

London Tenants Federation

14.03.17

Response to the London Mayor's Good Practice Guide on Estate Regeneration

- 1. Introduction:** LTF is an umbrella organisation bringing together mostly borough- and London-wide federations and organisations of tenants of social housing providers, but also London Federation of Housing Co-operatives and the National Federation of Tenant Management Organisations. A number of its member organisations involve both council and housing association tenants and a few (a minority) also involve some private tenants.
- 1.1 LTF facilitates a consensus voice for tenants of social-housing providers in the capital. Its key focus is engaging its member organisations in London-wide strategic regional housing, planning and community related policy. It had representation on the Mayor's Housing Forum from 2005, although the Forum no longer seems to be in existence. LTF delegates are often invited to attend London Assembly housing and planning committee meetings. Its members have attended, by invitation, almost all the Examinations in Public of the London Plan since 2007, particularly relating to housing and regeneration policy. LTF maintains strong links with other community and voluntary sector organisations in London that also have an interest in strategic and statutory housing issues.
- 1.2 LTF has huge concerns about both failures to deliver new and additional social-rented home along with ongoing loss of social-rented homes though what is deemed to be 'estate regeneration, is more often than not simply demolition. LTF members engaged in the London Assembly Housing Committee's investigation into demolition v refurbishment in 2014 – engaging in both the panel discussion and through submitting a written response. LTF members met with officers involved in drafting the Good Practice Guide and with academics from New South Wales who produced a report for the GLA on this issue.
- 1.3 LTF held a special meeting on 21st March for its members to discuss the Mayor's draft Good Practice Guidance on Estate Regeneration, attended by around 50 tenant representatives from LTF member organisations. A sub group of representatives who attended that meeting put together a model response which LTF member organisations have been able to use, amended as they see fit, in responding individually to the consultation. The model forms the basis of the LTF response, although it also includes additional comments (particularly on section 3 of the Mayors draft guidance) and proposals.
- 2. Key concerns about estate regeneration:**

- 2.1 What is deemed to be estate regeneration is generally not renewal of the homes on council or housing association estates, in most instances, is simply about demolition. In its wake, it displaces, breaks up and divides communities and ultimately destroys them.
- 2.2 No respect is paid to tenants and leaseholders whose homes are to be demolished and / or who to have to suffer additional high density homes squashed in closely next to existing homes (to the extent that in some instances they are so close that sunlight is blocked and TVs can be watched from adjacent flats). Estates are places where residents will be raising or have raised their children and grown old and will have also have positively contributed to supporting and sustaining their wider community. Many social housing estates provide very good examples of sustainable communities and Lifetime Neighbourhoods (as defined in the London Plan) - with not just homes but also gardens, other green and play spaces, active community centres, local shops, pubs and other businesses and sometimes schools or other types of social infrastructure. Demolition and displacement is contrary to supporting and protecting existing Lifetime Neighbourhoods.
- 2.3 The negative stereotyping of social housing tenants (as being lazy scroungers on the state) is explicit in estate redevelopment / demolition proposals and is actively promoted in planning policy such as the London Plan policy 3.9 (Mixed and Balanced Communities). No acknowledgement is made that tenants will have paid (sometimes for decades) for the day-to-day management and maintenance of their not-for-profit homes and the green, play and community infrastructure on their estate (as well as collectively paying off debt accrued in constructing their homes in the first place). Their financial and social commitment is simply shunted aside to satisfy the greed of property developers, investors and for-profit landlords.
- 2.4 Estate regeneration and insertion of high densification is nothing but a constant take from the least well-off to benefit exclusive and wealthier section of society. It ignores any necessity for the exercise of a duty of care for residents of social housing estates. It leads to transience and a general lack of the essential ingredients of a Lifetime Neighbourhood.
- 2.5 There are concerns that in some instances landlords are deliberately running down, neglecting or failing to properly maintain some estates, where they have the intention to demolish and extract value of the land at a later date. The fact that governments in the past, and some authorities, have siphoned off monies from the Housing Revenue Account for purposes other than managing and maintaining council homes and that much of the money gained in capital receipts through Right to Buy has never found its way back to supporting existing council homes or building new, are additional problems in this respect.
- 2.6 In most instances demolition and redevelopment is entirely unnecessary, is more expensive, worse for the environment and is socially damaging. It creates high levels of stress, distress and has a detrimental impact on people's health and well-being.

Numerous academics and building specialists – such as Anne Power, LSE, the Building Research Establishment and Arup have highlighted these issues. The only justifiable reason for demolition is where buildings are structurally unsound and this is seldom the case.

- 2.7 There is always a lack of transparency in estate regeneration schemes – tenants are seldom made aware of plans until negotiations have already occurred with developers and where consultation is little more than a tinkering at the edges of plans already decided. Tenants are consistently denied rights to be properly informed before making a decision about the future of their homes and estates.

