

DECISION-MAKER:	CABINET		
SUBJECT:	DECOMMISSIONING AND ACQUISITION POLICIES AND DECOMMISSIONING FOR TOWNHILL PARK REGENERATION		
DATE OF DECISION:	14 NOVEMBER 2017		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None.

BRIEF SUMMARY

The Council's Regeneration Strategy aims to enhance the range and quality of affordable housing provision across the city and improve the lives of those who live in our homes. The aim through both refurbishment and new build is to create low energy, low maintenance, healthy homes in successful communities.

Where possible this will be achieved through the improvement and extension to existing buildings with the minimum disruption possible to existing residents. Some of our stock, however, was built using methods that mean replacing them with new homes is more cost effective and achieves better outcomes for residents. In these cases decommissioning properties and buying back leaseholds will be necessary. We are committed to ensuring that the process is both clear and fair to our tenants and leaseholders.

Where new developments are carried out we will seek to ensure a balanced range of housing types and tenures but the primary aim will always be to increase the delivery of affordable housing to support our Executive Commitments.

In June 2017 Cabinet was asked to consider the proposed new Council policies for decommissioning and acquiring properties and to approve the commencement of public consultation on the new proposed policies. The proposed policies, if approved, following public consultation, would first be applied to the next phases of the Townhill Park Regeneration Scheme. Cabinet was also asked to approve the launch of consultation required prior to further decommissioning of properties in Townhill Park Regeneration Scheme.

This report presents the results of the consultation and proposed revisions in response to the consultation for Cabinet approval. The revised policies for approval

are contained in Appendices as is the Decommissioning Plan for Townhill Park.

RECOMMENDATIONS:

	(i)	To consider and determine the proposals in light of the report on the outcome of the consultation and the comments received in response to that consultation.
	(ii)	Subject to (i) above, to review and accept the proposed revisions to the Draft Decommissioning of Housing Stock Policy and the Draft Acquisition and Compulsory Purchase Orders Policy as detailed in sections 16 and 17 of this paper: a) To amend the Draft Decommissioning Policy at section 33 to provide clarification on tenants' right to return. b) To amend the Draft Decommissioning of Housing Stock Policy and the Draft Acquisition and Compulsory Purchase Order Policy to remove the offer of increased compensation payments to incentive voluntary agreements.
	(iii)	Subject to (i) and (ii) above, to approve the proposed Decommissioning of Housing Stock Policy and the proposed Acquisition and Compulsory Purchase Orders Policy contained in Appendix 1 and 2.
	(iv)	Subject to receipt of Secretary of State consent where required, To approve the proposed Decommissioning Plan for the remaining properties in Townhill Park Regeneration Scheme contained in Appendix 3.
	(v)	Subject to approval of (iv), to delegate to the Head of Capital Assets, following consultation with the Leader and Service Director, Adults, Housing and Communities approval of further changes to the order of the Decommissioning Plan for Townhill Park Regeneration Scheme contained in Appendix 3, subject to any necessary statutory consultation.

REASONS FOR REPORT RECOMMENDATIONS

1	The introduction of new policies to support regeneration and the regeneration of Townhill Park will support the council to deliver on its agreed priorities and outcomes. Regeneration will improve housing quality and help ensure that we have the right mix of housing to help people in Southampton live safe, healthy, independent lives. It will also help to improve the look and feel of the city, helping Southampton to be a modern, attractive city where people are proud to live and work
2	The Southampton Compact Code of Good Practice states that, where appropriate, the council should consult with residents, tenants and stakeholders for a period of 12 weeks. In addition, It is a statutory requirement to hold consultation with tenants who are likely to be substantially affected by matters of housing management in accordance with the requirements of the Housing Acts.
3	The Council's Decanting Policy was last revised in 2013 and required up-dating. The update includes separating the two aspects of the policy: decommissioning

