

Response to the London Mayor's consultation on proposed new funding condition to require resident ballots in estate regeneration

This response draws on and extends our 2017 response to the GLA's draft good practice guide to estate regeneration (see <https://justspacelondon.files.wordpress.com/2017/03/professor-loretta-lees-gla-draft-guidance-council-estates-feedback.pdf>). It is a result of the work we have now done over the past year on the 3 year ESRC PROJECT *Gentrification, Displacement, and the Impacts of Council Estate Renewal in C21st London* in which THE GLA IS A STAKEHOLDER.

We welcome the mayor's consultation on estate regeneration ballots, but we wish to make a number of observations:

1. DEFINITIONS: There is still no legal or other definition of an 'estate' offered. What might that be? Is the threshold for inclusion 50, 100 or 200 households/properties, for example? It is also not clear what kinds of estates we are talking about here – council estates are fundamentally different to other social housing estates or those of mixed tenure. The guide should cover all estates that provide affordable housing of any kind, notwithstanding the definition of affordable housing has changed over time.

2. REGENERATION – WHAT DO YOU MEAN BY IT? REDEVELOPMENT, RENEWAL OR REFURBISHMENT? The circumstances in which the regeneration of estates in London should be advocated is not clear. Residents need a clear set of principles that set out the precise circumstances or conditions in which an estate ought to be torn down and redeveloped, refurbished or left alone. We need a definition of what is meant by 'strategic' estate regeneration.

3. GUIDANCE OR LEGAL FRAMEWORK? 'ballots to be encouraged' It is not clear in the draft if the ballots are to be a condition for funding or merely guidance to be shared as best practice. If the latter, it is not spelt out how the GLA will ensure that regeneration projects will conform to these principles of best practice from start to finish. The key decision points at which the GLA might intervene are not detailed. The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute requirement. As it stands the proposal provides far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes. Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration'?

4. PLANNING STAGE We request a ballot for all estates at the planning stage, including those rushed through GLA funding (such as Cressingham Gardens, etc).

5. THE POSITIVE SPIN ON ESTATE REGENERATION IGNORES THE EVIDENCE BASE OF OVERWHELMINGLY NEGATIVE EFFECTS In section 1.2: the Mayor suggests that there are multiple benefits offered by successful estate regeneration, but he ignores the reality of multiple disbenefits:

- Council estate regeneration in London has displaced large numbers of council tenants and leaseholders to make way for the development of luxury dwellings for much higher income

households (see displacement maps for Heygate Estate:

<https://justspace.org.uk/2014/06/19/staying-put-an-anti-gentrification-handbook-for-council-estates-in-london/> and for the Aylesbury Estate in Professor Loretta Lees' evidence to the 2018 Aylesbury Public inquiry, attached, also available at <http://aylesbury-estate.persona-pi.com/2018-inquiry-docs> document no. OBJ/ALAG/W6/1 Prof Loretta Lees: Proof.

- Since 1997 **54,263 units** have either been demolished or are slated for demolition on council estates in London. If we take the London Housing Plan's average number of households per unit 2.5 (fig 2.1) *a conservative estimate* is that **135,658 council tenants and leaseholders have been/are being displaced**. The estimates in media reports have been 50,000, the reality is substantially higher! We attach the database that we have collated as part of the above mentioned ESRC project we are working on. The database is a collation of all council estate renewal schemes of *more than 100 units* in London since 1997.
- The displacement of council tenants and leaseholders has had detrimental impacts: economic, social and cultural. Decades of pain have been endured on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, the reality of displacement and the breaking up of strong and supportive communities, having a detrimental impact on public health and well-being. See attached interviews presented as evidence at the second Aylesbury Public Inquiry. The Mayor must pay attention to, and highlight the evidence on, the detrimental impacts of estate regeneration.

