subject to availability and a similar offer to tenants:

- a. Retained property to be owned 100% by homeowner (subject to any mortgage or other charge)
- b. Retained home to meet the Lambeth Housing Standard with any major works funded by the difference in value between old and new home and investment of the home loss payment to pay for improvements (details to be worked out on a case by case basis, where residents may wish to carry out internal works themselves).

Relevant legislation/regulation

This guarantee exceeds statutory requirements. The Council has the power to deliver this guarantee.

A homeswap is essentially two property transactions carried out in consideration of each other. The tax treatment of the swap (stamp duty) is specified in Schedule 22 of the Finance Act 2011.

The Land Compensation Act 1961 governs values paid for properties subject to compulsory purchase orders.

The Land Compensation Act 1973 governs home loss payments and powers to deduct amounts for specific purposes.

Key actions necessary

To deliver the guarantee the Council will need to:

- Get a valuation of the residents' property and the one they wish to swap to
- Arrange for a financial transaction between resident and council where the value of the two properties is not equal
- Formally agree with the resident the value of any works to be carried out.

Impact of legislation/regulation on key actions

The Land Compensation Act 1961 specifies that residents subject to a compulsory purchase order should be no worse off and no better off (in terms of value paid for their asset) as a result of the order. Therefore where compulsory purchase is used either the two properties must be of equal value or the resident must make up/receive payment for the difference in value.

Guarantee 8

Leases: The terms of the lease for all leasehold properties on the estate would include the following criteria:

- a. All leaseholders will be required to notify the Council when they put their home on the market for an intended sale, assignment, sublet or underlet.
- b. For Shared Equity and Shared Ownership properties only, the Council will permit the first tenant to transfer their leasehold interest to a spouse, civil partner or family member nominated by the homeowner.
- c. Property not to be let without the Council's permission, not to be unreasonably refused.

Relevant legislation/regulation

This guarantee meets statutory requirements.

The Landlord and Tenant Act 1988 sets the framework for assignments of leases.

The Leasehold Reform Act 1967 (schedule 4a) and the Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 create a framework for administration of shared ownership properties.

Most HCA/GLA backed shared ownership schemes use an approved lease which includes clauses on rent increases, sub-letting, service charges, sales, etc. The Council may wish to compare its proposals with these standard leases.

Key actions necessary

To deliver this guarantee the Council will need to:

- Prepare model leases for the new properties.

Impact of legislation/regulation on key actions

Sales: This is a standard covenant in leases so that the freeholder/manager can track occupancy and manage service charges, assignment etc. smoothly.

Transfer: The Council may wish to caveat this right with a check on the ability of the transferee to meet the costs of the accommodation.

Lettings: This is a standard covenant in leases so that the freeholder/manager can track occupancy and manage service charges, assignment etc. smoothly.

Guarantee 9

Rental options: For resident homeowners unable to fund any of the options above, they can choose a new home on their estate for intermediate rent (subject to financial assessment) or market rent

Relevant legislation/regulation

This guarantee complies with statutory requirements. The council has the power to deliver the guarantee.

There is no legal requirement to provide displaced owners with accommodation. The council has discretion on allocation of intermediate or market rent properties, subject to statutory requirements around discrimination and immigration status.

Key actions necessary

To deliver this guarantee the council will need to:

- Identify residents who will be unable to remain on the estate by other means
- Develop a process for prioritising these households during letting of new rental properties.

Impact of legislation/regulation on key actions

The Immigration Act 2014 requires all landlords to make 'Right to Rent' checks from 1 February 2016. Non-social housing provided by the council is not exempted from this requirement unless the council is delivering a statutory duty –which in this case it is not.

Guarantee 10

Right-to-Buy (RTB) Discounts: Where the homeowner is still within the RTB discount period, they will not have to pay back the discount if they sell their new home within the three year period.

Relevant legislation/regulation

The Housing Act 1985, Section 160 defines an exempt disposal, where residents who have exercised the Right to Buy are not required to repay the discount received if the property is sold before three years have passed. The Housing Act 2004, section 180, increases the number of years in which discount would ordinarily be repayable to five.