	of housing stock and acquisition of leasehold/freehold property into two separate policies for clarity. The majority of changes proposed are to increase clarity, but also to increase the efficient use of the Council's housing stock where decommissioning is required.
4	<p>Townhill Park is a large scale phased regeneration scheme, with phase 1 previously decommissioned. It is now proposed to commence decommissioning the remainder of the estate to make way for further regeneration. The proposed decommissioning plan which contains revisions from the original takes into account:</p> <ul style="list-style-type: none"> • Replacing the blocks that are most expensive to repair • Generate capital receipts for the Council in order to fund the infrastructure improvements • The need to complete the new 'Village Green' before the 277th unit can be occupied (planning condition) • Attempting to take a sensible approach to the order of construction whilst seeking to achieve a net gain of affordable units at the earliest practical point.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5	The Council's Decanting Policy was last revised in 2013. The option to not update the policy and continue with the existing policy has been considered. However, it is recommended that the policy requires updating to support and deliver improvement and regeneration of the city.
6	The option to refresh the policy, continuing as a single 'Decanting Policy' was considered and rejected. It is recommended that the two elements previously covered in a single policy (decommissioning of housing stock and acquisition of leasehold/freehold property) are divided into two separate policies for clarity.
7	Townhill Park Regeneration scheme has already been approved in principle and has outline planning consent for a comprehensive approach. The council could choose not to proceed with the remainder of the regeneration, but this is not considered desirable to the renewal and expansion of housing supply in the city.
DETAIL (Including consultation carried out)	
	<u>Extent of the Consultation</u>
8	The consultation ran for 12 weeks from Monday 10 July 2017 to Sunday 01 October 2017.
9	The consultation was widely publicised including: Tenant's Link e-news, Your City Your Say bulletin, Tenants Link, Townhill Park newsletter and consultation information local distribution, and tenant associations, Email footers shared with housing staff, Facebook and Twitter posts, and banners on the website homepage. Two drop in meetings were held at Townhill Park Community Centre and other meetings included Tenant Resources Group, Tenant Scrutiny Panel, and Tenant Inspectors. Paper copies of the consultation questionnaire and supporting information were available in libraries, Gateway, Civic Centre reception and Townhill Park Community Centre.
	<u>Summary of results and analysis of the Consultation</u>
10	Full analysis of the consultation on the draft Decommissioning Policy and

	Acquisition Policy and the draft Townhill Park Decommissioning Plan is contained in Appendix 4.																													
11	In total, 151 people responded to the consultation. The consultation questionnaire was divided into two sections, the first asked questions on the draft Decommissioning and Acquisition Policies and the second asked about the Proposed Regeneration of Townhill Park. 134 people answered questions in the draft policies section and 94 people answered questions in the proposed regeneration of Townhill Park section.																													
12	Analysis of quantitative questions within the Townhill Park section of the consultation revealed that 52% of respondents agree and 19% disagree with the proposed decommissioning at Townhill Park.																													
13	Analysis of quantitative questions within the draft policies section includes: <table border="1" data-bbox="268 712 1524 1473"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Draft Decommissioning of Housing Stock Policy</th> <th colspan="2">Draft Acquisition and Compulsory Purchase orders Policy</th> </tr> <tr> <th>Agree</th> <th>Disagree</th> <th>Agree</th> <th>Disagree</th> </tr> </thead> <tbody> <tr> <td>The content of the draft policy</td> <td>48%</td> <td>25%</td> <td>49%</td> <td>14%</td> </tr> <tr> <td>The clarity of the policy</td> <td>48%</td> <td>21%</td> <td>50%</td> <td>21%</td> </tr> <tr> <td>The transparency of the policy</td> <td>40%</td> <td>21%</td> <td>45%</td> <td>23%</td> </tr> <tr> <td>The amount of information in the policy</td> <td>37%</td> <td>32%</td> <td>43%</td> <td>28%</td> </tr> </tbody> </table>		Draft Decommissioning of Housing Stock Policy		Draft Acquisition and Compulsory Purchase orders Policy		Agree	Disagree	Agree	Disagree	The content of the draft policy	48%	25%	49%	14%	The clarity of the policy	48%	21%	50%	21%	The transparency of the policy	40%	21%	45%	23%	The amount of information in the policy	37%	32%	43%	28%
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	<u>Townhill Park Drop in Meetings attendance</u>																													
14	All local residents received details of the Decommissioning consultation and a copy of the questionnaire delivered to their door, and were also invited to attend one of two public consultation meetings held at Townhill Park Community Centre to discuss any concerns. Both meetings attracted a steady flow of residents and it was good to see so many Council tenants. The attendance was as follows: <table border="1" data-bbox="268 2078 1524 2107"> <thead> <tr> <th>Date of</th> <th>Number of</th> <th>Number</th> <th>% of</th> </tr> </thead> </table>	Date of	Number of	Number	% of																									
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	Drop in Meeting	attendees	of Council tenant attendees	Council tenants attending
	19 th July 2017	20	14	70%
	13 th September 2017	27	19	70%
<u>Recommended revisions to the policies taking into consideration the consultation responses</u>				
15	The Report of the Results of the Consultation on the draft Decommissioning and Acquisitions Policies and Proposed Decommissioning Plan for Townhill Park Regeneration is included in Appendix 4. This contains analysis of the quantitative data and also includes the qualitative comments submitted. The figures and the comments have been reviewed and as a result a number of changes to amend or clarify the policies is recommended for Cabinet consideration.			
16	<p>Clarification on the right to return:</p> <p>A number of consultation respondents highlighted the right to return (Section 33), identifying this as an area of the policy which required clarification. Following analysis of the consultation feedback, and a review of the draft policy, it is proposed that the policy is amended to provide details of the approach which tenants will be offered if they opt to return to the site being redeveloped:</p> <ul style="list-style-type: none"> • There is no statutory right to return to a site that has been redeveloped. • Tenants who move away from the site will be offered one opportunity to return to the redeveloped site. • This offer will only be made subject to suitable accommodation being available. • Tenants will only receive support and compensation for one move (the initial move from the site being developed). Tenants who elect to take up an offer of returning to the site at a later stage will not receive additional support or compensation. The tenant will be responsible for any costs incurred by them as a result the move back to the site. <p>This is in line with the existing policy approach.</p>			
17	<p>Clarification on compensation:</p> <p>The Draft Decommissioning of Housing Stock and Draft Acquisition and Compulsory Purchase Policies highlighted the option of paying increased compensation to incentivise swift agreements. The option to offer addition support or compensation in excess of the provisions of the policy is already allowed by section 68 of the Decommissioning Policy (48 of the Acquisition Policy) and we therefore recommend that these sections are removed to avoid repetition and support clarity.</p>			
<u>Response to other areas of concern raised in the consultation</u>				
18	Clarification on ‘downsizing’ through the Allocations policy or moving under the Decommissioning policy:			

