

LONDON ITLA NETWORK

RESPONSE TO HOMES FOR LONDONERS, DRAFT GOOD PRACTICE GUIDE TO ESTATE REGENERATION, MAYOR OF LONDON

1. INTRODUCTION

- 1.1. We are a network of Independent Tenant and Leaseholder Advisers (ITLAs)¹ operating in London who have a shared set of values, agreed professional standards and a common understanding of the nature of our work. Our role is to provide professional help, advice and support to residents facing change to their housing, communities and neighbourhoods.
- 1.2. The purpose of the London ITLA Network is as follows:
- To increase the understanding of the roles and functions of ITLAs
 - To develop and support communities facing large-scale change and to ensure that they are properly engaged in the decision-making that will affect their lives
 - To share knowledge, experience and best practice
 - To drive up professional standards amongst ITLAs
 - To provide a professional consultative forum on housing policy and planning issues, and to feed into policy development and good practice
 - To establish a sound ethical framework for our professional practice.
- 1.3. We are committed to the principles of:
- Independence , impartiality and objectivity
 - Social equity
 - Enabling resident involvement and empowerment
 - Equality and diversity
 - Environmental sustainability and responsibility
 - Collaboration with each other and other organisations promoting resident engagement
 - Good working practices
 - High professional standards.
- 1.4. Our professional approach is based upon the Community Development National Occupational Standard 2015. We aim to build up the capacity of residents to make informed choices and have strong voices in any process of change. In order to achieve that we remain independent from the key local stakeholders as we do not have an interest in the outcome of any proposed change but a responsibility towards fairness and honesty of approach. We recognise that

¹ Sometimes referred to as Independent Resident Advisers, or Resident Friends.

change is often difficult as there are often differences of interests, disparities in resources; and inequalities of power between the key local stakeholders (local communities, local councils and other bodies).

2. GENERAL OBSERVATIONS

- 2.1. Housing regeneration in London is becoming increasingly controversial. A spate of recent high profile community campaigns in opposition to estate regeneration have been reported widely in the national and local media. Many communities are deeply distrustful of the motivation behind estate regeneration, and having lost faith in public institutions they simply do not believe the promises that are made about the benefits it will bring for themselves, their families and their communities. Nicky Gavron, the London Assembly Member and Labour Spokesperson for Planning on the London Assembly, raised the question “*how did regeneration become [such] a dirty word?*”²
- 2.2. Many estate regeneration programmes have been become associated primarily with housing redevelopment, rather than other housing renewal options. Wholescale redevelopment entails the demolition of peoples’ homes and upsetting their lives. Invariably it is unsettling and destructive even when addressing real social and housing problems; radical surgery when compared with less aggressive or intrusive interventions. So it is not surprising that it attracts opposition and a hostile press.
- 2.3. Moreover, several prominent estate regeneration schemes have been criticised for providing few if any benefits for the local community, of affordable housing being replaced by luxury apartments (often sold to overseas investors), and of local residents being displaced and dispersed from the area (often characterised as “social cleansing”).
- 2.4. Estate regeneration programmes, like everything else, have been affected by the general dissatisfaction and the decline in trust and the loss of faith that the British public have in politicians, public institutions, professional and experts of any description. In our response to the Mayor’s Good Practice Guide, we suggest that the breakdown of trust is a fundamental problem that requires a radically new approach to estate regeneration, particularly in the approach to community engagement.
- 2.5. The guiding principle explicit in the title of the good practice guide is that estate regeneration should be about providing homes for Londoners. We welcome the London Mayor’s commitment to protect and improve council and housing association estates across the capital. We agree that social housing is the foundation of the success of London as a world city and that and. And of course, we support any proposals that place local people at the heart of the estate regeneration process.

² <http://www.citymetric.com/politics/how-did-regeneration-become-dirty-word-boris-johnsons-london-1437>

- 2.6. However, the Mayor's Good Practice Guide falls well short of its aim to provide "reassurance to Londoners" and this is because it reads as a guide for Local Authorities and Registered Providers. Thus it is far too prescriptive in its approach to satisfy the requirements of a wider audience. We anticipate that it will be used by residents and other stakeholders to hold local authorities and registered providers to account in their approach and management of regeneration schemes - and rightly so!
- 2.7. Therefore a better account should be provided of the complexities of estate regeneration (both in its substantive text and in the accompanying case studies); a level of prior knowledge should not be assumed; and more context provided in terms of the drivers to estate regeneration: the rationale for increasing supply, improving the quality and conditions of homes and improving the quality of life on estates.
- 2.8. Moreover, the Mayor's Good Practice Guide relies too heavily on present frameworks, standards and compensation arrangements to define minimum standards rather than looking to the future to promote emerging good practice. Thus compensation payments should address the economic drivers impacting on existing residents and facilitate residents' choice of remaining within their communities. New developments should seek to increase the supply of sub-market housing including social rent and London Living rent housing. The use of the term "affordable housing" has become almost meaningless in a London context, and it must be more carefully defined in relation to local housing markets and average household incomes in an area.
- 2.9. All too often, housing renewal has become synonymous with large-scale housing redevelopment programmes. Therefore, we welcome the emphasis made in the Mayor's Good Practice Guide that the "demolition and rebuilding" of social housing is only one of the various options for housing renewal, and that the others include intensification (usually through infill development), additional investment and refurbishment programmes.
- 2.10. Nevertheless, estate regeneration is still too narrowly defined "as the process of physical renewal of social housing", and we consider that it is too restrictive. That is not say the physical renewal cannot itself be a catalyst - and a source of additional financial resources - for the wider regeneration of social housing estates. But social and economic programmes in their own right can be important drivers of estate regeneration without any physical interventions.
- 2.11. It is important not to forget the role that can and should be played by the community in leading estate regeneration. For example, Tenant Management Organisations have demonstrated what can be achieved in the physical renewal of council estates through more efficient and effective use of public funds - and the example of the Leathermarket JMB is a good illustration of the transformational power of community-led estate regeneration.
- 2.12. Too little recognition is given to the importance of housing management and maintenance services in the context of estate regeneration. The failures of many social landlords to address

housing management and maintenance issues can seriously damage the relationship residents have with their social landlords - and make them much less likely to engage in any subsequent estate regeneration programme. Moreover, the involvement of housing management and maintenance staff is critical throughout the regeneration process, in order to maintain standards and to avoid 'regeneration blight', and to ensure that future solutions facilitate good management and that clear and workable strategies are in place for maintaining the new and refurbished properties and open spaces. Partnership working and collaboration within and between social housing bodies engaged in regeneration is vital to enable that to happen.

- 2.13. The number, scale and nature of estate regeneration programmes across London has yet to be properly quantified. According to the Mayor's Good Practice Guide "many of London's housing estates have undergone or are undergoing this process, meaning it has come to affect many thousands of Londoners". Much of the estate regeneration to date has entailed substantial housing redevelopment, entailing the mass demolition of homes. A recent report by the Housing Committee of the London has calculated that "50 estates with over 30,000 homes have undergone regeneration schemes in the past decade"³.
- 2.14. In her contribution to a recent IPPR report, Yolande Barnes (Director of world research at Savills) suggested that most post war council estates in London "represent valuable reservoirs of increasingly scarce land" and that their residents "occupy land" that if redeveloped to higher densities could provide housing "for many more people".⁴ It has been calculated that somewhere in the order of 3,500 council estates and 360,000 council dwellings could be affected if all local authority housing land was developed to its "optimal capacity".⁵ The pace and the scale of displacement seems set to accelerate, with many more communities at risk of upheaval and displacement.
- 2.15. It seems that the burden of London's housing crisis is being placed disproportionately on the shoulders and the poorest and most vulnerable sections of society. As the Mayor's Good Practice Guide acknowledges "estate regeneration often involves disruption and change to communities". Indeed, one of the most stressful life events in a person's life is commonly assumed to be moving home. How much more distressing that experience will be when that move is an enforced move?
- 2.16. More research should be undertaken on the psychological and social impacts of estate regeneration of communities and individuals. What little evidence there is comes from the studies of the post-war slum clearance programmes.⁶ One of the big issues today peoples security – and much is made of the threat posed by international terrorism – but there are

³ London Assembly (Housing Committee), 'Knock it Down or Do it Up? The challenge of estate regeneration', Greater London Authority (Feb 2015). Another interesting figure in the report is that some 60,000 new homes were created on those estates (i.e. double the number) but there was a net loss of 8,000 socially rented properties.