The council should check whether the statutory requirements to exempt from repayment residents who recently exercised the Right to Buy should be if they bought their home within the last 5 years rather than the last 3.

Key actions necessary

To comply with statutory requirements, the Council needs to:

- Identify Right to Buy sales made on the estate in the previous five years
- Suspend any policy for reclaiming discount for those properties.

Impact of legislation/regulation on key actions

The Housing Act 1985 Section 160 and 161 specifies that the discount is not repayable if the property is subject to compulsory purchase, or if it could have been subject to one to achieve the sale.

Guarantee 11

Assistance will be given with the property transaction and moving home. A Homeowners' Advisor will provide assistance

Relevant legislation/regulation

This Guarantee goes beyond statutory requirements. The council has the power to deliver the guarantee.

There is no requirement to provide an advisor or assistance to homeowners.

The Compulsory Purchase Act 1965 requires that, in most circumstances, the acquiring authority must repay the costs incurred by the sale i.e. professional fees incurred by the resident such as surveyor valuations/advice and solicitors fees for handling the sale.

The Land Compensation Act 1973 specifies awards and administration of compensation for residents who are required to move home (by compulsory purchase or voluntary agreement).

The Financial Services and Markets Act 2000 requires that people giving financial advice are regulated by the Financial Conduct Authority.

Key actions necessary

To deliver the guarantee the council will need to:

- Specify the remit and boundaries of the advisor's role
- Appoint an appropriate person/firm to the role
- Raise awareness of the service.

Impact of legislation/regulation on key actions

The Land Compensation Act 1973 provides for compensation to be paid to cover relocation costs, and the Compulsory Purchase Act 1965 sets out where residents' professional fees should be reimbursed. Offering a Homeowners Advisor would need to be in addition to, not instead of, such provision.

Anyone providing financial advice should be approved by, and therefore regulated by, the Financial Conduct Authority.

Guarantee 12

The Council will provide advice, information and support to homeowners seeking rehousing either elsewhere in Lambeth or outside of the Borough (within the UK)

Relevant legislation/regulation

This Guarantee is outside of statutory requirements but will assist the council to comply with another statutory requirement.

The Housing Act 1996 specifies where councils must provide housing advice and information – this relates to homelessness and its prevention. Additional support must be provided to homeless households. The Housing Act 2002 defines when someone is considered to be homeless.

The Land Compensation Act 1973 specifies where the council must rehouse residents who are displaced (voluntarily or through compulsory purchase).

Key actions necessary

To deliver this guarantee the council will need to:

- Specify the scope of the advice and support to be available
- Identify someone suitable to fulfil this role
- Raise awareness of the service.

Impact of legislation/regulation on key actions

The Housing Act 1996 requires councils to provide advice and information about homelessness and its prevention to all residents. They must also assist households who are homeless or threatened with homelessness.

The Land Compensation Act 1973 requires local authorities to rehouse residential occupiers subject to compulsory purchase where suitable alternative accommodation is not available to them. Providing effective advice should help to avoid a situation where residents are unable to find suitable alternative accommodation and call on the council's duty to them.

Guarantee 13

Resident homeowners can claim back the cost of items listed in this information document as disturbance payments, as well as the cost of advice from legal and valuation advisors, stamp duty and any mortgage redemption and/or arrangement fees.

Relevant legislation/regulation

This Guarantee complies with statutory requirements.

The Land Compensation Act 1973 specifies that reasonable costs should be refunded to residents whose property has been acquired (voluntarily or by compulsory purchase).

Key actions necessary

To comply with statutory requirements the council will need to:

- Develop a claims procedure
- Raise awareness of the payments and how to claim them.

Impact of legislation/regulation on key actions

The onus is on the resident to justify their claim, so the council is not able to limit itself to items listed in advance.

Guarantee 14

The Council will develop a strategy for additional assistance to be provided to homeowners in financial difficulties and for homeowners assessed as vulnerable

Relevant legislation/regulation

This Guarantee is outside of statutory requirements but will assist the council to comply with another statutory requirement. The council has the power to deliver this guarantee.