Social landlords consistently fail to carry out full and detailed analysis of the social, environmental and economic costs of plans let alone consider the benefits (socially, environmentally and economically of refurbishing and genuinely providing renewal of social housing estates). Their eyes are simply on the value of the land that our homes sit on and how much that may bring into their accounts.

- 2.8 Planning authorities are frequently highlighting local authority estates as areas for demolition and redevelopment in planning documents, before any detailed discussion has occurred with tenants and leaseholders - thus denying tenants legal rights under section 105 of the 1985 Housing Act and flouting Gunning Principles of fair consultation. Examples of this are West Hendon, Carpenters estates and current plans in Haringey. This must be addressed in good practice guidance.
- 2.9 Attempts to grab what is deemed by developers to be *underutilised land*, disrespects the aims of past architects and planners who designed places to improve the health and well-being of residents who were previously squeezed into unhealthy and overcrowded homes.
- 2.10 At a time when there is no grant funding for new desperately needed social-rented homes, and when social rent (particularly that paid by housing association tenants) is subsidising new builds at unaffordable rents, it is criminal that the majority of estate regeneration / redevelopment / demolition proposals result in loss of social-rented homes.

3. Comments and concerns about the Mayor's Good Practice Guide to Estate Regeneration

- 3.1 The foreword of the Mayor's good practice guide starts well in highlighting that particularly in relation to the soaring costs of housing in London, "we must protect and improve estates owned by councils and housing associations across London". It acknowledges that social housing provides a foundation of our mixed city and that it ensures that Londoners on low incomes have somewhere "decent and affordable to live in the capital." The Mayor also says he "wants to see existing local residents closely involved from the outset" and "we need to make sure that tenants and leaseholders on the estate are treated fairly"

- 3.2 The overarching principles set out in Chapter 1 also highlight that “As the primary stakeholders, residents of an estate must be given sufficient opportunity to engage with and shape any proposals that will affect their homes, and they should be proactively supported to do so.

The document as a whole, however is littered with contradictions, exceptions and get out clauses for landlords, and lacks detail around how specific processes required to provide real protection will operate – particularly relating to comments set out in section 1 above – set out as follows:

- 3.2 The document as a whole is focused almost entirely on assumed demolition and major redevelopment.
- 3.3 Chapter 1 paragraph 7 notes that demolishing and rebuilding homes is a time consuming and disruptive process. While it does suggest that the landlord should consider whether there are alternative ways of achieving aims of estate regeneration, it does not set out clearly what would be expected of a landlord or indeed how any challenges might be made around this. Without this it will still leave room for promotion of schemes that have not been properly evidenced (in terms of benefit or dis-benefit) or consulted on, to go ahead.
- 3.4 No loss of ‘affordable housing’ Chapter 1 paragraph 9. This section sadly leaves a get out clause – which says that demolition should only happen where there is not loss of social housing **‘or where all other options have been exhausted’**. How is this to be determined? If, as it should be, the objective is to prevent loss of social housing then this should be clearly stated in all cases. In addition, while talking about no loss of social-rented homes the Mayor refers only to existing London Plan policy around no loss affordable housing (which in itself has a huge ‘get out clauses’) and makes no suggestion that new London Plan policy will require that there will be no loss of social-rented homes in any regeneration scheme.
- 3.5 Monitoring and reviewing – Chapter 1 paragraph 14-16 This section makes no reference to monitoring of any existing tenants who may have been displaced from ‘estate regeneration’ schemes which is a serious omission.
- 3.6 When should consultation start? We have concerns that local authorities are bypassing the requirement in the 1985 Housing Act to properly consult with tenants prior to including housing estates as areas for redevelopment, in planning documents and their site allocations (which makes demolition and redevelopment a done deal). Examples provided in section 1.
- 3.7 Chapter 2 Who should be consulted We agree that tenants and residents of social housing estates must be the primary consultees. Others who are directly affected and who have a common interest with tenants and residents of the estate (as determined by residents) should also be consulted. However, different groups may well have different interests, so it is important to establish where they are held in common or where they diverge to ensure priority is given to residents.

- 3.8 We feel that elected tenants and residents' associations are the best model for achieving a transparent, accountable and democratic voice for any estate. Often landlord alternatives are self-selected or landlord selected individuals / steering groups – which are certainly not transparent, accountable or democratic.

We note that the list on Page 19 of the means of communicating with residents, omits reference to Tenants and Residents' Associations. TRAs are democratically elected and it is important to work with elected representatives of residents. It does refer to 'steering groups with resident representatives' and a variety of forums and other means. We are concerned that such groups are often self-selected or selected by landlords. We consider this tends to being a consumerist rather than a participatory method of engagement. Whatever representatives are involved in the end the most important voice is that of residents however expressed. In a democratic society the final decision should be by ballot.