6. CONSULTATION & ENGAGEMENT: The guidance is overwhelmingly written for landlords. Ideally, there should be separate guidance in the document for both landlords and residents. Before any ballot there will need to be consultations to make sure residents are aware of potential outcomes. We suggest a more thoroughgoing recognition of the rights of residents, and suggest that in all cases a third party needs to be appointed by the GLA to avoid the CONsultations that have been seen on many estates (see <https://justspace.org.uk/2014/06/19/staying-put-an-anti-gentrification-handbook-for-council-estates-in-london/>) OR funding allocated to tenants to appoint independent advisors as they choose and who are accountable to them. Residents need to be able to vote on a range of proposals including ones **they** have been involved in drawing-up. At the different stages in the process the following should be published: an Engagement Plan, a Cost Benefit Analysis, Social and Environmental Impact Assessments. An *Estate Regeneration Board* could also include an advisor on the option appraisal process, and a team of architects, engineers, and quantity surveyors to offer independent advice and support to residents. There should also be full transparency during the consultation and ballot of all the implications of new infrastructure/provision of services on the new estate.

In this proposal there remains a failure to engage social housing tenants in proposals for estate regeneration in a meaningful way. A ballot is 'false choice urbanism' – between regeneration or decline. The provision of full and detailed evidence-based data must be required in each scheme to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished. There is a lack of funding and support for council tenants and leaseholders to determine what **THEY** might want – bottom up – estate regeneration / improvement schemes. It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions on estate regeneration schemes and that residents are provided with resources to make the case for retention and refurbishment of existing homes to provide bottom up alternatives.

6. THE RIGHT TO STAY PUT: Any ballot must include the right to stay put – to be able to remain in the same community, to be able to return to the (redlined) footprint of the original estate.

7. LIKE FOR LIKE In section 1.3 & 1.4 the Mayor must define ‘like for like’. This should comprise, at least, the same size, density, tenure, rents and service charges as existing.

8. MONITORING The Mayor’s office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness of the policy and procedures around ballots.

9. TENURE & SECURITY: The ballot proposal needs to say more about security of tenure – council tenants can lose their secure tenancies through being forced to move into new homes that are no longer classified as ‘council’ homes. Council estate residents facing displacement need more than ‘high priority’ in local allocations policy. Guarantees over moving to the same or similar rent levels need to be much clearer in this respect. Many residents on regenerated estates end up paying much higher rents, service charges and council tax despite pre-regeneration promises that rents would not go up. As the evidence presented at the first Aylesbury CPO public inquiry showed (<http://35percent.org/2016-09-18-aylesbury-compulsory-purchase-order-rejected/>) leaseholders are also badly affected by estate regeneration, they need a ‘London market value promise’ which means that they are given enough money (with no increase in mortgage or new service charges) to be able to afford to buy the same kind of property in the same borough or on the regenerated estate. The guidance needs to be clearer about leaseholder rights.

OUR RESPONSES TO YOUR SPECIFIC QUESTIONS:

Question 1: Do you agree that the GLA should make resident ballots a funding condition for estate regeneration?

Yes we agree that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this in line with the requirement of ballots in respect of stock transfers. **But** we also feel that planning policy must be strengthened. The London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that in all estate regeneration proposals that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / including comparison of social, economic and environmental issues involved in refurb compared to demolition and rebuild.

Question 2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot?

No. There should be a requirement of a ballot in *all* estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed. There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots making paragraph 3.5 impossible to deliver - particularly given the Mayor’s focus on small sites in the draft London Plan.

Question 3. Do you agree with the proposed scope of resident ballots? Why/why not?

Yes – support for there being a yes/no ballot - first and foremost focused on whether there should be any demolition of existing social-rented homes within the regeneration proposals. This would then clear the route to more positive collaboration between tenants, residents and social landlords around possible / potential regeneration, without unnecessary demolition of existing social rented homes.

Proposal: Re paragraph 3.6 this should additionally include:

- A summary of full and detailed independent analysis of the social, economic and environmental impacts of any demolition of existing homes, compared to refurbishment, which should be carried out as part of early discussions with residents.
- Alternative proposals – on refurbishment and on any grass roots resident led proposals.
- Evidence that residents feel that they have been provided with sufficient information on these issues to make a solid yes/no decision.
- Evidence that independent support for residents (selected by residents) has been provided.
- Evidence that residents have been provided with the opportunities and funding to prepare their own regeneration proposals within the scope of funding available.