The Housing Act 1996 specifies where councils must provide housing advice and information – this relates to homelessness and its prevention. Additional support must be provided to homeless households. The Housing Act 2002 defines when someone is considered to be homeless.

The Land Compensation Act 1973 specifies where the council must rehouse residents who are displaced (voluntarily or through compulsory purchase).

The Land Compensation Act 1973 gives councils powers to advance funds to displaced owner-occupiers wishing to purchase or built a new property.

The Local Government Act 2000 gives powers to promote or improve wellbeing through provision of financial assistance.

Key actions necessary

To deliver this guarantee the council will need to:

- Assess how many homeowners are likely to experience financial or practical difficulties as a result of the redevelopment and explore the reasons for these difficulties
- Define ‘financial difficulties’ and ‘vulnerable’
- Determine appropriate provision of additional assistance and associated boundaries.

Impact of legislation/regulation on key actions

The Land Compensation Act 1973 requires local authorities to rehouse residential occupiers subject to compulsory purchase where suitable alternative accommodation is not available to them. Providing additional assistance to certain groups should help to avoid a situation where residents are unable to find suitable alternative accommodation and call on the council’s duty to them.

Conclusions and any matters arising

The Guarantees provide a framework which the Council can use to minimise disruption to residents and avoid formal compulsory purchase proceedings. By their nature these guarantees need to go beyond the statutory minimum, but they should also ensure the council does, and is seen to, meet its statutory obligations.

In one case, the guarantee may not comply with statutory requirements (resident homeowner guarantee 10).

The other guarantees comply with statutory requirements and draw on powers that are available to the council.

Several guarantees do go beyond what is legally required, for example by treating all tenants equally when in fact only some are legally entitled to the specified provisions. This approach may help the council to negotiate with residents and therefore avoid costly compulsory purchases.

The guarantees that go furthest beyond what is legally required can be used to reduce the likelihood that the council will need to make provisions that are statutorily required for displaced residents and would be costly for the council.

The following section will help Lambeth understand how its offer to existing residents compares to other London boroughs. It also provides practical advice that may help to strengthen the guarantees and their role in the Council's regeneration programmes.

Part Two: Best Practice Analysis of Key Guarantees

Introduction

This evaluation of the quality and content of Key Guarantees offered by the Council provides comparisons with equivalent offers made as part of regeneration schemes by other councils. It takes into account the varying circumstances affecting different tenures including tenants renting their homes, those who hold leasehold tenure and homeowners.

In summary, Lambeth’s Key Guarantees largely meet the best practice findings of this TPAS evaluation. The comparisons made are summarised in tables that are provided in Appendices 1 & 2, and these provide easy reference.

Methodology

The approach to this comparison study included:

- An internet search to identify regeneration Residents’ Charters, relevant regeneration policies and equivalent offers.
- Consultation through the TPAS on-line member network
- Consideration of relevant best practice identified through key publications including:
 - CIH Decanting Tenants - Good Practice Guide, Tony Bird and Russell Campbell, 2000
 - CIH/TPAS Best Community Engagement in Housing-led Regeneration - Good Practice Guide, Sam Lister. John Perry and Marilyn Thornley, 2007

Selection of case studies has taken into account the need to focus on relevant comparative examples and in particular has been ring-fenced to authorities involved in regeneration in London. This is simply due to the housing market differences for London in comparison with others nationally. The cases selected following preliminary internet search were those where information was available and offered meaningful comparative information to that provided in the Lambeth Key Guarantee published documents. The case studies are:

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1. **LB Lambeth – Cressingham Gardens**
 2. **LB Newham – Carpenters Estate**
 3. **LB Newham – Canning Town**
 4. **Wandsworth Council – Winstanley and York Road**
 5. **Brent Council, South Kilburn**
 6. **RB Kensington and Chelsea**
 7. **Southwark Council, Aylesbury Estate**
 8. **Haringey Council, High Road West**
 9. **Hackney Council, Woodberry Down**
-

