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09 April 2018

Seb Salom

LB Bexley response to proposed new funding condition to require resident ballots in estate regeneration

Thank you for the opportunity to comment on the Mayor's proposal to apply a new condition to any GLA funding to require a mandatory residents ballot for estate regeneration schemes of over 150 homes, regardless of tenure, and which involve the demolition of homes owned by a Registered Provider (RP).

It is an essential part of successful regeneration schemes that there is early and meaningful engagement with residents and stakeholders to shape proposals that affect their homes. LB Bexley already takes this approach on regeneration schemes in the borough via its RP partners such as Peabody and Orbit. We actively encourage our RP partners to review promises made during the consultation process on regeneration proposals. Estate regeneration schemes are often long term and complex requiring adaptation to reflect changing market conditions and planning policy. We do have concerns that mandatory tenant ballots may provide an opportunity to be taken over by campaigners focussed on other agendas rather than the specific details of the scheme proposed. Ballots can only reflect residents' perceptions at a point in time and we believe consultation should take place throughout the development process, including when the scheme is complete.

1 Eligibility

- 1.1 With regard to eligibility, the consultation proposes to include social tenants but exclude non-resident leaseholders and freeholders, and resident leaseholders and freeholders who have been living in their properties for less than a year prior to the ballot. Estate regeneration schemes also provide an opportunity to develop new communities and their needs should also be taken into consideration. However, we feel such views should be taken into account through the normal consultation process and do not require participation in a formal ballot.

2 Timing

- 2.1 The proposal is a ballot should take place following a period of consultation and engagement with residents but prior to the procurement of a developer partner or precise specification of the works. This potentially raises challenges for RPs as schemes at this stage are often aspirational with the intention that specific details will be shaped throughout the procurement and planning process. Regeneration schemes often change significantly between the initial concept and the final scheme design, as a result of planning requirements or changing market conditions for example. If an RP receives a yes vote on the initial scheme proposal which then becomes unviable due to economic factors or new information, for example on site conditions, they may find it difficult to procure a development partner that is willing to deliver the scheme as specified. A

second vote would likely be needed which would delay the development and increase costs, further reducing viability and building in delay on delivery. It is unclear how any such action would impact other statutory processes - notably planning but also any potential CPO.

3 Exemptions

- 3.1 The proposal is that where the demolition of an estate is required to facilitate a major infrastructure scheme, this would be exempt from the requirement for a ballot. Other than transport schemes there is no definition of infrastructure schemes that would qualify in these circumstances and clarification is required. We agree that balloting of tenants should be exempt where demolitions are required because of a safety issue. We agree that specialist and supported housing schemes, including sheltered and extra care, should also be exempt from ballots to allow flexibility to decommission these homes so that they can be replaced by a more appropriate form of housing to meet housing need as agreed by the borough.

4 Transitional arrangements

- 4.1 The proposal for transitional arrangements that ballots will not apply where schemes are 'live' and the proposed demolitions already have full or outline consent is essential to maintain the pipeline of new homes for London. However we have serious concerns that a ballot would be required if the existing planning permission is varied, amended or renewed to include further demolition that was not part of the existing permission or the total number of new homes is 150 or more. This again creates uncertainty and cost for developers and RPs as regeneration schemes often evolve over a number of years and require alterations in response to changing market conditions and planning policy. Schemes where there are proposals for significant alterations should be assessed on a scheme by scheme basis by the borough and the GLA to determine if the new proposals have deviated sufficiently from the original proposal to justify a ballot being required. The proposal that the new policy will not apply retrospectively unless there is a significant change to the scope of the scheme will provide certainty to regeneration schemes where the GLA and the RP have already agreed a funding contract.



Seb Salom
Head of Strategic Planning & Growth

Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration

Brent Council welcomes the opportunity to respond to this consultation. The council has policies in place that meet, and in some respects go further than, the Mayor's guidance in *Better Homes for Local People* and shares the Mayor's objectives that regeneration schemes should proceed on the basis of support from those most directly affected and lead to an increase in housing, particularly affordable housing, supply.

The council supports ballots in principle, but does not fully support the proposal as it is currently drafted. Our concerns are set out in answer to the questions below but there is one point that we would like to stress at the outset. Brent, along with the rest of London, will be electing a new council in May and there will be a number of new members who will have a close interest in the outcome of this consultation and in final proposals. The council would want to engage fully with elected members on an issue as important as this and we would hope that there will be further opportunities for engagement as the proposals are refined in light of the current exercise.

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

The council agrees that ballots would give residents confidence that they have a real say in decisions affecting their community. Where a local authority has made the case for regeneration and is confident that it has secured support through consultation and engagement responsive to community, with clear commitments, as Brent believes has been the case in its own programmes, it should have nothing to fear.

We therefore support the proposal, but have identified some potential risks. The paper is explicit in stating that no votes leading to a loss of new supply are an acceptable risk when balanced against a stronger voice for residents and, in principle, the council agrees. However, factors not considered in the paper at this stage may mean that the reduction in supply is larger than anticipated. This is considered in more detail in answer to the subsequent questions but some key points are set out below.

A simple yes/no choice is proposed but it may be difficult to capture all aspects of complex and long-term issues adequately. It is understood that the expectation is that the detail will be covered in consultation but experience suggests that even the best run process will not engage the interest of all residents. Even where there is widespread understanding of the implications, it is difficult to see how residents can be asked to make a binary choice unless it is very clear what they are being asked to vote on and what the implications might be. Residents may have concerns about some aspects of a scheme while supporting others and, while conflicts may be resolved through engagement, some concerns may remain. Further, it may be desirable to

offer a choice between two or more options with differing advantages or disadvantages. It is difficult to see how a yes/no vote could resolve remaining doubts or how a simple majority would operate in the case of multiple options.

