

Estate Regeneration Report Appendix 2

CAMBRIDGE CITY COUNCIL; REGENERATION POLICY

1 Introduction

- 1.1 This Policy explains the Council's approach to engaging with local residents and stakeholders where Council tenants leaseholders or freeholders are required to move from their home or are losing a property due to a redevelopment scheme, both in the period before a scheme is approved for development by the Council and during the development process.
- 1.2 This policy supersedes two of the Council's earlier policies:
 - 1.2.1 Appendix 3 of the Home Loss Policy (Commitment to Resident Involvement) approved at the March 2017 Housing Scrutiny Committee.
 - 1.2.2 The resident engagement policy submitted to the Housing Scrutiny Committee as Appendix 3 of item 19/31/HSC (New Build Housing – Campkin Road) in June 2019.
- 1.3 Aim of the Policy
 - 1.3.1 The Council recognises that the enforced loss of their home or property is one of the most difficult situations that a tenant or property owner can be faced with. With a housing stock of nearly 8400 properties including leasehold accommodation, it is inevitable that from time-to-time schemes will be proposed to redevelop or refurbish older housing that no longer meets current day expectations or is not cost-effective to maintain in a good state of repair. The intention is to strike a balance between mitigating the impact on individuals required to move or surrender their property and securing the longer-term benefits from the proposed redevelopment or refurbishment.
 - 1.3.2 The aim of this policy is to ensure, where a regeneration scheme is approved, that the rehousing process is managed efficiently and fairly. It provides an overview of the process by which affected tenants and leaseholders will be rehoused (in accordance with the lettings policy) in order to deliver the necessary vacant possession required under the regeneration scheme while ensuring the needs of those affected are taken into account. It also provides an overview of compensation for affected individuals for expenses incurred, disturbance and inconvenience, in accordance with the law and existing best practice.
 - 1.3.3 The Council is committed to ensuring that there is the least possible disturbance to those required to move from their home or give up their property.
 - 1.3.4 This policy will govern any estate regeneration schemes approved on or after the Housing Scrutiny Committee meeting of 2021-09-23. It will additionally act as Cambridge City Council's default approach to stakeholder engagement and the decanting process to future developments.

- 1.3.5 This policy affirms the council's commitment to rehouse and provide assistance to all eligible tenants affected by regeneration activities and should be read in combination with the most recent Cambridge City Council general Lettings Policy. Specific note should be given to the Lettings Policy Parts 1.5-1.7 in as they relate to the Equality Act 2010, Children Act 2004, Care Act 2014 and convention rights.
- 1.3.6 The policy applies to all regeneration schemes and concerns affected secure and introductory tenants, leaseholders and freeholders.
- 1.3.7 The policy does not apply to unauthorised occupants, subtenants or licensees/ lodgers.
- 1.3.8 The Council has separate policies in respect of
- Tenants required to temporarily move from their home due to repair or refurbishment
 - Compulsory purchase of properties for reasons other than redevelopment
- 1.3.9 While this policy sets out a standardised approach to engagement, the council acknowledges the potential variation in individual circumstances of affected tenants, and some flexibility in approach may be required in individual circumstances
- 1.3.10 The Council's guiding principles for undertaking consultation of openness; accessibility and inclusiveness; and transparency and accountability will apply. In this, the Council is guided by the Gunning principles of consultation as proposed and accepted in the 1985 case of Gunning vs. London Borough of Brent.
- 1.3.11 The Gunning principles, as defined by Stephen Sedley QC and described by the Local Government association are that "a consultation is only legitimate when these four principles are met:

1. Proposals are still at a formative stage.

A final decision has not yet been made, or predetermined, by the decision makers.

2. There is sufficient information to give 'intelligent consideration'.

The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

3. There is adequate time for consideration and response.

There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation, despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation.

4. ‘Conscientious consideration’ must be given to the consultation responses before a decision is made.

Decision-makers should be able to provide evidence that they took consultation responses into account.

- 1.3.12 As a general principle of redevelopment, it is understood that any development will be regarded, by at least some residents, as a loss to the community. The consultation policy is grounded in ensuring that the Council treats residents and property owners consistently and fairly and is transparent about how its plans will unfold and the extent to which residents will be able to influence them.