Section 1: Key guarantees for existing secure tenants

Right to Buy

In the section, 'Your New Tenancy Explained', it is spelt out that those rehoused in new homes will not have benefit of a 'The Right to Buy' and there is no stated indication that LB Lambeth is willing to negotiate or explore options for this as part of the Council's plans to set up a separate organisation to develop the new homes. Whilst, this section makes clear that the Right to Buy will not be available the explanation is brief and TPAS believes that a broader explanation of the difficulties involved for the Council should be included. This should refer to not being able to either offer the Right to Buy or, the Protected Right to Buy as is the case for tenants affected by regeneration elsewhere. From our extensive experience, TPAS knows that clarity of information helps to build-trust and benefits the quality of community engagement.

Options to be involved in design of new homes

In the section of the Key Guarantees document for secure tenants, 'Your Involvement – Working with Individual Residents', it is explained that:

'The Council will give those tenants who move to alternative new-build properties within the regeneration area opportunities to be involved in the design of their properties and offer individual choices in relation to the finishes in their properties where this is feasible'.

This is not listed as one of the Key Guarantees on page 4 of the document which TPAS views as a lost opportunity: Whilst TPAS notes that the inclusion of the final comment '*... where this is feasible*', may be the reason for not including this reference in the listed offers on page 4, the terminology is however comparable to other stated commitments that are included in page 4. For example, Key Guarantee 12 where the Council has included use of the terminology '*... every effort*'. TPAS would recommend that this involvement is included in the list of formal guarantees listed on page 4.

Downsizing Incentives

Whilst TPAS is conscious that considerable work has been conducted to ascertain re-housing needs across the regeneration areas we are conscious of the high level of demand and would suggest that LB Lambeth considers offering a down-sizing incentive as seen in the LB Newham examples (subject to intelligence currently held for local need – see Appendix 1, Key Guarantee 8).

If residents are required to move twice

TPAS would suggest that the Key Guarantees document includes reference to considering additional home disturbance compensation as noted from the RB Kensington and Chelsea example. This will help provide for unexpected situations occurring at later stages.

Vulnerable Tenants

TPAS would suggest adoption of the practice noted in examples of LB Newham (Carpenters Estate) and RB Kensington and Chelsea, where assessment of property suitability is offered

prior to re-housing offers. This would be advantageous to both tenant and the Council. Improved content within the Key Guarantees on page 4 is also recommended.

Provision of Independent Resident Advice throughout the regeneration programme

TPAS would advise that LB Lambeth includes reference within the Key Guarantees to the provision of Independent Resident Advice that they have already put in place, as is expressed in the LB Newham, Brent Council and Hackney Council examples.

Section 2: Key guarantees for existing resident homeowners

If Resident Homeowners move twice

TPAS would suggest that the Key Guarantees document includes reference to considering additional home disturbance compensation as noted from the RB Kensington and Chelsea example. This will help provide for unexpected situations occurring at later stages.

Return to Tenancy Agreement – Vulnerable Leaseholders

TPAS would suggest that where a vulnerable leaseholder is identified and is in need of relevant support, there should be an option for that leaseholder to be offered a council tenancy with the maximum security allowed under current legislation: TPAS expects that this may reflect the Housing Allocations policy (see Hackney Council example).

Provision of Independent Resident Advice throughout the regeneration programme

TPAS would advise that LB Lambeth includes reference within the Key Guarantees to the provision of Independent Resident Advice that they have already put in place, as is expressed in the LB Newham, Brent Council, Wandsworth and Hackney Council examples.

Conclusions and matters arising

Lambeth's Key Guarantees for existing secure tenants and resident homeowners largely meet the best practice findings of this TPAS evaluation. Appendix 2 does include a number of inducements for resident homeowners made by other boroughs that have not been offered by Lambeth. However these are not areas where TPAS would make recommendations as they relate to resources that may or may not be available to the Council's schemes.