- 3.9 Nowhere does the document positively propose that good practice should be grass roots bottom-up regeneration (with tenants and residents defining what they feel are the problems on their estate and how these issues may be tackled and what funding might be available, without demolition). There is apparently no room for residents to 'do nothing' or do just some things while holding onto plans that they may wish to be carried out should funding be made available at a later date. Thus, this document promotes short-termism and opportunistic practices.
- 3.10 The document fails to highlight that in some instances there seems to be some deliberate running down of certain estates – priming them up for demolition.
- 3.11 The document fails to set out the principles of fair consultation governed by common law - with a significant decision made in the supreme court in 2014 which suggests that certainly in some circumstances public bodies should consult on alternative options (including those that may have already been discarded by the public body). The Mayor's document (section 23) would appear not to be in conformity with this, in its suggestion that Local authorities and housing associations should not waste their time, or more importantly that of estate residents, by consulting on options which are not viable or deliverable. There are examples of where landlords have dismissed refurbishment schemes on this basis but where their assessments, for example around costs of refurbishment, have later been challenged.
- 3.12 The Mayor's good practice provides caution around having a ballot – which we feel is both disrespectful and patronising of social tenants and residents.
- 3.13 Section 3 – A fair deal for tenants and leaseholders is predicated on the need for demolition, which we have sought to argue against at all times. However, it is worth noting some of the assertions which are a cause for concern.
- (i) Case Study 8 refers, in part, to the situation of leaseholders. It notes that no leaseholders took up the option to take up a lease on the estate. However, the

study fails to examine the financial circumstances facing leaseholders, or freeholders if there were any. The example of estates like the Heygate is that the prices offered for properties being demolished simply do not match the prices demanded post 'regeneration'. This is simply not discussed, revealing both a blind spot in the good practice guide, but also a failure to grasp the realities of the regeneration process. A pious hope that leaseholders will be 'fairly' treated simply ignores the fundamental unfairness of the process and the financial implications of regeneration schemes.

- (ii) The position of private or temporary residents or tenants in the face of regeneration schemes is part and parcel of their increasingly uncertain status in the housing market and needs to be urgently addressed. The failure to provide and safeguard sufficient and genuinely affordable housing is a part of the problem. Adopting policies to reverse present trends is necessary to assist these tenants.
- (iii) This section also refers to compensation for tenants. It states tenants should be offered the maximum statutory home loss payment, as if this was a matter of discretion. As it is a statutory payment this **has** to be paid to lawful occupiers so this is not a policy improvement.
- (iv) Disturbance can cost a great deal more than is recognised by authorities. It is vital to include flexibility in assessing costs and allowing for expenses claims over and above the basic payment.
- (v) Demolition of estates often involves loss of amenities, in the form of green spaces, schools and other local services, familiar surroundings and friends, and will often mean having to move to more expensive accommodation with higher utility or service charges as well as higher transport costs. None of these are mentioned when discussing the impacts of having to move and compensation. Being forced to move also involves emotional distress and upset. Living on an estate in the process of being demolished is in itself a disturbing and, in many cases, an insecure experience.
- (vi) Discussion about a right to return also exposes further unreality. Case Study 8 touches on the problem. Once people move they put down new roots. For many it will be impracticable to return and authorities are fully aware of this when they make these offers. Moving back is not about moving back to their old environment but to a new one with new neighbours. While the statements about returning to similar properties with similar rents and tenancies are welcome the question has to be asked as to how realistic these statements are. The whole point of these schemes is to provide a return on investment making higher rents and less secure tenancies part of the process. While a right to return is desirable it has to be recognised that offering a right to return is not a replacement for enabling people to remain where they were through a programme of refurbishment.
- (vii) Another issue is the loss of tenancy rights as a part of the deal of having to move. The reality is tenants are often pressured to accept inferior tenancy rights,

are simply not informed of their rights or are even wrongly informed of their rights. These are highly pressured circumstances and tenants often experience considerable fear and anxiety about what will happen to them and may accept what is offered out of a desire to get away from a stressful situation.

(viii) The best way to avoid these losses is to establish the importance of preventing the demolition and loss of social rented homes.

4. What needs to be in a good practice guide that would give best protection to precious social-rented homes and the needs of low income households in London.