⁴ Adonis A and Davies B (eds) (2015) *City villages: More homes, better communities*, IPPR.

<http://www.ippr.org/publications/city-villages-more-homes-better-communities>

⁵ Also interesting to note that optimal density is defined as being "typically twice the density of the existing estate". Ibid.

⁶ Marris P, "Loss and Change", first published by Routledge & Kegan Paul (1974).

other, perhaps less obvious areas of life that are also at risk⁷. Housing is one such example and that is why so many council tenants attach such importance to retaining their “secure tenancies”. Experts warn of an epidemic of anxiety in the UK that is caused by the stresses and strains of modern society.⁸

- 2.17. One of the most common comments we have heard expressed by residents is that although estate regeneration is done in their name, it is not done for their benefit. We believe that those communities should be getting a much better deal from estate regeneration.

3. SUMMARY

- 3.1. The Mayor’s Good Practice Guide can be seen as a response to Nicky Gavron’s question about why estate regeneration has fallen into such disrepute by suggesting ways in which it can be done better by considering three main themes. Those are the

- Aims and objectives of estate regeneration
- Consultation and engagement with residents
- A fair deal for tenants and residents.

- 3.2. In our response, we have considered each of those themes in turn and we have pretty much followed the structure of the Mayor’s Good Practice Guide. Most of our attention has focused upon the subject of resident engagement because that is an area where we have the greatest professional expertise.

- 3.3. The assumption of trust between residents and those seeking to regenerate estates should not be taken for granted. Whilst it is right to acknowledge that there will be an existing relationship between a landlord and its residents, it is not always a positive one. In many cases, there is mistrust and feelings of disenchantment: most commonly the legacy of broken promises, a lack of openness and transparency, and poor housing management and / or maintenance services. Such historical factors can impact negatively on the extent to which residents can and are willing to engage, and on their approach to that engagement. There should be a requirement for landlords to pursue plans for estate regeneration only where there is demonstrable support from residents and it will require a step change for some landlords: early engagement, greater transparency and honesty, collaborative analysis of options; resident access to independent advice and support; meaningful opportunities for residents to develop their capacity both individually and collectively; and proper compensation.

⁷ The United Nations Commission on Human Security defines it as including “chronic and persistent poverty, climate change, international terrorism and sudden economic and financial downturns”. To which we could include job insecurity and housing. In this regard, it is interesting to highlight how important it is for so many council tenants to retain their council tenancies in estate regeneration scheme because those tenancies are “secure tenancies”.

⁸ Remes, O et al. [*A systematic review of reviews on the prevalence of anxiety disorders in adult populations.*](#) *Brain and Behavior* (6 June 2016).

- 3.4. We need to move away from the paternalistic language and practice of “consultation” and towards a more participative approach involving co-design and co-production. It is never too early to engage in a dialogue with residents about the future of their homes and neighbourhoods. A regular (five yearly?) assessment of an estate’s housing conditions and residents’ aspirations for their community in the context of wider strategic objectives and local and national policies would provide such a framework to engage with residents and other stakeholders. Carried out honestly and transparently, future solutions can and should be developed jointly with residents. It is clearly the landlord’s responsibility to earn the trust of the local community and to clearly set out the justification for any plans, and it is only when residents are properly involved and engaged that there will be “community buy-in”.
- 3.5. In a context of suspicion and mistrust the availability of independent advice and support to residents is crucial. This independent nature of the service should be unchallengeable. A levy on landlords at planning application stage could provide an independently administered fund available to residents to engage directly with independent advisors.
- 3.6. Our response presents a number of suggestions on good practice in estate regenerations. A lot are quite detailed. Our main recommendations are presented below.

MAIN RECOMMENDATIONS

- A step change in the way that community engagement is undertaken in estate regeneration to ensure much greater and more meaningful resident involvement.
- The demonstrable support of residents should be required before regeneration plans are approved.
- Resident engagement in estate regeneration schemes should be extended to examining and designing future housing management and maintenance services and delivery options.
- Proper assessments of social impact (including equal opportunities and social equity and environmental sustainability (to include alongside such measure of energy efficiency and carbon-costing, a proper analysis of impacts upon biodiversity) to be conducted as well as financial viability.
- The rehousing options for existing secure tenants and resident leaseholders should be at no greater cost than their existing homes.
- Much more should be done to facilitate residents remaining within the estate regeneration area through:
 - The adoption of a ‘one move strategy’.
 - More sensitive decanting and allocation strategies (including local lettings schemes)
 - Better compensation arrangements
 - Addressing current and on-going housing management issues to the satisfaction of existing residents.
- Use of suitably qualified Independent Tenant and Leaseholder Advisers (ITLAs) should be promoted.
- ITLA’s should be appointed and managed by the residents.

4. AIMS AND OBJECTIVES

- 4.1. The purpose, aims and objectives of estate regeneration – and indeed the need for estate regeneration - should be agreed with community before any estate regeneration scheme begins and process of options appraisals is embarked upon.
- 4.2. All estate regeneration options appraisals should incorporate social and environmental viability assessments as well as addressing financial viability issues. Capacity studies and stock conditions surveys should be commissioned as part of the options appraisal process. The scope of capacity studies should be widened to consider more than simply the optimal quantum of development in reference to planning policies and be reframed to include “carrying capacity”. The notion of “carrying capacity” is useful as it assesses desirable housing density against a broader range of factors and a wider context, including the well-being of both people and the environment. More importantly it defines the limits of development.
- 4.3. Moreover all estate regeneration options appraisal should also include a proper account and analysis of place - in particular, drawing upon the history, knowledge and experience of local communities – that explores the positives as well as the negatives of an area. All too often, the dominating narrative in estate regeneration characterises all post-war social housing as being “dysfunctional”.⁹ That is a debatable proposition, not always shared by local communities. The problems of such areas can be held to be much more the consequence of a lack of public investment over the years, poor housing management and maintenance, and structural inequalities within society and the economy, rather than inherent in the design of council housing.¹⁰
- 4.4. The use of case studies is useful as background material. However, it would be helpful to distinguish between good practice, standard practice and bad practice as the lessons learned from the case studies are sometimes not clear. Case study 8 is a case in point. Does it demonstrate good or bad practice?
- 4.5. The case study does raise some interesting questions. It presents a scheme where over 80% of secure tenants chose to move off the estate and no residential leaseholders took up the options to remain. It would be very useful to understand why so many people voted with their feet to leave. Yet very little systematic data collection or research has been undertaken across London to understand the scale of and the reasons for population displacement in estate regeneration.

⁹ It is interesting to note how little attention has been placed on the design of the homes rather than the buildings in the criticisms that have been made of post-war social housing. Proper evaluations of the current housing should be carried out on all proposed estate regeneration schemes, looking at the sizes of the homes, internal lay-outs, room dimensions, provision of storage, etc. The results are often surprising.

¹⁰ What’s often forgotten is that social housing is very rarely mono-tenure. Over the years it has become much more mixed, with some council estates now comprising around 50% private owners. The change in tenure has happened incrementally over time because of Right-to-Buy. But it does appear that the housing across all tenure types on council estates is much more affordable overall than the new housing provided through estate regeneration schemes.