Linked to this, programmes of any size will run over a long period, during which circumstances may change significantly. For example, changes in the wider economy, in the funding regime, in the building industry, in local, regional or national political control, may all impact on delivery, undermining the initial basis on which residents voted. Equally, residents who voted one way at the start of a process may feel differently as it proceeds. Given that further ballots are envisaged where material changes are proposed, this could lead to uncertainty, delay and costs. On this point, it is unclear whether local authorities could expect any support in meeting the costs of initial or subsequent ballots.

There is a risk of a perverse incentive to restrict regeneration programmes to projects with no demolition, even where this would be the best option. While large-scale refurbishment programmes may benefit existing residents, they are unlikely to produce significant uplift in supply or offer the funding needed, through grant or cross-subsidy, to deliver new homes.

Issues around eligibility are considered in response to questions 6 and 7 but there is a wider point here. Any large scheme is likely to cover a range of locations and property and occupancy types, where resident attitudes to their current and potential future circumstances may affect their view. Residents in blocks or areas where conditions are poor may be more positive about change than those in parts of an estate that do not experience the same problems. In such cases, the votes of those content with the estate could block improvements for others.

In our South Kilburn programme, early engagement showed that residents of some blocks had a strong preference to remain as they were. They were therefore given the option to exclude themselves from the scheme, although they continue to benefit from improvements to the wider estate and the local environment. Early and meaningful engagement is essential and this has enabled us to amend proposals in light of resident views. Meaningful engagement that can demonstrate responsiveness to residents at all stages provides a better, albeit more complex, measure of support. In this context, balloting should take into account the nuances and needs of a locality and therefore cannot be simple yes or no.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

It would be helpful if guidance could offer a definition of what constitutes an estate in this context, beyond the trigger of construction of at least 150 homes. Estate boundaries are not always clear cut and schemes may involve only a part of an estate, or more than one estate. In such cases, what criteria would be used to assess whether a scheme had been set up deliberately to avoid the ballot requirement rather than on a sound rationale? It also appears

that a ballot would be required even if a scheme required the demolition of one home; this may be unlikely but there is a risk of disproportionate costs where only a small amount of demolition is involved and some indication of a threshold level might assist.

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

Not as currently proposed, for the reasons noted above.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The period following consultation and prior to procurement of a development partner is the logical point for a ballot. However, it is possible that the procurement and master-planning processes could lead to changes to the project, for example where significant cost variations are identified. If these are material, would a further ballot be required as is proposed in the case of changes required at a later stage in a programme?

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

There are two areas where further clarity would assist. The first priority will be to understand and, as far as possible, meet the aspirations of the community. Where these aspirations would exceed the capacity of a programme to deliver, particularly in financial terms, what process would be followed to determine what is reasonable? Similarly, resident aspirations may not always conform to planning or housing policy, for example in delivering significantly higher density or the level of affordable housing expected. In such cases, a council may wish to proceed with a scheme that runs counter to its own or Mayoral policy in some areas in order to secure support. While it is assumed that such cases would not be common and that divergence from policy would not normally be significant, it would be helpful if guidance indicated how they might be treated.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The definition of an estate is not always straightforward. For example, is it envisaged that residents living in a part of an estate not directly affected by a programme should nevertheless have a vote? Alternatively, is it envisaged that, through consultation, the local authority will be free to define the programme parameters? A similar question concerns residents of a neighbouring estate or in neighbouring social housing not defined as part of the programme. It is assumed that they would not be entitled to vote, although their position might be similar to residents of the relevant estate: for example the impact of changes to amenity or parking provision, noise and disruption.

We agree that all social tenants and resident leaseholders and freeholders living on the estate (or the relevant parts of the estate) should have a vote but we have concerns over households in temporary accommodation and private tenants.

There will be no expectation that households in temporary accommodation would be eligible for rehousing in new homes developed in a scheme. As well as obligations to displaced tenants, there will be others, including homeless households, on the Housing Register with higher priority who should take precedence. In South Kilburn, properties scheduled for demolition accommodate around 100 households but their rehousing priority is addressed through the Housing Register and Allocation Scheme. Also, since the Localism Act 2011, Brent discharges duty to the majority of post-implementation homelessness acceptances into the private rented sector. In these circumstances, homeless households could effectively be asked to vote in favour of the demolition of a home where they may have lived for some time, with no clear benefit for their rehousing prospects and they may feel their interests are best served by a no vote. In turn, this could create a perverse incentive not to use stock as temporary housing, with significant cost implications.

Private tenants in ex-RTB properties are in a similar position. The consultation recognises the limited statutory obligations towards this group. Like those in temporary accommodation, they would be asked to approach the vote from a very different premise to other eligible households. The number of private tenancies within estates has grown significantly, a trend which is continuing, to the point at which their votes and the votes of those in temporary accommodation could have an impact on the outcome. These households clearly form part of the community and consultation should take full account of their interests. However, our view is that their position is not the same as that of tenants and residents with a long-term interest in the estate through their expectation that they will be able to remain there during and after any regeneration programme.

While a condition relating to registration on the local Housing Register is appropriate if voting rights are as proposed, the lack of any requirement to rehouse such households within the scheme means that, in effect, their rehousing options are the same as any other household on the Register that would not be eligible to vote.

It is not completely clear how the number of eligible voters per household would be calculated. For example, how would multi-occupied homes in the private sector, where there may be two, three or four tenants in the property, be treated? It is assumed that the proposal is that only named tenants, sole or joint, would be eligible but further clarification would be helpful; for example, a household may contain two joint tenants plus one or more individuals on the housing register in their own right. As these individuals are not tenants (but could be sub-tenants occupying with the council's or landlord's approval), is it correct to assume that they would not be eligible? A similar question applies to those sub-letting from resident freeholders or

leaseholders. Multiple votes in individual households could further compromise the weighting of votes between social tenants, leaseholders, freeholders and others.

Our suggestion is that only those named on a tenancy agreement or lease with the council, as well as resident freeholders, should be eligible to vote. If a ballot on the basis proposed is adopted as policy, the council would wish to see some flexibility over the weight given to votes from social tenants, leaseholders, freeholders and others.