- 4.1 Refurbishing and upgrading existing homes should be the first and preferred option rather than demolition. There should be no exceptions to this.
- 4.2 Full protection should be provided for existing social housing particularly at a time that there is no current available grant funding to deliver new social-rented homes. The 2013 London Wide Strategic Housing Market Assessment (SHMA) identified the need for an additional 15,700 social-rented homes each year in London and yet for years 2005-15 the average annual delivery was only 4,781.
- 4.3 The Mayor must provide a commitment to lobby government to end the charging of VAT on refurbishment of homes.
- 4.4 The Mayor must keep a track on resources – particularly in relation to the environmental impact of demolition of perfectly sound social-rented homes.
- 4.5 Social impact assessments must be carried out on any estate where redevelopment / demolition is proposed.
- 4.6 Full social audits should be carried out on estates at the start of any discussions around possible estate regeneration.
- 4.7 Regeneration schemes should ensure that any funding available for estate regeneration should not leak out into developers' pockets. Schemes should be self-financing and any additional resources gained ploughed back into the estate.
- 4.8 The Mayors should commit to changing London Plan policy such as 3.9 Mixed and Balanced communities that promotes demolition of social-rented homes and negatively portrays social housing tenants.
- 4.9 The intentions of the planners and architects of social housing estates that provided green and play spaces so that residents could breathe and play and so that Lifelong communities can be created should be respected. Green spaces on housing estates should be protected not considered as redundant land for extracting monetary value. Current plans which consistently over-develop and over-density are comparable to factory farming, which is totally unacceptable.

- 4.10 The local residents of a social housing estate (not the landlord) should determine who else will be directly affected by any estate regeneration plans and who else would have a common interest with them and should thus also be consulted.
- 4.11 Support should be provided for estate tenants and residents to determine for themselves what, if any, regeneration is required, with clear and transparent information from their landlords about the funding may be available for any refurbishment options. Tenants and residents are best placed to capture the various components of their existing community and to identify what support might be needed to retain or support a Lifetime Neighbourhood. Tenants and leaseholders do not want to be treated as if they are serfs; they pay their landlord rents and service charges with the expectation of delivery of good services in maintaining their homes. The Mayor's policy documents should strongly support this occurring.
- 4.12 Should tenants and residents determine that to 'do nothing' at any particularly time may be their best option of retaining structurally sound social-rented homes and of obtaining funding in the future to refurbish their homes; this must be respected.
- 4.13 The Mayor should require landlords to take seriously their role as stewards of the land that social housing sits on, and the housing too, and ensure that as far as possible they hold both in trust for the benefit of both existing and future social-housing tenants and residents.
- 4.14 Where landlords are proposing demolition, they must provide a full analysis of economic, social and environmental (including embodied or live-time carbon) costs (fully justifying any proposals that refurbishment cannot be achieved - as highlighted in the London Assembly's Housing Committees '*Knock it Down to do it up*'.)
- 4.15 The Mayor should promote positive examples of social housing estates that provide Lifetime Neighbourhoods.
- 4.16 Support for tenants and residents should include assistance in establishing strong democratic tenants' and residents' associations – who may take the lead in holding meetings, carrying out surveys and producing newsletters – with funding available to determine who would be best to support them in this and in more technical matters.
- There is an increasing negative view about social housing tenants and their elected associations and a reluctance to support their efforts to engage their estate community. However, alternatives increasingly being used by landlords, which they deem to be more 'innovative' include selected rather than elected steering groups, 'mystery shopping', and support from advisers that are funded directly by the landlord, leading to concerns that 'he who pays the piper calls the tune'. We believe that as a result there is increasing disengagement. This is not best practice.
- 4.17 Tenants should have direct access to funding in order that they may determine what kind of support they might need and when they may need it rather than when their landlord determines that they might need it.

While the Mayor's draft guidance promotes the use of ITLAs it is the case that their expertise lies only within one area that tenants might need support in – that generally around landlord and tenant rights issues. They grew particularly in relation to providing tenants advice around stock transfers, PFIs and the establishment of ALMOs. Tenants of most estate regeneration schemes will likely need a wide range of support relating to environmental and construction technical and costings issues and on planning policy. Few ITLAs have expertise in all these areas and indeed some groups have been given poor advice by ITLAs where this has been given outside the areas where they do have expertise.

- 4.17 In a democratic society, there should always be a ballot where demolition is proposed. This was also suggested in the list of recommendations of the London Assembly Housing Committee's *Knock it Down or do it up*) and even Government guidance is much nearer to providing support for ballots. If this was good enough in relation to stock transfers, surely this must be essential in relation to demolition, given the much greater disruption and distress that proposed and unnecessary demolition causes.
- 4.18 Any monitoring and reviewing must include tracking of tenants and residents who have been displaced, particularly the impact on their health and well-being.
- 4.19 It is essential that the principles of fair consultation must be included.
- 4.20 No social housing estate should be included in a planning document for demolition and redevelopment unless full and proper analysis of social, environmental and economic analysis has been carried out and unless a ballot of tenants has been carried out. This is essential to prevent the current practice of denying tenants their rights to full and fair consultation. The Mayor must clamp down on this practice.

Your sincerely

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