4.6. We also need to be clear about who defines good practice, how that good practice has been evaluated, and against what standards. Those regeneration estates used as case studies should be identified and the authorship of those case studies referenced¹¹. Lastly, good practice continually evolves in response to the changing experience and aspirations of local communities through a process of continuous improvement. It is dynamic, not static – in marked contrast to bad practice, which can often become deeply entrenched.

OVERARCHING PRINCIPLES

4.7. We welcome that the Mayor’s Good Practice Guide sets out some overarching principles. But those statements of principle are confused with statements of purpose. Principles are the rules or beliefs that govern behaviour – in other words, the ethical values that underpin the purpose of a strategy or programme of activity. It would be useful if they could be grouped together to provide a sound ethical framework for good estate regeneration.

4.8. The precise application of such principles then finds its expression in the rationale, purpose, goals, aims and objectives of housing estate regeneration. Currently the aims and objectives of estate regeneration are defined in the draft Good Practice Guide as:

- Maintaining good quality homes
- Supporting the supply of new homes
- Improving the social, economic and physical environment in which those homes are located.

4.9. No mention is made of improving the lives, opportunities, housing conditions and housing choices for local residents. We believe that the primary justification for any scheme should be about the benefits for the local community as the residents are defined as the primary stakeholders in most estate regeneration schemes.

4.10. Proper success criteria should be established with the local community and we welcome the suggestion that this should be through residents’ charters. Resident charters’ should be developed by the residents themselves in consultation with the landlord; rather than the other way around. The appropriate aims and objectives, monitoring arrangements and performance criteria agreed with all the stakeholders. One of the tests suggested in the Love Lane Residents’ Charter was that the success of the regeneration should be assessed by how many residents chose to stay¹². As far as possible, the Residents Charter (and any supporting documents) should be evidence based and draw upon good practice.

APPROACHES TO PHYSICAL REGENERATION

4.11. We agree that local authorities and housing associations should use a proper appraisals process. Of course, the project appraisal process must include a full cost benefit analysis of

¹¹ Often case studies are little more than promotional pieces submitted by social landlords, developers and architects with very little scrutiny. We suggest that all case study material is subject to a proper peer review panel that should include resident representatives.

¹² Love Lane Residents Charter (March 2014).

the finances of the scheme, but other economic, social and environmental factors should be incorporated in a holistic approach. The Treasury Green Book provides one standard model, and its approach for the valuation of non-market goods, using techniques for social cost benefit analysis and measures for subjective well-being is a good starting point. Our view is that aesthetic and ethical considerations should also be factored into all project appraisals.

- 4.12. Arguments for greater efficiency – as in “greater efficiency of land use” – should be treated with some caution as they often entail the externalisation of costs. Urban intensification, for instance, can be at the expense of biodiversity. One worrying trend in modern housing developments is the notion of equivalence in the replacement of green space on the ground by green roofs and roof gardens. Much more work should be undertaken to assess the possible effects of different types of urban green spaces – and how they are managed – upon bio-diversity and environmental sustainability. Similar arguments can be advanced in the public sphere about over-development resulting in crowding, loss of light and views and more general impacts upon well-being¹³.
- 4.13. Equally, we should be concerned about the effects of housing regeneration on social and community bonds, community cohesion and social diversity. The sense of place and belonging, and the creation of shared values and local cultures, takes a long time to develop but is easy to destroy. Proper social impact assessments (including equal opportunities evaluations should be carried out as a matter of course. Much of those “soft values” cannot be monetarised, and even they could we must avoid the trap of “knowing the price of everything and the value of nothing”.
- 4.14. Project appraisals should be done in an open and transparent way to ensure local accountability and in order that they can more be open to challenge. Financial information must be much more readily shared with local communities and too much is being withheld from the public on the grounds of “commercial sensitivity”. Financial viability assessments for estate regeneration projects and the business plans for delivery vehicles should be publically available¹⁴. For most residents – and quite a lot of professionals – involved in estate regeneration the financing of regeneration is a complete mystery, and yet the basic models are quite simple.
- 4.15. Modern does not always mean good, nor is more necessarily better. Often the design, space standards, and build quality of new homes can fall short of that of the quality of the existing homes and other buildings. One notorious example is Solomon’s Passage in Southwark, which required major repair works shortly after it was built in 2010. The report of the All Party Parliamentary Group for Excellence in the Built Environment in 2016 suggested that a

¹³ Some of these could be measured much earlier in the project appraisal process and there needs to be much more transparency in the process. One telling example is that how few masterplans present the distances between buildings on the existing and future developments to enable informed comparisons to be made.

¹⁴ In the case of stock transfers, stock transfer landlords were expected to make their 30` year business plans available.

substantial number of buyers are unhappy with the quality standards in their new homes.¹⁵ A more recent YouGov survey conducted for Shelter, to accompany its 'New Civic Housebuilding' report, suggests that more than half of new-build homes in England "have major faults".¹⁶

- 4.16. Another problem highlighted by a House of Lords Committee in the current approaches to new house building is the dominance of a few large developers in the house-building market – which it describes as having "oligopolistic characteristics".¹⁷ Shelter also argues that the speculative house-building model fails to build new housing of good quality and affordability.¹⁸ There is a pressing need for the GLA to address issues of land valuation, profit levels, and to produce the appropriate procurement guidance for social housing landlords to open access to the house-building market for smaller housebuilders, social enterprises and community housebuilders.

ENSURING NO LOSS OF AFFORDABLE HOUSING

- 4.17. The scale of London's housing crisis is massive. There are in excess of 255,729 households on Council housing lists and 50,000 households in temporary accommodation.¹⁹ According to research published by 80% of households in London are living on less than £45,000 per year. Average house prices in London are over 10 times median earnings, rising to 21 times the median earnings in Camden and Hammersmith and Fulham.²⁰ There is a similar gap in the affordability of private rented accommodation in London, which is highest in Westminster where median private rents represented 73.4% of median gross monthly salary.²¹
- 4.18. The London Mayor's targets for affordable housing are that all new developments should achieved 35% affordable housing (made up of 60% for social and affordable rents and 40% intermediate rent of sale) rising eventually to 50% by the end of the decade. Those targets will have at a marginal impact on the current housing crisis in the capital. Therefore all estate regeneration schemes on publically owned land should go further than ensuring no nett loss of affordable housing but be more ambitious in achieving an increase in the amount of affordable housing. In particular, estate regeneration schemes should deliver an increase in the amount of social housing for local people and more ambitious targets to that effect should be agreed with the local community.

¹⁵ 'More Homes Fewer Complaints', All Party Parliamentary Group for Excellence in the Built Environment (July 2016)

¹⁶ Jeffreys P, and Loyd T, 'New Civic Housebuilding 2017 – Rediscovering our tradition of building beautiful and affordable homes, Shelter (March 2017).

¹⁷ 'Building More Homes' House of Lords Select Committee on Economic Affairs, 1st Report of Session 2016-17 (July 2016).

¹⁸ Jeffreys P, and Loyd T, 'New Civic Housebuilding 2017 – Rediscovering our tradition of building beautiful and affordable homes, Shelter (March 2017).

¹⁹ Note that waiting lists statistics are drawn from 2014 and homelessness ones from 2015.

²⁰ Figures drawn from the "Housing summary measures analysis: 2015", Office for National Statistics, downloaded from

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/housingsummarymeasuresanalysis/2015>.

²¹ Ibid.

- 4.19. Currently, 80% of new homes in England are unaffordable to local people.²² But definitions of affordability are vague. One internationally recognised standard is produced by Demographia, which defines affordability in relation to home-owners as “house prices that are no higher than the median pre-tax household income for the area”²³. But we need a common definition of affordability across tenure types. We welcome the approach taken in the London Living Rent whereby it is set at one third of the average local household incomes and we think that the same logic should be applied to private rents and owner-occupation. In effect, then, we are suggesting that “affordability” needs to be defined according to what it is reasonable to expect people to pay for their housing in relation to their household incomes by reference to market prices in both private rented and homeownership tenures.
- 4.20. Some interesting ways of looking at affordability are being developed by Community Land Trusts (CLTs) in Mile End and Brixton linking rent levels directly to incomes. The community gateway model offers an interesting example of achieving a mutual society approach to public housing ownership, management and potentially development.