Finally, it would be helpful if guidance could clarify the 50% threshold. The consultation document states that *“a ‘yes’ vote is one where there is a simple majority of those voting in favour of the estate regeneration proposal”*. Our understanding is that this means a majority of those who have actually voted, rather than a majority of those eligible to vote, but the wording is slightly ambiguous. There appears to be no expectation that a valid vote would require a certain proportion of those eligible to vote to have actually voted.

While we are in favour of the ballot principle, it must in practice take full account of the particular circumstances of the neighbourhood and the wider strategic priorities and duties of the local authority.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Taking account of the questions above concerning eligibility, we agree that the criteria should be the same to avoid confusion, but there are one or two further points.

The definition of the geographical extent of any scheme is crucial. Where a scheme affects only part of an estate, even though the estate boundaries may be well defined, would it be equitable for residents in a part of the estate not directly affected to have the same voting rights as those whose homes are covered by the proposal? If an estate has an unusually large proportion of temporary or private sector accommodation, would it be equitable for a vote to be held on the basis of the eligibility set out in the consultation paper?

As noted in response to question 1, an approach that considers the impact on and attitudes and expectations of residents in individual blocks or parts of an estate has the potential to deliver a more considered outcome that gives due weight to individual views without the risk of failure to deliver the whole scheme.

Question 8: Do you agree with the Mayor’s proposed requirements for implementing ballots? Why/why not?

We agree that an appropriate body such as described in the consultation paper would be the best method. Our view on a yes/no vote with a simple majority is outlined elsewhere in this response.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No, other than our comments in respect of earlier questions.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

In principle, yes, although the distinction could be seen as arbitrary. Estate regeneration schemes will frequently involve improvements to infrastructure in the widest sense, for example through provision of new open space, community facilities such as health provision, commercial premises, and improvements to roads and public transport. These may be major or minor improvements but “major” is not defined in the consultation paper and it may be difficult to identify the cut-off point at which a scheme would be classed as exempt.

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

Yes. We agree that safety considerations should be paramount.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes. We think it unlikely that many such schemes would meet the 150 new homes threshold in practice but would ask how such schemes would be treated if they form part of a wider proposal that does meet the threshold?

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

We have concerns about the impact of transitional arrangements, in particular in relation to our programme in South Kilburn. Like many regeneration programmes, this is a long term project, inaugurated under the New Deal for Communities programme and with many years left to run. The original Masterplan adopted in 2004 followed extensive consultation with the local community culminating in 52% of the then South Kilburn households commenting during the final consultation with 74% support. The new design masterplan was similarly consulted upon over approximately a six month period. This was then followed by a formal consultation on a new SPD which was adopted in mid-2017.

Between 2004 and to date the Council has achieved multiple planning consents for projects within the overall masterplan which has delivered over 1000 new home of which, currently approximately 60% are social rented homes for South Kilburn tenants. The South Kilburn regeneration programme has been the subject of extensive and continuing engagement and consultation throughout the past decade, including:

- Regular meetings with residents at all stages of the process.
- Development, with extensive resident involvement, of a Master Plan, which has subsequently been reviewed and revised, again with extensive resident involvement.
- Supplementary Planning Guidance for the regeneration area, development in consultation with residents and governing the long term programme.
- Multiple planning consents, with the opportunity for residents in and around the estate to engage with the planning process
- A phased approach to regeneration that has enabled continued engagement as each element of the programme comes into development.

In the context of a programme of this kind, a number of possible issues arise.

As with most large scale schemes, planning applications and consents relate to individual projects and are therefore spaced across the programme. If each referable planning application triggers a ballot this could have significant resource implications and there is the possibility that a ballot could undermine commitments already made to residents. For example, there are residents in existing blocks who have chosen and are waiting to move into new homes currently under construction. If a ballot is required for future elements of the scheme, would this be expected to cover the whole estate, including buildings under construction? If so, there is a risk that firm commitments could be undermined. There is a similar question concerning those residents who have already moved to new homes, often several years ago. From their perspective, the regeneration programme is effectively completed in as much as they have been rehoused into new and better accommodation and they may see no need to get involved in consultation about future plans. It may be that they would not see the need to vote on what is already a reality for them, or that they would be less inclined to vote yes since their needs have already been met and a no vote would mean no further disruption. In either case, this could also undermine the expectations of other residents who have engaged in the process but would not receive the promised improvements in the event of a no vote. This risk could be mitigated by not offering votes to residents who have already moved into new homes.

Our view is that the consultation and engagement arrangements in place from the start of the programme and continuing to date mean that the South Kilburn programme has the genuine support of a majority of residents and that, were a ballot to be held, it would have a positive outcome. However, in the context of the implications highlighted in this response, we would ask whether the GLA consider that proposal as drafted should apply to programmes such as

South Kilburn or whether there are alternative approaches that could address the risks while supporting the underlying principles that the consultation document sets out.

Camden Council Estate Regeneration Balloting Consultation Response

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

The Mayor in the Guide states the following:

“The Mayor believes that for estate regeneration to be a success there must be resident support for proposals, based on full and transparent consultation from the very start of the process and meaningful ongoing involvement of those affected”

Camden agrees with this statement and we believe that our existing approach is consistent with both the values and the approach of the Mayor’s best practice guide to estate regeneration, and the principles of community involvement which underline the proposal to make ballots mandatory in some instances of estate regeneration. Camden’s aim is to only proceed with estate-led regeneration schemes where they have received the support of the majority of residents following a comprehensive engagement programme.

We involve residents in our schemes from the outset to ensure that local issues are addressed – whether that is the need for larger homes for growing families, delivering new social and Camden Living rent homes for workers on lower incomes, designing streets to reduce crime, building a new school or health centre, or designing in a new playground in a proposed scheme.

We always work to engage our residents in the process of building new homes. This ranges from asking residents to help select architects to co-developing decant strategies. We also pay for residents to attend design and construction courses so they can fully participate in the design of schemes.