	<p>The consultation has raised a concern relating to ‘downsizing’. Under the Allocation policy a tenant ‘downsizing’ is allowed, if they wish, to retain an additional bedroom in addition to their need e.g. a tenant in an existing 3 bed property, who according to need would only qualify for a 1 bed property would be allowed a 2 bed. Under the Decommissioning policy, the tenant would only qualify for new accommodation on the basis of need (e.g. a 1 bed) but would qualify for compensation.</p> <p>Following discussions with Members, it is proposed that the choice will be left to the tenant to either accept a move under the Decommissioning Policy and qualify for compensation, or apply to move under the downsizing provisions of the Allocations Policy in advance of the property being decommissioned and potentially retain a bedroom (but forfeit compensation).</p>
19	<p>Residents’ concerns at moving away from family, friends, school and work:</p> <p>The council recognises the impact on residents having to move away. Tenants will be awarded exceptional points and will have the opportunity to identify areas in which they would prefer to live by bidding on properties in their area of choice. In cases where it is necessary for a Possession Order to be sought, the council will take into account a number of factors in relation to rehousing, in accordance Housing Act 1985 Schedule 2 Part IV. This includes distance from work and education as well as the wellbeing of the tenant and their family (section 46 Draft Decommissioning of Housing Stock Policy).</p>
20	<p>New property may be different, smaller, or there is little choice:</p> <p>Tenants will be assessed and will be able to bid for properties of the size and type they are eligible for under the Allocations Policy. It is acknowledged that this may mean that some tenants are not able to move to like to like properties. However, this is in order to make best use of available properties across the city and to ensure that improvement and redevelopment of the area can take place.</p>
21	<p>Emotional impact, Stress, upheaval, disruption to life, family life and quality of life</p> <p>The Council recognises the impacts but decommissioning is necessary to ensure that the city can be improved and areas redeveloped. Compensation will be awarded in line with legislative requirements. In order to provide support and reduce the impact of moving tenants will also receive the support of a dedicated Tenant Liaison Officer throughout the process.</p>
22	<p>The impact on the elderly and disabled:</p> <p>Additional support will be provided to older tenants and tenants with disabilities, where appropriate and reasonable (section 65 Draft Decommissioning of Housing Stock Policy).</p> <p>The Tenant Liaison Officer (TLO) who is appointed to support tenants through the process, will identify with individual tenants what their specific needs are.</p>