IMPROVING THE LOCAL ENVIRONMENT

- 4.21. This section of the Mayor’s Good Practice Guide could usefully be extended. There is a voluminous body of literature on architectural and urban design issues. The Mayor’s Good Practice Guide references three and only two (connectivity and permeability) out of the twelve urban design criteria third edition of Building for Life are mentioned²⁴. It would be useful to include an appendix on design advice and resources.
- 4.22. We should not forget that in the field of architecture and design there are various competing and often conflicting theoretical schools. For example, there are passionate and often heated debates between the proponents and adversaries of the creation of new town outside London. The “city village” approach is often held to be “modern answer to the housing crisis”.²⁵ But the concept has been challenged most notably by Mark Biddulph, Bridget Franklin and Malcom Tait from the Department of City and Regional Planning, Cardiff University.²⁶ Hossein Bahraing and Amenah Bakhliar stike a more general note of caution in respect to the enthusiasms of urban planners that is worth quoting in full:

²² Jeffreys P, and Loyd T, ‘New Civic Housebuilding 2017 – Rediscovering our tradition of building beautiful and affordable homes, Shelter (March 2017).

²³ 13th Annual Demographia International Housing Affordability Survey: 2017 – Rating Middle-Income Housing Affordability”, Performance Urban Planning, downloaded from <http://www.demographia.com/dhi.pdf> on 23/02/2017.

²⁴ “Building for Life 12 – Third Edition”, published by Nottingham Trent: CABE for the Building for Life Partnership (January 2015)

²⁵ Adonis A and Davies B (eds) (2015) *City villages: More homes, better communities*, IPPR. <http://www.ippr.org/publications/city-villages-more-homes-better-communities>

²⁶ Michael Biddulph, Bridget Franklin and Malcolm Tait , ‘From Concept to Completion: A Critical Analysis of the Urban Village’, *The Town Planning Review*, Vol. 74, No. 2 (Apr., 2003), pp. 165-193 Published by the Liverpool University Press.

“Though urban design is the most traditional field of planning, it sorely lacks cohesive theoretical foundations. Much writing takes the form of guidebooks or manuals, which rely on rules of thumb, analytical techniques, and architectural ideas whose theoretical justifications are unclear.”²⁷

- 4.23. The emphasis placed on a return to traditional street patterns in Mayor’s Good Practice Guide - presumably drawing upon the Savills Research Report to the Cabinet Office in 2016 - is just one of many points of view about the future of urban design in the capital²⁸. The Prince’s Foundation report argues for mid-rise instead of high rise as the preferred type of development, marking a return to the traditional mansion block form of building²⁹. The Policy Exchange argues for a return to houses and low-rise flats. In contrast, New London Architecture defends high rise building.³⁰
- 4.24. As long ago as 1977, Peter Wilsher and Rosemary Righter in an article about of the post-war slum clearance schemes wrote that one of the mistakes of the programme was “the primacy given to architect’s ideas on how people should live”.³¹ Our experience of working with residents on estate regeneration schemes is that they are driven more by practical rather than aesthetic concerns, focused on such matters as the sizes of their future homes, the lay-outs of rooms and internal spaces, the amount of storage. The Residents Design Guide produced by the Love Lane Residents’ Association recommends that the design process should start “from the inside out” with an analysis of how people use their existing homes. It argues against “the prevailing orthodoxy” in the minds of many policy makers that council estates are “generally bad places to live”.³²
- 4.25. Architecture and urban design is as much subject to the whims and vagaries of fashion as anything else in modern life. Many of the designs of new housing developments in London seem to be cut from the same pattern book: for example, the predominance of open-plan living for internal lay-outs. It’s an open question whether such a “cookie-cutting” approach adds or detracts value from the urban fabric of the capital. The volume house-builders have been criticised in the past for “destroying local distinctiveness”.³³ We need to avoid is the dominance of any single architectural style, that reduces the diversity of housing forms and design, and more importantly that crowds out other opinions and voices, most particularly those of the local community.

²⁷ Bahraiy, H; Bakhtiar, A, ‘Towards an Integrative Theory of Urban Design’, University of Tehran Science and Humanities Series, Springer (2016).

²⁸ “Completing London’s Streets – How the regeneration and intensification of housing estates could increase London’s supply of homes and benefit residents”, Savills Research Report to the Cabinet Office (7 January 2016)

²⁹ “Housing London – a Mid-Rise Solution”, Prince’s Foundation For Building Community (2014)

³⁰ “London Tally Buildings Survey, New London Architecture (2016)

³¹ They identified three things that went wrong with the slum demolition programme. The other two were that “demolition typically outpaced construction” and that “council waiting-lists lengthened and overcrowding persisted”. The full articles is included in “Gilding the Ghetto – The state and the poverty experiments”, published by the CDP Inter-Project Editorial Team for the Home Office (Feb 1977).

³² Both the Love Lane Residents Charter (March 2014) and the Love Lane Residents Design Guide (June 2016) are available from damiantissier@gmail.com.

³³ Butina-Watson, G; Betley, I; “Identity by Design”, Architectural Press (2007)

4.26. Generally what existing residents seem to want (understandably) is more of the same, but without the dampness, condensation problems, poor heating systems and draughty windows. More often than not there is genuine affection for their existing homes and for the architects who built them if not the social landlords who then managed them. Looking back at historical footage and various TV documentaries, of people moving into the new municipal housing of the day we can see the pride residents took and continue to take in their homes on council estates that are often earmarked for regeneration³⁴. We need to ensure that the mistakes of the past are not made again but also recognise that much of the social housing built of the last century and before is something to be proud of.

MONITORING AND REVIEW

- 4.27. We welcome the proposals in the draft Good Practice Guide that “robust mechanisms should be put in place to monitor the effectiveness and outcomes of the project” and that those outcomes should include the proper evaluation of “resident satisfaction, health and well-being, including of those residents who are displaced by the scheme and who do not return to the estate once the project is concluded”. We look forward to the development of suitable indicators to measure those outcomes and of the appropriate methodologies for such longitudinal studies.
- 4.28. Currently, most regeneration schemes concentrate on monitoring delivery outputs. This is an important part of the overall project management arrangements and it also useful in setting delivery targets for staff engaged in project delivery. What gets measured is what gets done. Yet too many estate redevelopment schemes have a principal target to secure empty possession of properties as quickly as possible.
- 4.29. One of the main points we have made in our response to the consultation document is that success criteria for any estate regeneration project should be based on rates of retention rather than displacement and appropriate benchmarks should be set. This in no way should be interpreted as reducing resident choice. Instead we want to focus attention on the introduction of local lettings schemes to address the housing needs of residents, to ensure that current standards of estate management and maintenance are kept to a good standard (more estate management resources may need to be deployed locally) and to engage residents more effectively in the estate regeneration process
- 4.30. We recommend that residents are involved in the monitoring of output delivery as well as the overall impacts.

³⁴ See such programmes as “The Secret History of Our Streets” BBC TV and the Open University (Six weekly episodes from 6 June 2012), “The Great Estate – Rise and Fall of the Council House” BBC TV (first broadcast August 2011) and “The Estate We’re In”, BBC TV (first broadcast March 2016).