Camden’s Community Investment Programme

The Community Investment Programme (CIP) is our 15-year plan to deliver 3,050 new homes, at least 1,400 of which will be social rent and Camden Living rent homes. Our residents are at the heart of CIP – ensuring that the homes they live in are safe, warm and genuinely affordable. Our Community Investment Programme, is delivered directly by the Council – we are delivering the homes and facilities that our communities need. This allows us to work with residents from the start of a potential housing project, through to design phase and completion. This establishes a relationship early and helps us to understand resident priorities for their future home.

Over the life of the 15-year programme we will raise over £1bn of investment that will go directly into our communities to build improved homes, new schools and community facilities. We have already delivered 664 new homes, of which 229 are Council rented homes, 79 intermediate affordable homes, and 356 are homes for sale.

We made a number of commitments to residents from the outset of CIP that have remained the guiding principles for schemes and form the basis of our “offer” to tenants and leaseholders who we want to benefit. Some of the key elements of our CIP pledges are:

- There will be **no net loss** of council homes in Camden - **more** council homes will be built under the CIP as well as new social rent and Camden Living rent homes for key workers and those on low incomes.
- We are creating **mixed developments** of social housing, Camden Living rent and private homes because we want to maintain Camden's unique social mix and ensure the borough remains **a place for everyone**.
- Camden tenants **will not be moved out of the borough** during regeneration and will be given priority on new council flats built.
- We will only build private homes to fund regeneration. **All of the money** raised from sales or development will be recycled into building new Council and social rent and Camden Living rent homes and other community facilities as part of CIP or used to help fund improvements to existing council homes through our Better Homes Programme.
- Homes for sale will be marketed first to local people and key workers. **Leaseholders will be compensated** for loss of their property at market value plus 10%. If they wish to buy into the new scheme, where the new property is more expensive than the sale price of their existing home, they can access a shared equity scheme where the Council will not charge rent on the uplift.
- Tenants will have a **key role** in the design of new flats, which will replace ones which are old, damp, have poor electrics and heating.
- Residents will receive financial support to help move.
- Council homes will not be auctioned.
- Council tenancies **will be secure**. This means that council tenants will remain Camden council tenants. Camden **believes in Council housing** and does not want short-term tenancy conditions in Camden.
- New homes will be covered by the council rents policy, so there will be no change to the existing payment structure agreed with tenant representatives annually.
- Our firm rule is that council homes should **not** be replaced by housing association flats.

These pledges have been in place since 2011, and we believe they are significantly aligned with the approach and outcomes the Mayor and the GLA have indicated are important to them in the Guide and the balloting guidance.

Camden's top line position on ballots is therefore the following:

- Camden is in agreement that a ballot can form a useful part of understanding residents' views on proposed estate regeneration.
- Camden's preference would be for the Council to begin the process of developing options for an estate regeneration scheme and have residents indicate a preference from a range of options at an early stage in the process.
- The preferred option would then be developed into the final scheme in conjunction with residents as part of a wider and ongoing co-production and consultation process.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Camden agrees that schemes which involve demolition are the most appropriate on which to apply a requirement for balloting. The requirement should not be extended to cover schemes which are infill. Camden undertakes extensive and successful engagement where our schemes do not involve demolition. Disruption to residents as part of these schemes can and has been managed successfully. This includes as part of the construction of a number of homes built to provide replacement housing for residents displaced by the proposed High Speed 2 route. As part of HS2 replacement housing, the Council is helping to deliver 116 new homes largely through infill.

Considering the considerable additional affordable housing that infill schemes have the potential to deliver without requiring the decant of existing tenants, the Council should have the flexibility to deliver these within existing community engagement and co-production mechanisms.

This is why, from the outset of our Community Investment Programme (CIP), we committed that there would be no loss of social homes, and that we would seek to deliver as much additional social housing as possible. Over the lifetime of CIP, we will deliver 1400 social rent and Camden Living rent homes. Of these 650 will be replacement homes in place of poorer quality existing stock.

Where we have demolished social homes, we have rebuilt them, providing better insulated homes with tenants remaining on the same tenures. Where we replace social housing on a unit like-for-like basis, we usually build larger social homes, meaning that on a scheme-by-scheme basis there is usually an increase on the unit-for-unit numbers of social rented homes and on the total amount of social rented floor space.

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

Camden Council agrees that the ballot “offer” to residents should encompass the design and tenure proposals for these schemes alongside the terms of the agreement for the decant and return of residents. As stated previously Camden believes that a ballot providing a yes/no vote on a number of options would be more reflective of the complexity of estate regeneration, and provide residents with more opportunity to voice their views and have substantive input.

In Camden’s experience, the “offer” to residents is often highly personalised. In our schemes our officers have often worked one-to-one with each household to develop a package of support that ensures tenants and leaseholders are comfortable in moving from their homes and confident of their ability to return, or of their future housing options. Producing a standardised offer to all residents will form the basis of any consultation and engagement around a scheme, but ensuring that residents feel sufficient assured of the support they will receive in the future to agree a scheme proceeding, will by necessity be a more individualised and complex process. Regardless of undertaking ballots at an early stage within a regeneration process, residents will rightly expect to be provided with sufficient information that they believe they can make an informed and confident choice, and this will require significant feasibility and viability work by the local authority in order to determine the scope of this offer.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Camden Council agrees that where a ballot is required, it should occur at a stage in the estate regeneration process where residents have had an opportunity to have substantive involvement in determining and developing proposals for their homes and communities. Camden agrees that a ballot needs to occur prior to planning and procurement of a works.

The information that the GLA indicates that residents will be required to be provided with in advance of a ballot ('the offer') is broadly equivalent to undertaking feasibility and site appraisals to the level of RIBA stage 1. For Camden and the scale of schemes on which we expect to have to undertake a ballot in the future, we expect the cost of getting to this stage to be approximately £400,000. This cost is one that the Council would incur anyway in pursuing schemes at these sites, however introducing a requirement for a ballot which could halt a potential scheme on an estate means that the Council will need to build in additional risk assessments and cost/benefit analyses in expending these funds. We are confident that our strong relationship with tenants, leaseholders and their representative groups means that we can make a good assessment at this early stage as to whether to proceed with investment in assessing the options for a site, and engaging residents in co-producing plans that would form the basis of a ballot 'offer'.