Appendix 1 - Secure Tenants Affected by Regeneration - Comparison Table

LB Lambeth Key Guarantee details – Secure Tenants		1 LB Lambeth – Cressingham Gardens	2 LB Newham – Carpenters Estate	3 LB Newham – Canning Town	4 Wandsworth Council – Winstanley	5 Brent Council, South Kilburn	6 RB of Kensington and Chelsea	7 Southwark Council, Aylesbury Estate	8 Haringey Council, High Rd West	9 Hackney Council, Woodberry Down
<p>This table identifies LB Lambeth listed Key Guarantees in the numbered boxes</p> <p>The boxes that are not numbered are inserted from the 8 examples used for comparison and where there is a difference identified from that offered by LB Lambeth – <i>please note that in some cases LB Lambeth has referenced similar details in the broader explanatory text provided: In these cases LB Lambeth will have been marked with ✓ indicator.</i></p>										
1	Any secure tenant who wishes to continue to live at their current estate will have the opportunity to do so	✓	✓	✓	✓	✓	✓		✓	✓
2	Any secure tenant who wishes to remain a council tenant will be able to do so	✓	✓	✓	✓			✓	✓	✓
3	Secure tenants who have to move will have the choice to:									
3a	EITHER, to take an assured lifetime tenancy as a tenant in a new home on the estate	✓		✓	✓	✓	✓		✓	
3b	OR, if available, to take an existing refurbished home on the estate	✓								✓
3c	OR, will be given high priority (Band A) to bid for a new home elsewhere in the borough through the Choice Based Lettings scheme	✓	✓	✓	✓	✓			✓	✓
	The new home will have no less security of tenure than tenants have now who will also retain their Right to Buy (if rehoused by RSL this will be a Protected Right to Buy)				✓	✓				
4	Where a tenant chooses to remain and move to a newly built home on the estate, the new tenancy will be an assured lifetime tenancy. Where a tenant is able to move into a refurbished home on the estate, then it is likely that the tenancy will remain a secure tenancy. Where a tenant moves away from the estate they will have the opportunity to bid for a secure tenancy or an assured lifetime tenancy elsewhere in the borough.	✓			✓		✓		✓	

	Tenants who choose to return to a new-build home on the scheme shall have the opportunity to be involved in the design of properties		✓	✓						
	Council Tenants rehoused as a result of being decanted will only be offered 'traditionally set social rent homes' – not market rent charging (2012)		✓	✓	✓					
	If the estates existing parking scheme is altered there will be a level of compensation offered to existing resident permit holders	✓			✓					
	A garage or off street parking should be provided if there is one in use with the existing property		✓	✓						
5	The council assures that tenants will not be worse off in terms of the size of their accommodation than their current circumstances	✓	✓	✓	✓				✓	
6	The new home will meet your housing needs, according to the Lambeth Housing Allocation Scheme 2013 (noting an exception in relation to adult children, so that Key Guarantee (5) can be met)	✓	✓	✓	✓		✓		✓	
	New homes will be provided with carpets or other flooring (including underlay or sound-proofing), blinds or curtains				✓					
	New homes would have options for oven/hob, fridge-freezer and washing machine/dryer fitted				✓					
7	Tenants who are overcrowded will be offered a larger home that addresses the overcrowding, according to Lambeth Housing Allocation Scheme 2013.	✓	✓	✓			✓		✓	✓
8	Tenants who are under-occupying by one bedroom or more will be offered a new home with one bedroom above their need (for example, a couple living in a 3-bed home would be offered a 2-bed home when their actual need is a 1 – bed).	✓	✓	✓	✓	✓	✓		✓	?
	Under-occupying tenants who are rehoused into a smaller property of their choice will be entitled to an additional financial incentive of £1,000 per room.		✓	✓						
9	Rents for the new homes will be at council rent levels and set in accordance with government guidelines.	✓			✓					