GOOD PRACTICE IN THE AIMS AND OBJECTIVES OF ESTATE REGENERATION

- 4.31. The section on good practice in the aims and objectives of estate regeneration describes good practice in the process of defining aims and objectives and then it recommends what those aims and objectives should be.
- 4.32. The aims and objectives of any estate regeneration scheme should be defined and agreed by the key stakeholders, most importantly the local community. As a key stakeholder, the community should be engaged at the beginning of any estate regeneration project. The involvement of the local community should be through participative methods that engage all residents. We agree that preparation and production of Residents Charters is one effective approach.
- 4.33. For example, the Love Lane Residents' Charter sets out the various principles that should underpin any estate regeneration scheme.
- No resident should suffer financially or their housing circumstances made worse as a result of the redevelopment.
 - The primary benefits of the redevelopment – improved living conditions, better housing, more job opportunities , etc. - must be for local residents.
 - Minimise disruption and distress to our residents, especially the elderly, children and other vulnerable people.
 - Keep the community together and maintain social stability.
 - Existing public land should remain in public ownership.
 - All new homes in the redevelopment to be well designed, with generous space allocation and built to the best possible construction standards – The Mayor's London Design Guide should be set as a minimum and not adopted as an optimum.
 - Residents should have good, appropriate and affordable housing choices, including the type of tenure, property and area.
 - There should be no net loss of social housing in the area and all new social housing should be council housing.
 - Existing council tenants should have the right to remain council tenants whether they chose to remain living on the estate or move away to alternative accommodation.
 - The number of moves that residents have to make should be minimised (ideally only once). However, if residents want the opportunity for more than one move, then they should be offered that choice.
 - Where residents have to move temporarily off the estate because of the redevelopment they will retain an automatic right to return.
 - All residents shall receive proper compensation for the expense of moving and the loss of their homes, and the arrangements should be agreed with residents and published in an appropriate resident handbook(s).
 - Residents should be consulted properly – we have the right to have a say, to be heard and their views taken on board, and to be taken seriously.³⁵

³⁵ Ibid.

4.34. Those principles were drawn up three years ago and at the time were considered to set out some minimum criteria for estate redevelopment schemes. In particular, the principle of no nett loss of social housing is very much a bottom line and wherever it is possible there should be a net gain of social housing. Once a Residents' Charter has been agreed with the local landlord the commitments made should be binding and only be able to be modified with the agreement of the local community.

5. CONSULTATION AND ENGAGEMENT WITH RESIDENTS

5.1. One of the problems in estate regeneration is the use of language. Take the word "regeneration", itself. For some, regeneration is something to be celebrated; for others, something to be feared. Too often we ignore the negative connotations – thus one meaning of the word is regrowth or renewal after some traumatic event – and as a result far too little attention is paid to mitigating those destructive impacts.

5.2. Regeneration is full of over terms that are ambiguous, opaque and sometimes downright misleading. Words like "consultation", "involvement", "engagement" and "participation" have become devalued through lazy usage. It matters because the lack of precision leads to a lack of clarity. No wonder that resident engagement processes are viewed with increasing suspicion by communities, sometimes referred to as the "consultation con". Julian Hart, a planning consultant for Lancefield Consulting is quoted in the Urban Buzz programme in 2009 as saying "a great deal of consultation for the purposes of planning determination is still a very cynical affair".³⁶

5.3. In fact, we can quite easily define different categories of community engagement according to varying intensities of involvement and degrees of devolution of power. One famous model, produced nearly 50 years ago, is Shirley Arnstein's famous ladder of citizen participation³⁷. It is useful as a starting point, and we have simplified it from its original typology of eight to four levels.



5.4. Numerous good practice guides are readily available for reference purposes. They cover various aspects of community engagement, from how information can and should be presented, the different techniques available for effective consultative and participative exercises, through to models of community empowerment and control. According to one community engagement toolkit, there are 47 community engagement methods available to

³⁶ 'The Complete Urban Buzz', published by University College London (2009)

³⁷ Sherry R Arnstein's 'A Ladder of Citizen Participation', published in the Journal of the American Institute of Planners, Volume 34 – Issue 4 (1969).

choose from according purpose, cost and circumstance³⁸. Similarly, there are many publications on good practice in estate regeneration.

- 5.5. At least on paper, if not in practice, there has been a clear shift towards much more collaborative and participative approaches to resident engagement. In part, this is an attempt to address the deepening alienation of certain sections of the community from the democratic process and the growing mistrust of our civic institutions; in part to, it is a response it is a response to the demands for more participation by an increasingly well-educated, informed and politically organised populace.

PRINCIPLES FOR CONSULTATION AND ENGAGEMENT

- 5.6. Since the publication of the Skeffington Report on Participation in the Planning System in 1969, successive governments have placed various statutory obligations upon local authorities (and other public bodies) to consult with their local communities, residents and service users on a range of matters. Whilst there is no overarching statutory framework for consultation with residents affected by estate regeneration schemes, there are various legislative requirements (accompanied by guidance notes).
- 5.7. We have provided a short review of the most relevant points below, as it provides useful background to the Mayor's Good Practice Guide.
- 5.8. The Housing Acts 1985 and 1996 place a duty on local authority landlords to consult with residents on any change to the management and maintenance arrangements for a particular estate. The nature and the scale of the consultation undertaken depends on the scale of the change being proposed and tests of opinion should be considered where there is necessary to determine and to demonstrate that there is clear tenants support for a particular option (i.e. on stock transfers and ALMOs a ballot is recommended).
- 5.9. The Local Government Act 1999 introduced as general duty to consult as one of the four Cs (challenge, consult, compare and compete) of the Best Value regime. Although some of those pillars have been modified over time, the general thrust of considering overall best value - including due consideration of environmental and social value- has been retained. For example, the 2001 Neighbourhood Renewal Strategy stressed that "communities need to be consulted and listened to, and the most effective interventions are often those where communities are actively involved in their design and delivery, and where possible in the driving seat".
- 5.10. The duty to consult has evolved over time to become more of a duty to involve. The Local Government and Public Involvement in Health Act 2007 introduced new more localised community governance arrangements (e.g. urban parish councils) and 2011 Localism Act sought to give local groups a much stronger participative role in planning through the development of neighbourhood forums, neighbourhood plans and the Community Right to

³⁸ "Community Engagement Toolkit", Aparcbc (2013)

Build. In particular, the Localism Act draws heavily upon the principles of “Open Source Planning”, which are:

- Communities should be given the greatest possible opportunity to have their say and the greatest degree of control of planning issues.
- Local people in a neighbourhood should be able to specify the kind of development and use they want to see in their areas.
- Giving all planning authorities and other public bodies a duty to co-operate.
- Ensuring that significant local projects are designed through a collaborative process that has involved the neighbourhood.³⁹

5.11. Various guidance notes on resident and community engagement have been issued. The most important being government Code of Practice on Consultation, first produced in 2000 and last updated in January 2016)⁴⁰. The Code of Practice covers the general principles of good consultation across the broad spectrum of government activity. It is referred to in the Mayor’s Good Practice Guide but only three out of the eleven principles are included. Some of the missing principles that are relevant are that consultations should be clear and concise, should facilitate scrutiny and are only a part of a process of engagement.

5.12. The Government has also published specific guidance notes on estate regeneration. The 2015 guidance that accompanies the 2008 Planning Act⁴¹, stressed the importance of the early involvement of communities in the pre-application process - and it describes in some detail how such consultation exercises should be planned and delivered. One overarching principle is that “people should have as much influence as is realistic and possible over decisions which shape their lives and communities” reflecting one of the core themes on the 2011 Localism Act.

5.13. The Department of Communities and Local Government (DCLG 2016) has issued guidelines on how local authorities should engage with residents in estate regeneration schemes as part of the Estate Regeneration National Strategy. Those guidelines introduce the idea that there should be greater use of test of opinions to give local communities more choice over estate regeneration options and to promote greater local accountability in the decision-making process.⁴²

5.14. Moreover, there is a body of case law established through the courts that also should be taken into account. The most important case was R v Brent London Borough Council, ex parte Gunning, in 1985. The case established requirements usually referred to as the Gunning (or sometimes Seldon⁴³) Criteria. Whenever a public body embarks upon a consultation process it must abide by these criteria:

³⁹ Taken from Pre Planning Application Consultation Best Practice, Future of Planning portfolio of advice notes No. 8, Planning Officers Society.

⁴⁰https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf.