It is not clear however from the consultation document the extent to which a local authority should be certain of the deliverability of the options put to residents as part of a ballot. Estate regeneration is a complex and often long-term process, and during the development and delivery of schemes, wider economic changes can affect the viability of proposals. If the Council was required to provide certainty that the balloted option can be delivered in a range of potential circumstances, then that would require significant further due diligence beyond a RIBA stage 1 and therefore cost.

Following this, were amendments to a scheme necessary either as designs are worked up further or due to changing market conditions, it is also not clear in what cases a change to a scheme proposal would render a previous ballot void, and whether there are some changes (e.g. reduction in affordable housing) that might be less determinative of a void ballot than others (e.g. reduction in investment in public realm). There is therefore a risk that wherever any identifiable change has been made to a scheme, this might provide an opportunity for a legal challenge to argue that it should have triggered a new ballot. Camden would request significant clarification from the GLA as to what constitutes a "material" change that would require a new ballot.

In order to provide certainty for residents and the local authority, Camden would request that the GLA indicate an exclusive and specific list of material changes to proposals that would require the re-run of a ballot. We think the following should form the core elements of material changes that should trigger a re-ballot:

- A reduction in affordable floor space proposed as part of the estate regeneration scheme; and
- Where a change in proposal results in a net loss of community facility floor space or amenity space (i.e. a reduction in community floor space in the proposed scheme which still resulted in a net increase would not trigger a new ballot).

The GLA should in their balloting guidance also state the changes that should not trigger a re-ballot. This should include, for example, changes to the materials used in a scheme, changes to unit sizes and floor plans, and the removal of facilities that are reliant on third party investment (e.g. where a CCG no longer funds a new GP surgery and the facilities is removed from the proposed scheme). All of these changes would and should occur with resident engagement and collaboration. However removing the flexibility to make these changes without requiring a ballot could prevent necessary changes that a local authority may need to ensure that a scheme is deliverable.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Camden has already identified above the potential cost required to develop an offer of sufficient detail to inform residents in advance of a ballot. We acknowledge that this is likely funds we would already spend as part of an estate regeneration scheme, however balloting attaches an additional element of risk to this expenditure. However it is not clear from the GLA whether any financial support will be given to local authorities to deliver ballots – the costs of these will significantly vary depending on the complexity and size of a scheme.

It is not clear whether a ballot would be determinative of whether a consultation has been sufficient as regards section 105 of the Housing Act 1985 which requires the Council to undertake substantive consultation on new programmes likely to substantially affect secure tenants. The GLA states in the ballot guidance that a ballot is expected to be a milestone rather than an endpoint for consultation. Whilst this is consistent with Camden's approach, this means that a ballot provides an additional opportunity for legal challenge to a scheme, rather than a successful ballot being regarded as determinative evidence of strong or positive consultation. This opens the local authority up to additional risk and cost associated with estate regeneration schemes.

In addition to this, section 105 states that it is up to the local authority to determine which options to consult residents on when proposing estate regeneration. Camden is strongly in favour of the balloting guidance providing local authorities with the same freedom to choose options to present residents. Consistent with our approach these options would always be developed in collaboration with residents in the first place.

The ballot policy as currently proposed does not have any threshold for resident turnout for a ballot to be valid. Whilst it may largely be in the landlord's gift to drive turnout using their engagement and consultation expertise, there is always a risk that a small number of residents can determine outcomes for a much wider group of residents. In 2011 Westminster City Council's proposals to regenerate the Brunel Estate in Maida Vale were scrapped following a ballot after 77 of the 133 residents who voted rejected the scheme. The entire estate houses 1500 people in 417 homes.

The GLA acknowledge that the Code of Practice on Industrial Action Ballots could be instructive in developing ballot policy – in these circumstances there is a minimum threshold turnout of 50% of eligible members. Camden would request that the GLA consider a minimum turnout threshold in any mandatory ballot policy, at an

appropriate level to ensure that any binding result is reflective of the majority of resident views, with Camden's suggestion of an appropriate threshold being 33%.

In stock transfer ballots local authorities are expected to help tenants appoint an independent advisor. In the GLA guidance this is not only part of the balloting proposal but part of best practice for all estate regeneration. Camden's view is that our current approach of involving residents, developing and capacity building resident-led steering groups and involving our elected members in all decisions provides more accountability and responsiveness, and therefore we would need to better understand what value this would add.

We have trained and employed a number of local tenants on estates to act as peer-to-peer liaison officers. This increases knowledge, expertise and community organising skills amongst residents which not only has positive benefits for the schemes but builds capacity within communities in the long-term. Camden would argue that this approach is preferable to independent advisors who are not residents on the Estate, do not have the same community networks and stake in schemes, and risk coming with their own agenda, regarding their role as adversarial rather than cooperative and adding another layer of complexity.

We are happy to work with independent tenant-focused organisations such as the Tenant Participation Advisory Service (TPAS) to check and obtain external validation of our key resident focused information at the appropriate time to ensure that our approach is accessible, informative and emphasising residents' opportunity to be involved at every stage.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Camden Council agrees with the policy outcome that the Mayor is seeking to achieve as part of introducing ballots - that those who are directly impacted by a scheme have a definitive opportunity to have a say on whether a scheme should proceed. Camden is committed to informing, engaging and collaborating with anyone who has a stake or interest in estate regeneration schemes, including businesses, non-resident leaseholders, private tenants not on the housing waiting list, and teachers and parents and children at schools that benefit from the additional investment into facilities delivered through estate regeneration schemes. Whilst the proposed eligibility requirements do not reflect all of the potential stakeholders and beneficiaries of a scheme, Camden recognises the pragmatic decisions the GLA have needed to make in seeking to contrast a workable balloting policy.

Camden agrees that commercial and business interests should not form part of estate regeneration balloting.