2 The Council’s Vision Statement and Strategic Objectives

- 2.1 This Policy fits with the Council’s vision as set out in the extract below. These objectives are published every year in the Council’s Annual Statement on the Council’s website at (<https://www.cambridge.gov.uk/annual-statement>).

The Council has a clear vision “to lead a united city, ‘One Cambridge - Fair for All’, in which economic dynamism and prosperity are combined with social justice and equality”.

Housing is prominent feature for “a city which strives to ensure that all local households can secure a suitable, affordable local home, close to jobs and neighbourhood facilities”.

Tackling the city’s housing crisis and delivering our planning objectives including: working to build new homes with an emphasis on Council rent housing; making the most of council-owned land to provide new housing; continuing to provide council housing and investigating ways of building new council housing

- 2.2 This policy is also designed to support the vision of the Greater Cambridge Housing Strategy 2019-23, as extracted below:

Building the right homes in the right places that people need and can afford to live in

Priority 1: Increasing the delivery of homes, including affordable housing, along with sustainable transport and infrastructure, to meet housing need

Priority 2: Diversifying the housing market and accelerating delivery

Priority 3: Achieving a high standard of design and quality of new homes and communities

Enabling people to live settled lives

Priority 4: Improving housing conditions and making best use of existing homes

Priority 5: Promoting health and wellbeing through housing

Priority 6: Preventing and tackling homelessness and rough sleeping

Building strong partnerships

Priority 7: Working with key partners to innovate and maximise resources available

3 Engagement with residents when redevelopment involving home loss is proposed

- 3.1 In engaging with those affected by a redevelopment scheme, the Council's guiding principles for undertaking consultation of openness; accessibility and inclusiveness; and transparency and accountability will apply and the Gunning Principles adhered to as a matter of best practice.
- 3.2 Local Ward Members and the Resident Representatives on the HSC will be informed immediately prior to communication with residents about any scheme and any initial letters or meetings.
- 3.3 When a site that contains existing housing is identified as suitable for redevelopment, the Council may, depending on local factors such as the scale of the scheme and the history of local consultations in the area, choose to consult the residents of the site on a masterplan for the area to capture local needs and ambitions for change. Residents will be given the opportunity to respond to this initial consultation on the future of their estate which is expected to be broad in scope and may encompass matters in excess of those covered in future housing proposals.
- 3.4 The Council's consultation team will pass on any non-housing related resident concerns collected during a masterplan consultation to the relevant Council service area.
- 3.5 Once a scheme has been appraised for development, a report will be submitted to the Housing Scrutiny Committee and approval will be sought from the Executive Councillor for Housing to develop detailed scheme proposals. A summary of any feedback, and changes made to the proposals in consequence of this will be included with the final report that will be presented to the Council for specific approval to proceed with the scheme.
- 3.6 When proposals for a detailed scheme have been developed, residents and owners of existing residential properties which have been identified for development will be consulted 12 weeks prior to the publication of a detailed scheme report to Housing Scrutiny Committee. Those affected will be provided the following information as a minimum at this stage of consultation.
- 3.7 A map of the area to be redeveloped, showing clearly which properties are proposed for demolition and which will be retained;
- 3.8 An indication of what will be developed on the site (residential, commercial, community development etc), including changes to the travel routes through the site.
- 3.9 An indicative timetable explaining when a detailed scheme plan will be submitted to the Housing Scrutiny Committee.
- 3.10 A named contact person for further information will be provided to tenants and leaseholders.
- 3.11 In addition to advising those affected by post, the Council will:

- 3.11.1 Publicise the same information on the Council website, providing contact details for the Council officer responsible, who will be available to answer questions on the proposals.
- 3.12 In subsequent discussions and meetings with residents, brief them on the impacts of the development on them as individuals (providing more detailed timescale for decanting only when this is available and has been approved by the appropriate authorities).
- 3.13 Where development is likely to have significant impact on the public realm (changing, removing or providing new public facilities), organise in-person or digital delivery displays of the development plans where consultees can drop in to ask questions of the delivery team and review detailed plans
- 3.14 The Council's aim in involving current residents is not only to explain the reasons why the Council is looking to redevelop their current homes, but also to explore with them their individual circumstances; connections with the local community; and future housing aspirations; and from this determine whether the rehousing needs of residents can best be met by returning to the new scheme or by moving to a different home.
- 3.15 In the event that a scheme is approved by the Executive Councillor for Housing, the Council will work closely with residents who are losing their homes to ensure that they are provided with appropriate options for relocation (see sections 4-5) and have the necessary support to take advantage of these (see section 6).
- 3.16 Once a regeneration scheme is approved, the Council will tell all affected parties the date when their home has to be empty. This is called the vacant possession date. Initial Demolition Notices will also be served to all affected tenants to coincide with scheme approval. Such notice will act to suspend Right to Buy rights.
- 3.17 The Council will talk to residents about all re-housing options which are available. Some schemes may involve new homes being built. The Council will try to help the tenant to make an informed decision about the best choices for them. Tenants will be required to fill in an application to go on the housing register, Home-Link.

4 Alternative Housing for Tenants

- 4.1 The criteria set out in the Council's Letting Policy will be the basis upon which alternative accommodation is deemed suitable.
- 4.2 Tenants required to move as part of a regeneration scheme will be given emergency housing status to bid under Home-Link. This housing status will be applied following the Executive Councillor approval of a detailed regeneration scheme, and will apply to all affected tenants.

- 4.2.1 Where more than one tenant with emergency status is bidding on the same property, the customer with the earliest priority date will be allocated the property.
- 4.2.2 Where more than one tenant with emergency housing status and the same priority date has bid for a property a Cambridge City Council housing adviser will decide priority for shortlisting taking into account the needs of the applicants and the best use of housing stock.
- 4.2.3 The Council may, in exceptional circumstances, recommend to the Senior Officer Review Panel (SORP) that tenants be offered a direct let.
- 4.2.4 In the event that the Council chooses to develop a housing scheme in more than one phase, residents may have emergency housing status applied in Homelink one phase at a time. This may mean that residents in a later phase of the development do not have emergency status applied in Homelink until the residents of the previous phase have been decanted. Residents will be informed individually of their Homelink band in such cases.
- 4.2.5 Where a possession order is obtained for a breach of tenancy (ie rent arrears or anti-social behaviour) the tenant will no longer be considered eligible to be rehoused and/ or supported under the policy.
- 4.2.6 Where a tenancy ends for any other reason, (purchase of a property or moving via a mutual exchange arrangement), the tenant will no longer be considered eligible to be rehoused and/ or supported under the policy.
- 4.2.7 Please refer to the Greater Cambridge general lettings policy for further details of this process.
- 4.3 The Council commits to both:
 - 4.3.1 assisting tenants in making arrangements for leaving their current home and finding new accommodation (see section 6), and
 - 4.3.2 ensuring that suitable alternative accommodation is available, by prioritising tenant placement as outlined in 4.2.
- 4.4 Tenants are however ultimately responsible for their own accommodation arrangements and will be required to participate fully in the process. Tenants will still be liable to pay rent on any new home that they move to as part of the decanting process. Every effort will be made by the Council to re-house a tenant in the area of their choice.
- 4.5 Three months after the approval of the detailed scheme by the Executive Councillor, the Council will issue a formal notice (Notice Seeking Possession) to tenants who have not yet moved out of their accommodation. This notice allows the Council to ask the County Court for an order requiring the tenant to leave their home. The Council must satisfy the Court by suitably establishing the grounds for serving of notice, as well as demonstrating that suitable alternative accommodation is available for the tenant/s to move into.

Alongside this process, the Council will undertake the following actions:

- (a) Assist the tenant with the bidding process for appropriate alternative Council accommodation using the priority status detailed at 4.3.
 - (b) Refer the case to SORP where suitable alternative accommodation has not been available for the tenant to move into or other, extenuating circumstances explain why the tenant has not been able to move. SORP can choose to extend the bidding period, seek a direct let from a registered provider partner within the Home-link partnership or take another course of action aimed at resolving the tenant's housing situation.
- 4.6 If a tenant is successful in bidding for an advertised property and the Council considers that the property is suitable for them the Council will expect them to move into the property.
- 4.7 If a tenant has not moved after six months have elapsed from the date of issue of a Notice Seeking Possession, and provided that reasonable efforts have been made to help the tenant move via the measures at 4.4 (a) and 4.4 (b), the Council will ask the County Court for an order requiring them to move.
- 4.8 Council tenants who were required to move and wish to exercise their right to return to the redeveloped scheme will be given priority to return to suitable alternative accommodation on the redeveloped or refurbished scheme, provided there is sufficient new accommodation of the type required available.
- 4.9 Should a tenant be interested in types of tenancy other than for social rent then advice and assistance from a council officer will be offered to help the tenant secure such a move.