	Where necessary, the TLO will then work with other services to provide the necessary support to individuals to reduce adverse impact and meet their needs.
	<u>Decommissioning Plan for Townhill Park</u>
23	<p>Although 52% of respondents were in favour of the proposed Decommissioning Plan for Townhill Park 19% disagreed.</p> <p>There were concerns that the order of decommissioning had changed considerably for some blocks and that there was insufficient information explaining the changes. It is not possible to go into individual detail of each plot, but, as reported in the June 2017, Cabinet report, a number of factors were taken into account and included:</p> <ul style="list-style-type: none"> • Replacing the blocks that are most expensive to repair • Generate capital receipts for the Council in order to fund the infrastructure improvements • The need to complete the new 'Village Green' before the 277th unit can be occupied (planning condition) • Attempting to take a sensible approach to the order of construction whilst seeking to achieve a net gain of affordable units at the earliest practical point
24	<p>The Townhill Park Regeneration Decommissioning Plan is included in Appendix 3. However, the order of the decommissioning may still be subject to change. They will be under review as the regeneration progresses, and may have to be adjusted in order to deliver the most efficient decommissioning and building programme. The council will keep residents informed as and when any changes have been decided upon. It is proposed to delegate the approval to change to the Decommissioning Plan in Appendix 3 and this will be subject to any required further public consultation.</p>
25	<p>Concerns were also raised around the desire that Townhill Park should remain an area of social housing. While the Council has aspirations to diversify tenure in its estates, it's aim is also to promote affordable social housing, to renew stock that is modern and energy efficient and if government policy allows increase social housing provision.</p>
26	<p>Comments were also received suggesting that refurbishment would be a better solution.</p> <p>The degree to which refurbishment is required would still meant that tenants would be required to move out for a lengthy period of time. In addition refurbishment would not bring about the comprehensive regeneration of the area.</p>
	<u>Housing Infrastructure Bid impact on Future Decommissioning</u>
27	<p>Cabinet should be aware that, in September 2017, the Council submitted a bid to the Housing Infrastructure Fund requesting grant of £3.75M to deliver the infrastructure of the Village Green and traffic calming of Meggeson Avenue. This additional funding would allow the Council to accelerate the delivery of Townhill Park. It would also necessitate reviewing the Decommissioning Plan and accelerating decommissioning of plots. This could be achieved by early delivery of Affordable Housing on Plot 2, currently under negotiation, and increasing the proportion of tenants affected by decommissioning as a proportion of the overall waiting list. However, it is acknowledged that this creates problems for other priorities on the waiting list. The grant awards will be</p>

	known towards the end of the year or early 2018.
	<u>Next Steps</u>
28	The outcome of the Cabinet decision will be reported to residents. Should Cabinet approve the policies, the Council will publicise that the new policies are now adopted and will be implemented. The outcome of the proposed Decommissioning Plan for Townhill Park will also be publicised, especially to residents of Townhill Park.
29	Council preparation for commencement of the Decommissioning Plan will be put in place. However, no decommissioning of homes will begin before those directly affected receive further detailed information including a personal visit by a Tenant Liaison Officer.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
30	The discretionary Home Loss payment at a higher rate to residents will be in exceptional circumstances only and on a case by case basis.
31	These should not have a substantial impact on the existing Townhill Park budget that was set at Cabinet and Council on the 14 th and 15 th February in the General Fund & Housing Revenue Account Capital Strategy & Programme 2016/17 to 2021/21.
<u>Property/Other</u>	
32	As set out in the report.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
33	The Council has statutory and common law duties to consult both on the proposed policies and on the decommissioning programme for Townhill Park Regeneration Scheme.
34	The Statutory duties to consult are under S.105 of the Housing Act 1985 and S.137 of the Housing Act 1996. This duty states that the Local Authority must have a written published statement of consultation arrangements for secure and Introductory tenants who are likely to be substantially affected by housing matters. This statement of arrangements was published in accordance with these requirements and the statutory part of the consultation complied with the arrangements.
35	The Council also has general housing management duties which cover a number of individuals including leaseholders and has consulted on all those likely to be affected by any housing management change in policy.
36	As the master plan and current proposals include the likelihood of disposal of 2 plots of land an application will need to be sent to the Secretary of State for approval after consultation has occurred pursuant to Part V of schedule 2 of the Housing Act 1985. This consultation is instead of undertaking the S.105 consultation for those plots but will be undertaken in exactly the same manner as required under the consenting regime.
37	There is also a common law duty to consult from a legitimate expectation deriving from past practice of the Council. The Council has fully consulted with all

stakeholders and affected individuals and bodies. The outcome of that and the relevant statutory consultation, as set out in this report and background papers, must be taken into account in reaching a final decision on the proposals within this report.