Camden agrees that non-resident leaseholders should not form part of estate regeneration balloting.

Camden is pleased to note that eligibility for ballots has been extended to private tenants on the estate who can evidence an ongoing need for secure housing (by evidencing that they have been on the housing waiting list) as these residents have a direct interest and opportunity to benefit from any additional social and Camden Living rent housing built as part of a scheme.

Camden would also argue that there is a wider group of individuals who have a direct interest whose voice should be considered as part of any endeavour to

determine the level of support that exists for a scheme. For example, in Camden, due to the age of the majority of housing stock, there is significant need for fully wheelchair accessible units. Camden ensures that in all estate regeneration schemes the new housing units are compliant with lifetime homes standards and delivers a number of wheelchair accessible units on each site. There is therefore a direct interest for local residents on the housing needs register with requirements for wheelchair accessibility, to see these units being built locally that they are able to access.

The Council would ask that the GLA make recommendations as to how best to incorporate the voice of those broader stakeholders as part of a balloting process, whether this is as a non-binding element of the wider ballot, or ensuring that the proposed benefits to non-resident stakeholders are made clear as part of any offer to resident ballot voters.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Camden Council agrees that eligibility for ballots should be the same for all schemes that meet the Mayor's criteria for requiring a ballot.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

There is no indication of whether there are any circumstances in which a local authority might regard a ballot as void. There are significant risks associated with persistent deliberate misinformation being communicated to residents as part of lobbying in advance of a ballot, however it appears from the ballot proposal that in all circumstances a ballot would be regarded as valid evidence of resident's views of the "offer" being put to them as part of proposed estate regeneration.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

This Code of Practice indicates that voters must be provided with ballot papers that they return by post. The GLA balloting proposal does not determine how balloting schemes might operate and how long a voting process might occur. In stock transfer ballots, run by the Electoral Reform Services, the process can make use of the internet, telephone, text and post voting, with residents being given a code to ensure voter fraud does not occur. It would be useful for the GLA to clarify, in the same way that it has now provided detailed guidance as to how resident engagement and consultation to occur, the method by which it expects ballots to be conducted.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Camden Council disagrees with the justification for the proposed exemption of major infrastructure schemes from balloting requirements. Major infrastructure schemes often meet many of the criteria outlined by the Mayor as triggering the requirement for a ballot, namely demolition of social housing units, decant of existing residents, disruption for a significant period to residents who remain in situ. To exempt public agencies delivering these schemes from ballots on the basis that disruption is an inevitable part of these schemes but the scale and scope of benefit is sufficiently large that residents should not have a controlling interest in the scheme's progression, is not consistent with the principles the Mayor has outlined in the rest of

the Good Practice Guide document. If the concern is the financial risk associated with allowing a small number of residents to have a binding vote on whether an infrastructure scheme should proceed, then this should be stated. Local authorities will bear a similar burden on a smaller scale as a result of the introduction of a balloting requirement.

At the very least, the Good Practice Guide to Estate Regeneration should establish best practice for all regeneration and infrastructure schemes that impact on residents.

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

Camden Council agrees that where necessary, in order to ensure the safety of residents, it should not be mandatory to conduct a ballot. However, local authorities and landlords should be able to evidence why demolition rather than repair is the preferred option, and the broader engagement and consultation requirements of the best practice Guide should still be fulfilled.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes, Camden agrees with the exemption for specialist or supported housing which is being decommissioned. However, the criteria by which a local authority would evidence that housing “was not meeting resident need”, to remove the requirement for a ballot, should be outlined explicitly in the balloting guidance. In current form this is a very broad statement that leaves significant room for challenge.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No

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

Camden is in agreement that schemes with planning permission should not be required to ballot. In Camden’s case a number of schemes that have strong community support already have planning permission are proceeding toward delivery. To require ballots in these circumstances would introduce significant uncertainty for residents and increase risk and financial exposure for the local authority.

Written Representation
on Behalf of Ealing Council on
“Proposed New Funding Condition to Require Resident Ballots in
Estate Regeneration”
Consultation Paper (February 2018)



February 2018

Background:

I am writing on behalf of Ealing Council in response to the “Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration – Consultation Paper”, published by the Mayor of London in February 2018.

Whilst the guide "Better Homes for Local People" is in its final form, the Mayor has launched a consultation seeking views on requiring resident ballots as a condition of GLA funding for regeneration schemes. This requirement is expected to sit alongside the draft London Plan, which contains policies requiring no net loss of affordable housing within estate regeneration schemes, and for net gains in affordable housing where possible. The draft London Plan is being consulted on separately and Ealing has sent its view on its proposals recently.

This current consultation seeks views on a proposal that a resident ballot would be required for estate regeneration schemes seeking GLA funding that include the demolition of homes. Where proposals include the demolition and replacement of existing homes, the Mayor believes those social tenants affected should be guaranteed full rights to return (or to remain through a single move), and leaseholders and freeholders must be offered a fair deal.

The consultation covers how the ballots would work in practice and what transitional arrangements should apply. In summary, the Mayor is proposing that the funding condition would be applied to any estate regeneration scheme for the construction of over 150 homes (of any tenure) which utilises GLA funding and which involves the demolition of homes owned by a social landlord.

As proposed the ballot would be a yes/no vote on a landlord's offer to residents, requiring a majority of respondents to vote in favour of the proposed development. Ballots would be open to all social tenants named on the tenancy agreements; resident leaseholders and freeholders who have been living at the property for at least a year and are named as the leaseholder or freeholder; and any resident who has been on the local authority's housing register for at least a year.

The ballot should only take place following a period of "consultation, engagement and negotiation" between residents and the landlord, but principally prior to the procurement of a development partner or the precise specification of the works.

The consultation proposes that, as a minimum, the landlord's offer to residents should cover:

- the broad vision, priorities and objectives for the estate regeneration (including the estimated overall number of new homes, scale of demolition, future tenure mix, green spaces and community facilities);
- details of the full right to return or remain for social tenants living in homes that are to be demolished;
- details of the offer for leaseholders and freeholders of homes that are to be demolished; and,
- commitments relating to ongoing open and transparent consultation and engagement.