Proposal: The following should be included in paragraph 3.7

- Rent and service charge costs of any replacement social-rented homes.
- Details of all relevant developers, housing associations and other stakeholders that may be involved in the estate regeneration.

Additional Proposal:

- There should be a requirement to show a significant engagement in a ballot in order for plans to go ahead (at least 50%).
- Ballots must be held prior to applications for planning permission being submitted.

Question 4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happen?

- As detailed above, it is essential that residents are provided with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out.
- There is concern around the level of change that can occur in regeneration proposals over long periods of time - sometimes over a decade or more. There either needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding) or where changes in any of these occur that there must be opportunities for further ballots. Residents should be able to call for a further ballot in such circumstances (to ensure that the intention of 3.13 is upheld).
- Regarding 3.14 – As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of ‘like-for-like’ – requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.

Question 6. Do you agree with the eligibility criteria for resident ballots?

Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration – highlighted in bold below to ensure that it is clear that adult children and partners of secure tenants are included. This similarly should apply with regard to leaseholders and freeholders.

- social housing tenants **and household occupants** (including those with secure, assured, flexible or introductory tenancies) **named or listed** on the tenancy agreement,

Proposal - In addition, any tenants who have already been decanted from an estate where regeneration is planned and have indicated that they wish to return to the estate should also be included in the ballot.

Question 7. Do you agree that the eligibility criteria should be the same for all schemes?

Yes.

Question 8: Do you agree with the Mayor's proposed requirement for implementing ballots?

- Agree that a qualified independent body such as the Electoral Reform Services should be contracted to carry out the ballot.

Proposal: Social landlord should ensure information held on tenants and occupants must be updated and accurate prior to any ballot taking place.

Question 10. Do you agree with the proposed exemption where demolitions are required to deliver infrastructure schemes?

No. Clearly, in instances where there are already established statutory provisions in place. However, in other circumstances there should be no exemption for the requirement of ballots on this basis.

Question 11. Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/why not?

No.

Re paragraph 3.30. Of course, health and safety issues must be an absolute priority, but this does not mean that demolition will necessarily be the best solution. In almost no instances will buildings be structurally unsound and, only in a few instances, will it not be possible to remedy other health and safety issues through refurbishment rather than demolition of homes.

There are concerns that demolitions have occurred and/or residents have been persuaded to accept being decanted on the basis of the huge cost required to remedy safety issues (such as on the Carpenters Estate) but where there has been absolutely no solid evidence provided of either the health and safety issues nor the costings.

In all instances full evidence should be provided and except in the case of a building being structurally unsound, all options (including refurbishment) must be considered for remedying problems and residents must be balloted.

Question 12. Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority?

No. Again, all options around making alternations and refurbishing homes should be considered and residents should be able to make the decision around whether this is a better option than demolition.

Question 14: Do you agree with the proposed transitional arrangements? Why/why not?

Regarding 4.3, it can take a very long time following an outline planning permission being granted to submit a full planning application.

Proposal: It would be entirely reasonable, in instances where there is only outline planning permission and no more than six months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead.

Again, all proposals that include demolition should require a ballot. Tenants should have the same and equal rights around processes for being balloted. Where ballots have taken place that do not meet full and agreed procedures, a ballot should still be arranged.

3/04/18 Professor Loretta Lees (key contact: loretta.lees@le.ac.uk)

Those undersigning this feedback:

ESRC Project:

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ESR Project Stakeholders:

Just Space; London Tenants Federation; Cambridge House.

Attachments:

- a. Database council estates in London (of over 100 units) which have either been demolished or are slated for demolition from ESRC project PI Professor Loretta Lees.
- b. Expert witness evidence to 2018 Aylesbury Public Inquiry by Professor Loretta Lees.