⁴¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8370/2130143.pdf

⁴² <https://www.gov.uk/government/publications/estate-regeneration-resident-engagement-and-protection>

⁴³ After Stephen Seldon the QC who represented the plaintiff in this matter.

- The proposals contained in a consultation should be at a ‘formative stage’. While a public body may lawfully have a preferred option (or even a single option), the consultees should be sufficiently able to influence any decision taken. No decision should be ‘pre-determined’.
- The consultees must be given sufficient information about the proposals so that they can give the matter intelligent consideration.
- Adequate time must be provided for consideration and response. A practice of allowing 12 weeks has been adopted by many organisations, although it has no legal status as such. It has also been incorporated into many ‘compacts’ between government departments, local authorities and the voluntary and community sectors.
- Decision-makers must give conscientious consideration to what they have heard in the consultation. Officers can summarise the views of consultees but they must do so in a fair and unbiased way. A report to decision-makers need not cover everything but it must include points of substance.

5.15. A more recent Supreme Court Decision (*Moseley v Haringey*) in 2014, endorsed the Gunning Principles, adding two further ones:

- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation related to a decision which is likely to deprive someone of an existing benefit.⁴⁴

5.16. Moreover, proposals that residents should be given the final say in the approval for any regeneration scheme is given extra weight in the report of the Housing Committee of the London Assembly.⁴⁵ One of the recommendations in its report is that having “fully justified any regeneration proposal for which the provider considers there to be no viable alternative...an independent ballot of estate residents would be undertaken which would inform any final proposals to demolish.”

5.17. We recommend that an initial test of opinion is considered earlier in the process at the feasibility stage to gauge resident support for various estate regeneration proposals in parallel with the development of a local residents’ charter.

5.18. The issue of the use of ballots in tests of opinion is likely to be one of the most controversial issues in the Mayors Good Practice Guide, although it is one of recommendation from the Housing Committee and the London Assembly.

5.19. The DCLG Resident Engagement and Protection guide recommends that “all approaches to regeneration should have the support of the majority of residents whose lives will be affected

⁴⁴ Eversheds Sutherland (10/07/2015), ‘The Public Law Duty to Consult’, downloaded on the 10 February 2017 from http://www.eversheds-sutherland.com/global/en/what/articles/index.page?ArticleID=en/Public-sector/The_Public_Law_Duty_to_Consult.

⁴⁵ London Assembly (Housing Committee), ‘Knock it Down or Do it Up? The challenge of estate regeneration’, Greater London Authority (Feb 2015)

by the scheme”, going on to stress that “it is particularly important that residents have the opportunity to express their views on the final options for regeneration whether as individuals have the opportunity to express their views on the final options for regeneration whether as individuals or via a democratic process using representatives”. It suggests that “a vote may be appropriate before complete demolition, whereas workshops or surveys could be used to communicate views about partial demolition or refurbishment”.

- 5.20. There are arguments for and against estate ballots. The critics make the following points:
- Unlike stock transfer, when a ballot is held on the pros/cons of a Formal Offer Document, estate regeneration is more iterative. The finer details (hopefully) are worked out as the scheme proceeds. Also, at what point would a ballot be held?
 - Who could vote and how would votes be 'counted'? In recent/current projects in Lambeth, resident leaseholders are mainly opposed and council tenants more inclined to be in favour.
 - What would the ballot question be? Who decides?
- 5.21. However, when a residents' group want is set up TMO , get a neighbourhood plan adopted or trigger the Community Right to Build, it is obliged to hold a referenda/ballot. In the scale of things, those seem much lesser matters than when a person's home (or an entire estate) could be demolished. Ballots provide a real transfer of power to individual residents that strengthens their role in the decision-making process as social housing landlords will have to work much harder to engage residents. Where there is a high level of participation in the development of the housing options, then whatever favoured option emerges out of the process will presumably enjoy a lot of support from the community. Ballots, in other words, help to concentrate the mind.

WHEN SHOULD CONSULTATION START

- 5.22. Whilst many local authorities and housing associations have mechanisms and structures in place for continuous engagement with their residents, it is at least questionable how effective they are in practice.
- 5.23. Resident engagement has been weakened by the loosening of the regulatory frameworks for tenant participation in social housing, the reduction in public funding for resident involvement support services, and the moves to treat tenants purely as consumers of services rather than as active citizens. In the light of the Housing and Planning Act 2016, the Homes and Communities Agency has launched a consultation on amendments to strengthen its Tenant Involvement and Engagement Standard.
- 5.24. We doubt that residents on potential estate regeneration schemes are engaged sufficiently early in the decision-making process, nor do they have access to the appropriate independent professional support soon enough. Thus the Mayor's Good Practice Guide suggests that “it may be appropriate for a landlord to gather certain information, such as initial structural surveys, before talking to residents about possible ideas for an estate”. Far too often,

residents only get to hear that their estate is earmarked for estate regeneration once the decision has been taken!

- 5.25. It is good practice for consultation to have already started at the inception of any scheme at the initial project identification stage. According to the Gunning Principles consultation should start when proposals are still at a formative stage.⁴⁶ The Estate Regeneration National Strategy – Resident Engagement and Protection places a great deal of importance on early and ongoing consultation:

“Residents are key partners in any regeneration scheme, particularly where they are personally affected. They should be given opportunities to be involved throughout the process, including developing the vision, initial decisions, options appraisal, design, procurement and delivery of schemes.”⁴⁷

- 5.26. The Mayor’s Good Practice Guide should be much more explicit that local resident engagement should begin at the start of any estate regeneration scheme, when decisions are taken about the selection of estates for inclusion in estate regeneration programmes. More emphasis should be given to the importance of community-led estate regeneration as an important part of estate regeneration and that this should be an objective of resident empowerment strategies. All too often, public landlords seem to place unnecessary obstacles in the way of such initiatives as Tenant Management Organisations, Community Land Trusts and other community housing projects.

WHO SHOULD BE CONSULTED

- 5.27. The primary consultees should be the residents of the estate directly affected by the regeneration proposals and we welcome the recommendation that due regard should be paid to the views of private tenants, those living in temporary accommodation and non-resident leaseholders.
- 5.28. We support the intention that local businesses, community groups, faith groups and other local service providers – and their customers and users “should also be fully consulted and engaged with”.
- 5.29. More emphasis needs to be given to the inclusion of socially excluded and hard-to-reach groups in engagement processes, as their views are often insufficiently represented in estate regeneration programmes. Some groups are particularly vulnerable to the disruptive effects of regeneration programmes, which can often trigger a crisis in people’s lives; and some local authorities provide counselling services recognising the impact on resident well-being attempt to mitigate those negative psychological affects. The effects on vulnerable groups, such as the elderly, have not been measured systematically although anecdotal evidence suggests that

⁴⁶ The Gunning (sometimes also referred to as the Seldon) Principles are drawn from the case of R v Brent London Borough Council, ex parte Gunning (1985).

⁴⁷ The Estate Regeneration National Strategy – Resident Engagement and Protection, Department for Communities and Local Government (December 2016).

there is a rise in mortality rates.⁴⁸ The impact on children in relation to their personal development and schooling does not appear to have been given any attention.⁴⁹

- 5.30. Amongst the various benefits of resident engagement, a sense of involvement in and control over the process of change has a demonstrable effect on both community and individual resilience to external shocks.⁵⁰

WHAT FORM SHOULD CONSULTATION TAKE

- 5.31. There has been a clear shift towards much more collaborative and participative approaches to community engagement. A lot of engagement tools are available and some are mentioned in the Mayors Good Practice Guide. Proper consideration must also be given to what organisations are most appropriate to undertake consultation, the suitability of social housing landlords in taking a lead responsibility, and the extent to which independent professional advice and support should be engaged. However, local residents have the most direct understanding of the consultation needs of their communities and must be involved at an early stage in the development of most appropriate forms of resident engagement for their estates.
- 5.32. As levels of trust between local residents and their landlords on social housing estates are often very low, it may be considered to be inappropriate for social landlords to carry out resident engagement especially when they may be considered to have direct stake in the outcome of the engagement process. In other words, social landlords are vulnerable to criticism that they may seek to influence or manipulate the results. Generally, much more attention should be paid to the fact that the different stakeholders in the process – the local community, local authorities (and other public bodies) and development partners (and associated professionals) do not necessarily have common interests and also that there are self-evident inequalities in power and resources. Moreover, the local community itself may be divided.
- 5.33. An effective community engagement strategy addresses and works through those issues in order to maximise resident involvement. As ITLAs, we are well placed to advise local authorities, other social landlords and local communities on the wide range of engagement techniques. Our approach is to work with the community to develop its capacity to take the lead in community engagement. We recommend the use of independent bodies, such as the

⁴⁸ “‘Help Us Somebody’, The Demolition of the Elderly’, by Bob Dumbleton, published by the London Press (2006).