5 Alternative Housing for Leaseholders

- 5.1 When a Council site including a leasehold property is to be redeveloped, the Council will attempt to secure the interest from the leaseholder by negotiation following the approval of a detailed housing scheme by the Executive Councillor.
- 5.2 The Council will seek to acquire leasehold property with vacant possession.
- 5.3 Once three months have elapsed from the approval of a detailed scheme by Executive Councillor, the Council may initiate proceedings for a Compulsory Purchase Order. This process will be carried out in accordance with the law in parallel with continuing efforts secure the interest in a leasehold property by negotiation.
- 5.4 If a leaseholder wishes to exercise their right to return to the redeveloped scheme, the City Council will work with them to identify a property on the new scheme which the leaseholder can purchase through a shared ownership or shared equity stake. This will only be an option where the offer of a leasehold stake does not unreasonably impact the financial viability of the scheme, or require an unreasonable redesign of the layout of the scheme or the units offered.
- 5.5 If it is not possible to offer a leasehold interest in the newly developed scheme, the Council will provide advice and assistance on option for purchasing a property in the private housing market, which may include shared ownership, equity share or another form of intermediate housing option elsewhere in the city, or, if desired, another local authority area.

6 Council approach to Freeholders

- 6.1 When a Council site including a freehold property is to be redeveloped, the Council will attempt to secure the interest from the freeholder by negotiation following the approval of a detailed housing scheme by the Executive Councillor.
- 6.2 The Council will seek to acquire freehold properties with vacant possession.
- 6.3 Once three months have elapsed from the approval of a detailed scheme by Executive Councillor, the Council may initiate proceedings for a Compulsory Purchase Order. This process will be carried out in accordance with the law in parallel with continuing efforts to secure the interest in the property by negotiation.
- 6.4 If a freeholder wishes to exercise their right to return to the redeveloped scheme, the City Council will work with them to identify a property on the new scheme which the freeholder can purchase through a shared ownership or shared equity stake. This will only be an option where the offer of a leasehold or freehold stake does not unreasonably impact the financial viability of the scheme, or require an unreasonable redesign of the layout of the scheme or the units offered.
- 6.5 If it is not possible to offer a leasehold or freehold interest in the newly developed scheme, the Council will provide advice and assistance on option for purchasing a property in the private housing market, which may include shared ownership, equity share or another form of intermediate housing option elsewhere in the city, or, if desired, another local authority area.

7 Support to Move

- 7.1 The Council recognises that individual tenants and leaseholders will require different degrees of support to move. In particular the Council will prioritise its assistance to vulnerable tenants:
 - 7.1.1 Tenants over the age of 60
 - 7.1.2 Tenants with physical and/or mental disability
 - 7.1.3 Tenants for whom English is not their first language
 - 7.1.4 Tenants with any other identified vulnerability
- 7.2 The support required will be assessed and negotiated on a case by case basis.
- 7.3 The types of support to be provided to those tenants and leaseholders who need it are as follows:
 - 7.3.1 Assistance with registering and placing bids on Home-Link
 - 7.3.2 Assistance with forms relating to change of address

7.4 For vulnerable tenants the council can assist with:

7.4.1 Arranging packing and removals as required

7.4.2 Arranging lifting and refitting of carpets and curtains refit if required

7.5 For non-resident leaseholders whose properties are purchased as part of a redevelopment, the council will also offer non-specialist advice and assistance on securing a comparable property on the open market or, as per section 8.2, in securing an interest in a replacement property on the completed development.