Other Legal Implications:

- 38 In taking this decision, Members must also be aware of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
- Eliminate discrimination, harassment and victimization and other conduct which the Act prohibits;
 - Advance equality of opportunity; and
 - Foster good relations between people who share relevant protected characteristics and those who do not.
- The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Case law has established the following requirements for the PSED to be exercised lawfully:
- The equality duties are an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation;
 - The relevant duty is on the decision maker personally. What matters is what he or she took into account and what he or she knew. The decision maker cannot be taken to know what his or her officials know or what may have been in the minds of officials in proffering their advice;
 - It is important to record the steps taken by the decision maker in seeking to meet the statutory requirements in order to demonstrate that the duty has been discharged;
 - The decision-maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy. It is not sufficient for due regard to be a "rearguard action" following a concluded decision;
 - In order to be able to discharge the duty the decision-maker must have information about the potential or actual equality impact of a decision. This information will often be gained in part through consultation;
 - The duty must be exercised in substance, with rigour, and with an open mind. It is not a question of ticking boxes; while there is no duty to make express reference to the regard paid to the relevant duty, reference to it and to the relevant criteria reduces the scope for argument;
 - General regard to issues of equality is not the same as having specific regard, by way of conscious approach to the statutory criteria;
 - Officers reporting to decision makers, on matters material to the discharge of the duty, must not merely tell the Minister/decision maker what he/she wants to hear but they have to be "rigorous in both enquiring and reporting" to them;
 - Although it is for the court to review whether a decision-maker has complied with the PSED, it is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself;
 - The duty is a continuing one.

	Members should in particular note that the duty is for them personally. It is not sufficient to rely on officers to discharge the duty by the preparation of the EIAs and this report. Members must themselves read and actively take into consideration the EIAs and the consultation materials.
RISK MANAGEMENT IMPLICATIONS	
39	The revised policies are much clearer than the older policies and therefore, should reduce risks of misunderstanding and in conjunction with the support given to residents should speed up the moving process.
40	The Decommissioning Plan for Townhill Park gives residents a plan and timetable to move and therefore increases certainty of future events. It also allows the council to plan for the future redevelopment.
POLICY FRAMEWORK IMPLICATIONS	
41	The recommendations in this paper support the delivery of the following outcomes within the Southampton City Council Strategy: <ul style="list-style-type: none"> • Southampton is a city with strong and sustainable economic growth • People in Southampton live safe, healthy, independent lives • Southampton is a modern, attractive city where people are proud to live and work
42	The revised policies and regeneration plans for Townhill Park conform to the council's policy framework. It is recognised that the decommissioning of stock is a stressful event for residents' who have to move. However, the redevelopment of Townhill Park will create new quality, energy efficient housing in an improved environment, which will benefit residents' health and well-being and improve the quality of the city, increasing its attractiveness as a place to live and work.
43	The recommendations in this paper specifically support and are in line with the Policy Framework documents: <ul style="list-style-type: none"> • Local Development Framework and Local Area Action Plans (S.15 Planning and Compulsory Purchase Act 2004) – the regeneration of Townhill Park will be undertaken in line with Local Plan Policies. • Health and Well Being Strategy (S.116A Local Government and Public Involvement in Health Act 2007) – the regeneration of Townhill Park will deliver improved health and wellbeing through improved housing quality.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Draft Decommissioning of Housing Stock Policy
2.	Draft Acquisition and Compulsory Purchase Orders Policy
3.	Draft Townhill Park Regeneration Decommissioning Plan
4.	Draft Decommissioning and Acquisition Policies and Proposed Regeneration of Townhill Park Consultation Feedback

Documents In Members' Rooms

1.	Equality and Safety Impact Assessment of draft Decommissioning of Housing Stock Policy	
2.	Equality and Safety Impact Assessment of draft Acquisition and Compulsory Purchase Order Policy	
3.	Equality and Safety Impact Assessment for the Decommissioning of Townhill Park Regeneration	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
	Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	File of consultation responses.	
2.		