The consultation recognises that the design of schemes may evolve after ballots, but the Mayor expects landlords to honour the outcomes of ballots. The Mayor proposes that the GLA would be able to claw back funding if it considers that a landlord's offer deviates materially from that agreed in a ballot.

The consultation proposes the following exemptions:

- where the proposed demolition is to facilitate a major infrastructure scheme, particularly a transport scheme;
- where the proposed demolition is in response to the safety of residents; or,
- where the specialist or supported housing scheme is being decommissioned by the local authority.

In terms of transitional arrangements the consultation paper proposes, as follows:

- There would be transitional arrangements which would mean that the new funding condition would not apply where demolition already has full or outline planning permission. Notwithstanding this, a ballot would still be required if the existing planning permission is varied, amended or renewed to include further demolition that was not part of the existing permission, and the total number of new homes is 150 or more.
- The new policy would not apply retrospectively. This means that if there is already a contract in place to fund a scheme then a ballot would not be required unless a significant change to the scope of the scheme is proposed.

Consultation Questions:

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

No, Ealing does not agree that regeneration schemes should be conditioned to residential ballots.

Ealing considers that it already has robust processes in place to engage with the local community and sincerely believes that there is a widespread public perception amongst its residents that they are being listened to.

It is appreciated that this might not be the case across London and this consultation provides an opportunity to deal with the perception that there is a public trust issue on whether residents are being fairly treated.

Therefore, it is accepted that an essential part of any successful regeneration scheme should rely on gaining broad support to the regeneration from the residents affected as these have the most to lose from poorly thought out schemes. However, it is not essential that this is delivered through ballots.

In Ealing, although we do not have ballots we hold extensive (between a year to 18 months) consultation/information/education with Residents Steering Groups (RSG) formed as well as exhibitions, public consultation meetings and presentations to the Tenants and Residents Associations.

At the end of this process of involvement, if the RSG agree that redevelopment is the best plan for the estate, all residents are written to with an explanation of the decision and the intention to go to the Council's Cabinet for approval and if they disagree they can contact Ealing in a variety of ways and ultimately reported to the Council's Cabinet. Our process has successfully progressed the regeneration of 8 estates in the borough.

Therefore, it is felt that there is reason for genuine doubts and concerns that if this process of continuous engagement with the community and its concerns is replaced with a balloting system (which is to be expressed through a simple binary yes/no vote) that there would be limited opportunities to engage and apply best practice to shape complex regeneration schemes, which inevitably and invariably come with complicated trade-offs between competing objectives.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

The consultation covers how the ballots could work in practice and what transitional arrangements should apply. The Mayor is proposing that the funding condition would be applied to any estate regeneration scheme for the construction of over 150 homes (of any tenure) which utilises GLA funding and which involves the demolition of homes owned by a social landlord. It is understood that the homes owned by a social landlord are defined as affordable or leasehold homes whose freehold that landlord owns.

If ballots are going to be implemented, then Ealing has no objections to the proposed criteria for resident balloting.

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

The consultation's proposal is to include social tenants but to exclude non-resident private owners, private rental tenants, commercial occupiers and owner-occupiers who have moved in within 12 months.

This is in line with Ealing's current practice of not including non-resident leaseholders or their tenants in the consultation process as there is no obligation on the Council to rehouse

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The ballot would take place following a period of "consultation, engagement and negotiation" between residents and Ealing, but principally prior to the procurement of a development partner or the precise specification of the works.

It is appreciated that an estate regeneration project that is supported by the local population would be more attractive to developers and investors. However, the proposal that ballots could take place before a developer has been secured raises challenges for Ealing since schemes can often be generally indicative and aspirational at this early and quite conceptual stage.

The natural progression is that regeneration schemes will be optimised during the procurement and planning process and therefore it would be unclear how Ealing should present their proposals at this stage, given that Ealing would be openly and publicly committing itself.

In any eventuality, if the regeneration proposals were too ambitious, Ealing could run the risk that no developer would collaborate. Conversely, if Ealing played it safe, there would be no opportunity to use ‘*competitive tension*’ between developers to deliver the more aspirational elements of the scheme.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

It is understandable that the Mayor wants the ballots to take place before regeneration projects are too far advanced as to ensure that work is not wasted in pursuing fruitless options. However, as discussed above, this can have a significant impact in attracting development partners to regeneration schemes.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Ealing does not agree with the “residents in need of social housing on the estate” having a vote. If there are a large number of residents in temporary accommodation this may skew a vote one way or the other and away from the wishes of the residents who have lived on the estate the longest and have contributed the most to the community. However, it is recognised that if the vote is taken at the end of an adequately designed pre-decision consultation period there would be very few people in temporary accommodation.

There are also concerns regarding the proposal that there should be “no limit on the number of eligible voters per household” and clarification is required as to the allocation of vote entitlement per household. As proposed, it is likely that larger families will be disproportionately represented in the ballot.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

When social landlords like Ealing can reasonably demonstrate that they have been holding extensive periods of engagement with residents through consultation/information/education with Residents Steering Groups (RSG), public consultation meetings and presentations there should be no further mandatory requirement to hold a resident’s ballot as a pre-condition for grant funding.

Question 8: Do you agree with the Mayor’s proposed requirements for implementing ballots? Why/why not?

The proposed requirements for ballots are thoroughly set out but it is not clear how the multiplicity of issues to consider can, on balance, be reasonably reduced to a simple yes/ no binary choice.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Infrastructure delivery is a sound ground for exemption. However, there can often be overlap between infrastructure and residential development i.e. changing road layout may facilitate wider regeneration involving council estates. It would therefore be helpful to clarify the terms of this exemption and calibrate with precision when the exemption should or should not apply.