⁴⁹ On one estate regeneration scheme in North London, the Cabinet Member responsible for housing and regeneration and his project officer visited a local primary to school to give a brief presentation on a local estate regeneration scheme. Upon finishing the presentation he became aware of the sound of muffled sobbing that quickly spread around the classroom. An alarmed teacher asked her pupils what the matter was and eventually a small said she was crying so much because her home would be knocked down, she would have to move away and change school, and she would lose all her friends. The phot-opportunity was quickly abandoned and the press-release put on hold.

⁵⁰ See “Loss and Change”, by Peter Marris, revised edition published by Routledge and Keegan Paul (1986).

Electoral Reform Society, to carry out tests of opinion on particularly controversial schemes where residents themselves may be divided.

- 5.34. Caution must be exercised in promoting any single form or methodology of resident engagement. They all have advantages and disadvantages. Earlier in this report we have discussed the pros and cons of ballots as this is likely to be a controversial issue. The general principle should be that the local community itself should determine the most appropriate forms of engagement.
- 5.35. We welcome the importance attached to resident empowerment, ensuring that they have meaningful input, that residents will need independent help and capacity building support. However, we think that the Guidance on Good Practice should go beyond simply encouraging “local authorities, housing associations and their partners to consider independent capacity building and advocacy support for residents”.
- 5.36. We believe that Independent Tenant and Leaseholder Advisers (ITLAs) have an important role to play in estate regeneration but that it is often misunderstood.

What does an ITLA do?

An ITLA can play a pivotal role in ensuring that residents receive impartial advice during the regeneration of their area. Their role is to:

- Gather and share information
- Provide independent advice to the residents
- Communication in the form of advising and training a resident -led steering group
- Experience and qualification is needed in order to assess the information provided to residents and give objective and accurate advice.

The ITLA role is dependent on:

- What residents feel they need
- Available resources
- Stage they are employed at.

Why have an ITLA?

- Research shows that residents support having independent advice
- They can support residents in negotiations with the local authority
- Provides tenants with the capacity to be active, confident and informed in the process.

When should an ITLA be employed?

An ITLA can be employed at any stage in the process; however, it is best practice to appoint them at an early stage. Reasons for this are:

- The ITLA can help build tenant participation structures
- Figure out their views and aspirations for the future
- Give residents a voice before any concrete proposals are made.

Adapted from Independent Tenant Advisors and Stock Transfers: A Good Practice Guide 2001

- 5.37. The role of first defined by the government in 2001 in relation to the stock transfer programme.⁵¹ In estate regeneration schemes, we often act as an “honest broker” between competing interests and provide an advocacy service to ensure that the rights of individual residents are respected and we have a much stronger capacity building function.
- 5.38. Such independent support is vital if residents are to be meaningfully involved and to create a more level playing field between the different stakeholder interests in estate regeneration. The GLA may wish to consider appropriate funding mechanism that can support the provision of such independent support Independent Tenant and Leaseholder Advisers (ITLA’s) can, should and do provide capacity building and advocacy support to residents on estate regeneration schemes.

INTERIM OFFERS

- 5.39. The draft Good Practice Guide correctly identifies that estate regeneration can be a long process and we agree that schemes should have “interim offers” to residents. Those interim offers should be aimed at addressing the following issues:
- Ensure that good standards of housing management and maintenance are maintained – and this may entail the provision of additional housing management support.
 - Address potential additional community safety and anti-social problems that may emerge as a result of the estate regeneration and increased population churn especially where demolition and rebuilding occurs.
 - Effective mitigation measures to reduce the noise and nuisance of building works and the provision of appropriate compensation if necessary.
 - Local lettings schemes should be introduced to address the housing needs of existing secure tenants, private tenants and residents in temporary accommodation and to encourage residents to remain living in the area.
 - The mobility of existing secure tenants through mutual exchange schemes and of resident leaseholders because of blight depressing property values needs to be addressed.
 - Appropriate social and economic support programmes should be put in place to support the community through the process of change.
- 5.40. We would discourage the use of off-site temporary moves, which should be optional and not a requirement in estate regeneration schemes. That requires a more sensitive approach to phasing and decant strategies based upon the needs of the community rather than the imperatives of the estate regeneration.

⁵¹ “Independent Tenant Advisors and Stock Transfers: A Good Practice Guide”, Department for Transport, Local Government and the Regions (2001)

GOOD PRACTICE

- 5.41. Whilst we agree with the various point made in the summary of good practice made in the draft Good Practice Guide around consultation and engagement, it needs to be much more clearly defined.
- 5.42. Good practice should be evaluated first against the legislative background and the emerging case law as they define the minimum standards that apply by right. Then it should refer to the considerable body of material written by practitioners on the subject of community engagement, stretching back over the last fifty years. It would be useful if a literature review could be conducted and appended to the draft Good Practice Guide to provide a good evidence base.
- 5.43. Something to consider is the establishment of proper, independently accredited quality standards for community engagement work and the development of an appropriate kite-mark.
- 5.44. The importance of early engagement - including the provision of independent professional support – at the formative stage of estate regeneration proposals cannot be understated. We would encourage the use of proper test of opinion at different stages of estate regeneration process and especially for larger, more controversial schemes there should be independent ballots conducted by an independent organisation. Initial tests of opinion are also establishing the views of residents early in the process on more radical options for change and the work that should be done to engage the community and get community buy-in. Finally social landlords need to do much more to earn the trust of the community on estate regeneration schemes, and to set out clear justifications for proposals.

6. A FAIR DEAL FOR TENANTS AND LEASEHOLDERS

- 6.1. The minimum basis of a fair deal for tenants and leaseholders must be that no-one should be either financially or materially worse off as a result of the estate regeneration. Indeed, the purpose of estate regeneration should be upon improving the quality of life, the housing conditions and social and economic opportunities for the existing community. Those benefits should be clearly articulated, properly evidenced and their delivery monitored effectively.
- 6.2. The local community should be seen as the primary beneficiary for any estate regeneration scheme. We agree that extra support and assistance should be offered to more vulnerable households to ensure that those community benefits are distributed fairly and equitably, and in the interests of promoting social justice.
- 6.3. The nature, scope and detail of the fair estate regeneration deal for tenants and leaseholders should be agreed between residents and the landlord and formalised in the shape of a local Residents' Charter. The Residents' Charter should have a similar status to the offer document in the stock transfer programme and the commitments entered into by the social landlord should be binding and only changed with the agreement of the community.