10	The council will pay the statutory home loss payment (this was £4,900 in December 2014), plus reasonable costs of removal and disturbance. An element of home loss payment can be made before the final move to help facilitate the move. The amount will be agreed on a case by case basis; advance payments will be a maximum of £1,000.	✓	✓	✓	✓	✓	✓	✓	✓
	Where tenants have made, with prior consent, improvements to their homes they shall be entitled to compensation according to the Council's published 'Right to Improvement' policy	✓	✓	✓	✓		✓		
11	The Council will provide help with rehousing to all affected households during the process. Additional support will be offered to residents with special needs or disabilities. This additional support could include:								
11a	Packing and unpacking services at the time of the move;	✓	✓		✓		✓		✓
11b	Help in claiming benefits at the new address; and	✓			✓		✓		✓
11c	Liaising with other agencies such as social services	✓			✓				✓
12	The Council will make every effort to ensure that people only have to move once by phasing development so that some of the new homes are built before existing homes are demolished	✓			✓				✓
	If any resident is required to move twice they will receive Disturbance payments twice						✓		
13	Those tenants, who require adaptations to their property due to their disability or to the disability of a family member, will have this carried out before they are required to move into a new property. Any necessary adaptations will be carried out in consultation with the user and with relevant professionals e.g. Occupational Therapists or Social Workers.	✓	✓	✓	✓		✓		✓
14	Vulnerable tenants will be offered a handyman service to help with small jobs required for the removal.	✓	✓	✓	✓		✓		✓
	If a tenant is vulnerable, a full assessment of the properties suitability should be undertaken prior to the offer being made.		✓				✓		
	If a tenant has mobility problems the property offered should have easy access		✓						
15	The Council will provide all possible advice, information and support to tenants who choose to seek rehousing either elsewhere in Lambeth or outside of the Borough.	✓	✓	✓	✓		✓		✓

<p>The Council will produce an annual report to residents setting out progress of the regeneration, identifying any changes to the programme, phasing and any new options for residents. The report will include details of any regeneration phases and timescales.</p>	✓		✓						
<p>The Council guarantees that all residents affected by the regeneration shall have access to independent advice throughout</p>		✓	✓	✓	✓				✓

Appendix 2 –Resident Homeowners Affected by Regeneration - Comparison Table

LB Lambeth Key Guarantee details – Resident Homeowners

This table identifies LB Lambeth listed Key Guarantees in the numbered boxes

The boxes that are not numbered are inserted from the 8 examples used for comparison where there is a difference identified from that offered by LB Lambeth – *please note that in some cases LB Lambeth has referenced similar details in the broader explanatory text provided: In these cases LB Lambeth will have been marked with ✓ indicator.*

		1 LB Lambeth – Cressingham Gardens	2 LB Newham – Carpenters Estate	3 LB Newham – Canning Town	4 Wandsworth Council – Winstanley	5 Brent Council, South Kilburn	6 RB of Kensington and Chelsea	7 Southwark Council, Aylesbury Estate	8 Haringey Council, High Road West	8 Hackney Council, Woodberry Down
1	Any resident homeowner who wishes to continue to live at their current estate will have the opportunity to do so	✓	✓		✓			✓	✓	✓
2	Homeowners will receive home loss payments plus disturbance costs reimbursement (10% for resident homeowners or 7.5% for non-resident homeowners)	✓	✓	✓	✓		✓	✓	✓	✓
	The Council will offer compensation Decent Homes work purchased by the homeowner if these are not reflected in the value of the property								✓	✓
	A one off payment Disturbance Payment of £5,000 without the need for review of receipts and invoices.									✓
3	The Council will pay relevant and reasonable legal and valuation costs, which enable homeowners to obtain their own independent advice.	✓	✓	✓	✓		✓	✓	✓	
	In cases where leaseholders need to move twice Disturbance Payments will be paid twice						✓			
4	New Leasehold: Homeowners will be able to acquire the leasehold of a new home on their existing estate (100% equity share)	✓		✓	✓				✓	
	Leasehold Swap: Where the Council finds a home of similar value and will swap the remaining lease to a property in the Borough not on the estate.	✓								✓