8 Compensation payments

- 8.1 The Council will make statutory payments to tenants, resident and non-resident leaseholders who qualify for them under law set out in The Land Compensation Act 1973 and The Land Compensation Act 1961. Types of Payment will cover Home Loss payments or Basic Loss payments as detailed in Appendix 1 of this document. The type of payment made will depend on the individual circumstances of the affected party, are set by government and reviewed annually.
- 8.2 Disturbance payments and reimbursement for incidental costs may also be payable. The council will pay these in compliance with the relevant legislation. Entitled parties will be supplied with details of the relevant statutory payments and how these may be claimed.
- 8.3 All types of compensation payments will only become payable once approval has been provided by the Council to proceed with a specific redevelopment or refurbishment scheme. It is at this point too that any Right to Buy application will be halted and any new application declined, coinciding with serving of the Initial Demolition Notice.
- 8.4 The Council will deduct from any compensation payment the sum of any rent arrears, outstanding council tax, housing benefit overpayments, leasehold service charges and any other council charge accrued at the point of payment. A resident or leaseholder will be advised of any deduction made by the Council.
- 8.5 This Policy does not apply to residents who have had a final possession order granted to end their tenancy before the approval at Housing Scrutiny Committee of a scheme to redevelop the site.

9 Infill development and Council tenants

- 9.1 In addition to large-scale estate regeneration, the Council regularly reviews its existing housing stock to identify opportunities for land assembly and housing infill that does not displace existing residents.
- 9.2 This type of development may involve the taking back of sections of tenants' gardens or the decanting of a garage scheme in order to create a housing site.
- 9.3 Garden land take & other tenancy changes.
- 9.3.1 Where the Council intends to take a portion of a tenant's garden or make any other amendment to their tenancy, it must serve a formal Notice of Variation to their tenancy and follow the process required by law.
- 9.3.2 Tenants will be contacted by Council officers and informed of the following before any Notice of Variation is issued;
- The details of the proposed housing scheme
 - The details of the proposed change
 - The reason that the garden land or other change is required
 - Any consequential works that the Council is willing to undertake such as the relocation or replacement of garden furniture or installation of new access routes.

- 9.3.3 If a tenant wishes to contest the Council's plans, they will be encouraged to seek their own independent legal advice.
- 9.4 Garage & parking space tenancies (private)
- 9.4.1 The City Council offers private tenancies on garages and parking spaces in a range of locations across the City. The Council is under no legal obligation to provide garage or parking space tenancies and, as such, may choose to terminate those tenancies if a land assembly for housing infill is a financially viable opportunity.
- 9.4.2 As per the terms of existing garage and parking space tenancies, the Council is required to issue tenants with a Notice to Quit at least one week (7 days) in advance of the date on which the Council requires possession of the site.
- 9.4.3 The Council will, where possible, contact garage and parking space tenants before the issue of the formal Notice to Quit to notify them that a development is taking place and provide them with an indicative date for when the Council will require possession of the garage. This notification is solely to allow additional time for garage or parking space tenants to seek alternative parking arrangements.
- 9.4.4 The Council may, at its discretion, offer vacant garage or car parking spaces within its control elsewhere in the city to garage / parking space tenants who have been or will be issued with a formal Notice to Quit.
- 9.4.5 In the event that an infill development requires the acquisition of land owned by a private leaseholder or freeholder, the Council will acquire this interest by negotiation.

Appendix 1: Compensation Payments

The following information is provided in line with legal requirements set out in The Land Compensation Act 1973 and The Land Compensation Act 1961.

Council tenants required to leave their homes are entitled to:

- Home loss payment
- Disturbance payment or assistance with costs associated with moving
- Incidental charges
- Acceptance of the above payments does not impact a former tenants' ability to exercise their right of return, where properties of an appropriate tenure are available.

Resident leaseholders and freeholders on Council land required to leave their homes are entitled to:

- Home loss payment – a 10% compensation payment on top of the purchase price of the home, subject to a maximum payment of £47,000 and a minimum payment of £4,700
- Incidental charges (inc. claimed costs associated with moving)

- Acceptance of the above payments does not impact a former leasehold resident's ability to exercise their right of return, where properties of an appropriate tenure are available.

Non-resident leaseholders and freeholders of properties on Council land required to sell their lease to the Council are entitled to:

- Basic Loss payment – a 7.5% bonus on top of the purchase price of the home. (7.5% - capped at a certain rate)
- Incidental charges

The entitlement to Home Loss and Basic loss payment is subject to the claimant having had an interest in the property for no less than one year. Where the one-year qualifying period cannot be met, discretionary payments may be made provided the occupier's interest and rights can be satisfied at the date of displacement