SOCIAL TENANTS

- 6.4. We welcome the recommendation in the Mayor's Guide that landlord should see statutory requirements for home-loss and disturbance payments as a legal minimum and not a maximum in the approach to compensating and supporting tenants affected by estate regeneration.
- 6.5. We also support the idea that tenants moving from estate regenerations schemes should be given a high priority. In our experience, most local authority allocations policies in London already allow for this and it should always be the case that offers of alternative accommodation should be reasonable in meeting the needs of the household in terms of property size and individual requirements. However lettings procedures often seem to fall short of good practice in the amount of information that is available about housing choices (this many Choice Based Lettings systems do not include lay-out plans for the properties), viewings are often arranged at very short notice (and the practice of group viewing should be discouraged) and the lettings standards for properties appears to vary quite considerably across London. Tenants should not have to use home-loss payments to bring properties up to a proper state of decoration and we recommend that there should be an enhanced lettings standard for estate regeneration decant programmes.
- 6.6. We also consider it to be good practice decant policies should be more generous than the standard allocation policies on such matters as additional bedrooms in order to facilitate moves. The situation of 'hidden households' on estate regeneration schemes requires much more attention.
- 6.7. Finally, we would encourage local authorities to carry out a proper assessment of the impact of estate regeneration schemes on the overall supply of social housing in their boroughs and to make proper consideration of the impact upon allocations systems and waiting lists.

RIGHTS TO RETURN

- 6.8. We support the principle that social tenants should have a right to return and also that wherever possible social tenants should only have to move once. However there may be instances where social tenants may want to move more than once within a regeneration scheme - particularly where some locations may be considered to be more desirable than others - and we believe that this should be made possible.
- 6.9. Where social tenants have to move more than once because of the imperatives of the estate regeneration scheme then they should be entitled to more than one set of disturbance allowances and proper consideration should be given to additional compensation for the inconvenience of being rehoused temporarily.

- 6.10. Whilst we understand that there may be cases where a landlord will want to choose to limit the number of bedrooms for those households who are currently under-occupying to “needs plus 1”, the general principle must be that secure tenants should be entitled to a “like-for-like” replacement home on the estate. There may be all sorts of compelling reasons why a household may require such additional space and those must be taken into consideration – for example, many people are now being required to work from home. Moreover any enforced downsizing will result in a loss of benefit and adequate compensation should be made – for instance, a number of local authorities in London already operate schemes to incentivise secure tenants to move the smaller properties.

SHORT-TERM/TEMPORARY TENANCIES

- 6.11. We support the proposal that use should be made of empty properties as they become available for temporary accommodation subject to consultation and agreement by the local community. It is important that residents living in temporary accommodation should not be stigmatised in estate regeneration schemes, nor receive lower standards of housing management and other public services. Moreover, we believe that residents living in temporary accommodation should be as valuable members of, and encouraged to play an active role in the local community.
- 6.12. It follows that all households who are to be rehoused in temporary accommodation should be fully informed of how long they are likely to remain living on the estate, about their housing rights (which will differ in many respects from those of secure or assured tenancies), and their future rehousing options. They should be given proper notice, allowing adequate time for relocation, when the time comes for them to have to move.

LEASEHOLDERS

- 6.13. The recommendations in the draft Good Practice Guide simply follow the statutory entitlements. Those legal requirements should be seen as minimum and not a maximum to mitigate the risk of displacement from the neighbourhood. Many resident leaseholders on estate regeneration schemes are seriously concerned about the levels of home loss compensation, valuation processes and the likely cost of local rehousing options and the often feel that they are given a lesser priority than secure tenants. Indeed, there does seem to be a widespread problem in estate regeneration schemes around availability and affordability of replacement homes either within the new redevelopments or alternative homes in the local area.
- 6.14. For most resident leaseholders, their property means much more to them than financial asset: it is their home, invested with emotional significance. Thus they are motivated by more than simple material considerations and that needs to be respected in the estate regeneration process. For many leaseholders their family home is something that they want to hand-down to their children. Therefore proper consideration needs to be made for succession arrangements.

- 6.15. The process of acquiring resident and non-resident leaseholder interests should take place before a compulsory purchase order is obtained through a voluntary buy-back process (which is compliant with the arrangements for valuation and compensation outlined in the Land Compensation Acts). Early-buy backs help to avoid the problem of blight. The compulsory purchase process should only be used as a last resort.
- 6.16. The rehousing options should have been agreed with resident leaseholders at the same time as voluntary buy-back process starts so that they can make informed decisions about their future housing choices. Those rehousing options should be based wherever possible on the economic circumstances of the resident leaseholders, many of whom can be classified as being in marginal home-ownership. For instance, those resident leaseholders who are mortgage free but on a fixed income are unlikely to be able to afford the increased service charges that are so often a feature of new development. There needs to be a flexible range of rehousing options to ensure that no resident leaseholder is forced to move away from their area, whatever their financial circumstances. In some cases, that will necessitate a return to a social tenancy. Due consideration should also be given to leasehold swaps to other council or ex-council properties.
- 6.17. It is also vital that resident leaseholders should be informed of the sales values of the new homes at an early stage - even if those values are indicative. Relative prices for existing and new build properties should be fixed as soon as possible once regeneration plans are developed, and there should be a much fairer assessment of current and future land values.
- 6.18. Our experience is the estate regeneration process appears to be failing resident leaseholders across London. What little research exists, suggests that the vast majority of resident leaseholders are being displaced from their neighbourhoods to cheaper areas. There appears to be a systematic problem in market valuation procedures whereby landlord valuations are generally much lower than those obtained by leaseholders. Many social landlords appear to “go in low”, particularly in the early stages of the buy-back process, as part a deliberate negotiating strategy. The use of such negotiating strategies can have serious negative impacts upon the most vulnerable and less knowledgeable leaseholders⁵².
- 6.19. Although the RICS “Red Book”⁵³ methodology is commonly used in market valuations on estate regeneration schemes, its use has been questioned, particularly in volatile housing market conditions and/or where there are low volumes of transactions.⁵⁴ Moreover, due account should be taken of the decision of the Secretary of State for the Department of Communities and Local Government on the 16 September 2106 in regard to the Aylesbury Estate CPO.

⁵² It is often forgotten that many resident leaseholders, especially those who have brought through ‘right-to-buy’ have little or no experience of house purchase on the open market.

⁵³ RICS Valuation – Professional Standards UK January 2014 (revised April 2015)

⁵⁴ “‘Margin of Error’ in Property Valuations – is There a Need for Safety Margins in Compulsory Acquisitions”, Juhana Hiironen, Kirsikka Niukkanen, Juha Ohrankämmen and Ari Laitala (Finland). Paper presented at the FIG Congress 2014 Engaging the Challenges - Enhancing the Relevance Kuala Lumpur, Malaysia 16 – 21 June 2014

- 6.20. We recommend that the GLA sets up a committee of enquiry to consider such issues in more depth and to make recommendations on a fairer system of valuations for leaseholders on estate regeneration schemes.

7. SUMMARY/CHECKLIST OF KEY REQUIREMENTS

- 7.1. We have provided substantial and substantive comments on the draft Good Practice Guide on Estate Regeneration. If accepted, those comments will require substantial changes to the draft Good Practice Guide and the summary/checklist of key requirements.
- 7.2. One significant omission from the Good Practice Guide is that most estate regeneration schemes have resulted in a change on landlord from the local council to a housing association. However, most secure tenants want to remain council tenants. This is a hugely controversial issue and it should not be ducked in the Mayor's Good Practice Guide. Whilst there is not space to go into the pros and cons of council housing versus housing associations here, the issues at stake are much broader than the narrow matter of tenancy rights. Where there is a possibility of a transfer of ownership and/or management we consider it to be good practice to hold a ballot of the affected residents.
- 7.3. We recommend that due consideration is given to increasing resident engagement in the current and future housing management arrangements for the existing and future social housing on estate regeneration schemes and that the development of tenant management schemes should be encouraged and supported by the GLA.
- 7.4. Finally, community engagement should be seen as an ongoing process and not a one off activity in all estate regeneration schemes. It should start at the initial project inception stage and continue through to the end of the development stage. Community engagement is not simply about the physical aspects of estate regeneration, but it is also about the housing management services (existing and futures), future ownership options, and social, economic and environmental factors. It helps to build trust and confidence, maintain social links during periods of change, and promote community cohesion.

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