7b	Retained home to meet the Lambeth Home Standard with any major works funded by the difference in value between old and new home and investment of home loss payment to pay for improvements (details to be worked out on a case by case basis, where residents may wish to carry out internal works themselves)	✓		✓						✓	
	If a leaseholder, tenant or freeholder chooses to purchase a leasehold property in the new development on the estate the Council will not charge costs of administration of the lease above its standard annual rates (even where the lessee is a Registered Social Landlord)		✓								
8	Leases: The terms of the lease for all leasehold properties on the estate would include the following criteria:										
a	All leaseholders will be required to notify the Council when they put their home on the market for an intended sale, assignment, sublet or underlet.	✓									
	Shared Owners can sell their property but where the Council retains a share of it, it will have the right of first refusal to buy it back									✓	
b	For Shared Equity and Shared Ownership properties only, the Council will permit the first tenant to transfer their leasehold interest to a spouse, civil partner or family member nominated by the homeowner.	✓									
c	All property not to be let without the Council's permission, not to be unreasonably refused.	✓									
	Sub-letting not permissible until full 100% is owned by leaseholder/ Shared-Owner								✓		
9	Rental options: For resident homeowners unable to fund any of the options above, they can choose a new home on the estate for immediate rent (subject to financial assessment) or market rent.	✓		✓	✓	✓					
10	Right-to-buy (RTB) Discounts: Where the homeowner is still within the RTB discount period, they will not have to pay back the discount if they sell their home within the 3-year period.	✓								✓	
11.	Assistance will be given with the property transaction and moving home. A Homeowners' Adviser will provide assistance.	✓	✓								✓
12	The Council will provide advice, information and support to homeowners seeking rehousing either elsewhere in Lambeth or outside of the Borough (within the UK).	✓	✓	✓	✓			✓		✓	✓

13	Resident homeowners can claim back the cost of items listed in this information document as disturbance payments, as well as the cost of advice from legal and valuation advisers, stamp duty and any mortgage redemption and/or arrangement fees.	✓	✓	✓	✓		✓		✓	✓
14	The Council will develop a strategy for additional assistance to be provided to homeowners in financial difficulties and for homeowners assessed as vulnerable.	✓							✓	
	Return to Tenancy Agreement: Vulnerable Leaseholders can be returned to a Tenancy Agreement if other solutions cannot be found.									✓
	The Council will produce an annual report to residents setting out progress of the regeneration, identifying any changes to the programme, phasing and any new options for residents. The report will include details of any regeneration phases and timescales.	✓		✓						
	The Council guarantees that all residents affected by the regeneration shall have access to independent advice throughout		✓	✓	✓				✓	✓

Resources List

1	LB Lambeth	The Regeneration of your Estate – Information for Secure Tenants (Draft)
2	LB Lambeth	The Regeneration of your Estate – Information for Homeowners (Draft)
3	LB Newham	Carpenters Residents’ Charter – A residents’ charter for council tenants, resident leaseholders and freeholders (2012)
4	LB Newham	Canning Town and Custom House Regeneration Programme – Residents’ Charter (2011)
5	Wandsworth Council	Winstanley and York Road Masterplan – Council Tenant rehousing information booklet
6	Wandsworth Council	Winstanley and York Road Masterplan – Leaseholders and Freeholders rehousing information booklet
7	Bent Council	Getting ready for a new South Kilburn – Information for Secure Tenants of Phase 2B (updated 2013)
8	Brent Council	A Guide to Compulsory Purchase Orders (CPO’s) 2 nd Edition October 2013
9	RB Kensington and Chelsea	Decant Policy
10	Southwark Council	Your Move – Aylesbury Estate
11	Haringey Council	High Road West Regeneration Proposals – Love Lane Estate Secure Tenant Guide
12	Haringey Council	High Road West Regeneration Proposals – Love Lane Estate Leaseholder Guide
13	Hackney Council	The Woodberry Down – Secure Tenants Offer Document (2007)
14	Hackney Council	The Woodberry Down – Leaseholder and Freeholder Options for Residents of Woodberry Down (2007)
15	Hackney Council	Woodberry Down – Residents’ Charter (2007)
16	Chartered Institute of Housing/TPAS	Community Engagement in Housing-Led Regeneration (2007) – <i>A Good Practice Guide</i>
17	Chartered Institute of Housing	Decanting Tenants 2000 – <i>A Good Practice Guide 2000</i>