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

It is considered that this exemption is essential.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

We have no comments to this proposal.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Please see response to Question 7 whereby Ealing sets out its view that exemptions should be applicable also in the instances where social landlords can reasonably

demonstrate that an extensive period of consultation and engagement with existing residents informed the Regeneration scheme.

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

There would be transitional arrangements which could mean that the new funding condition would not apply where demolition already has full or outline planning permission. However, a ballot would be required if the existing planning permission were to be varied, amended or renewed to include further demolition that was not part of the existing permission, and the total number of new homes exceeded 150 units.

The nature of regeneration schemes means that these tend to change, often significantly, between initial concept and final design, and normally as a result of planning requirements, adverse market conditions, or ideas simply evolving as more detailed effort is put into them.

It is not clear what the trigger would be where the changes to a scheme become disproportionate, or what happens when the trigger point is reached. Is it proposed that a second ballot is carried out? And if there is, what happens if the second ballot is lost? The level of uncertainty brought into financially sensitive schemes could mean that developers would be excessively cautious of signing up to schemes where there would be no clear, predictable process to deal with design changes.

CONCLUDING REMARKS

Ealing Council welcomes the opportunity to comment on the “Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration – Consultation Paper” and to work with the Mayor and his team to shape its content as it moves towards adoption. Ealing is a pro-active, pro-growth borough that is proud of its record of achievement in delivering regeneration across the borough.

We have forged and enjoyed a strong working relationship with the GLA family (including Transport for London and the OPDC) that has helped accelerate opportunities for growth and development. The benefits of this collaboration can be seen in opportunity areas, estate regeneration schemes and other developments in all parts of our borough.

We agree with the Mayor that London needs to ensure that any proposals for estate regeneration schemes seeking GLA funding that include the demolition of homes should include the right to return or remain for social tenants, and a fair deal for leaseholders and freeholders. However, Ealing has two existing estates with 1 bedroom dwellings exceeding 70% of the total units. As such, it is important to help set out the circumstances when it may not always be possible to guarantee the full right to return, in particular when the typologies on existing estates are skewed to 1 bedroom units.

Viability is another aspect that is not mentioned but is a crucial part of the initiation and ongoing development of estate regeneration. Ballots tend to give the impression that schemes will proceed so it would be supportive if the GLA stood behind such schemes with sufficient gap funding where a successful ballot has taken place.

In this instance, whilst noting how it is being proposed, Ealing raises concerns as to how a binary vote can be best utilised to design complex regeneration schemes, which inevitably come with complicated trade-offs between different objectives.

There is a danger that honest and open conversations about the often necessary compromises of regeneration will be diverted by other issues potentially for reasons or agendas beyond the specific details of the scheme proposed.

In summary, Ealing’s position is that there still are many difficult questions over who is balloted, when, and how. But the debate around trust in Estate Regeneration schemes is an important one, and arguably it is one where the Mayor’s intervention would be welcome. If the Mayor gets this right, it will be an unmissable opportunity to rebuild public trust in the regeneration schemes that London so desperately needs.

This submission was edited and prepared by:

Steve Barton, Strategic Planning Manager, Planning Services, Ealing Council.

Any queries or clarification please contact me at [REDACTED] [@ealing.gov.uk](mailto:[REDACTED]@ealing.gov.uk)

Contributions from the following Ealing Council officers are gratefully acknowledged:

- Peter Gaffikin, Housing Regeneration Manager
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Submitted online to:
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9th April 2018

Tel: 0208 356 4857

Dear Sadiq,

Hackney Council response: Proposed new funding condition to require resident ballots in estate regeneration:

Thank you for the opportunity to comment on your proposals for ballots for estate regeneration. As you know, I strongly support full and meaningful resident engagement when taking forward estate regeneration. I fully supported your earlier Estate Regeneration Good Practice Guide and was delighted to see that it highlighted Hackney Council's estate regeneration practices, and welcomed the opportunity offered to be included in its drafting.

I know you agree that we urgently need to unleash a new generation of genuinely affordable Council housing – a challenge the Government continues to spectacularly fail to meet – and that we must stand up for the needs of the many people in housing need. There are currently 12,600 families waiting for a Council home in Hackney alone, and nearly 3,000 are in Temporary Accommodation.

No decision about redeveloping an existing estate should be taken lightly, and all existing residents on the estate must be properly consulted, some of whom have lived on their estate for generations. They are rightly concerned about the prospect of huge development and change on their doorstep. That's why we've worked closely with GLA officers to help develop your Estate Regeneration Good Practice Guide, which recognised Hackney as a trailblazer.

It sets out the red lines existing tenants should expect when their home faces demolition – no net loss of social housing, a guaranteed right to return to a new home at the same rent level and the opportunity to have a real say throughout the planning and design process.

This is something we've been doing in Hackney for a number of years. Our estate regeneration programme is building nearly 3,000 homes, with the consent and deep and regular involvement of local communities. It is now being complimented by a new programme of Council in-house development on empty and underused land – where we are increasingly focussed and aim to deliver 70% Council homes for genuinely affordable social rent and low cost home ownership.

When regeneration is done well it can provide fantastic new homes for existing residents, much-needed homes for homeless families as well as new jobs, new community spaces and massive



improvements to the poor public spaces that can be a feature of some badly laid out existing estates. But these existing estates are real, diverse and tightly knit communities. Your Guide seeks to achieve an appropriate balance where residents have a meaningful say in what, how and when that regeneration will happen.

The Council has an existing long term, meaningful, informed, empowering, open, necessarily frank and very often challenging engagement with residents that has been facilitated with independent advice and years of engagement and the building of trust from both sides. I would be concerned if this was undermined by one off ballots.

I realise that this is not you or your team's intention, but ballots (as with referendums and plebiscites) are often characterised by their ability to facilitate mass participation, engagement (however not necessarily informed engagement) and decision making. However they will not facilitate deep and meaningful ongoing engagement between Councils and residents, and (as we have recently seen with the EU referendum) they do not always lead to informed debate on topics of complexity and could result in local resident polarisation. We welcome the broad principle, however, that a meaningful vote, supported by a holistic process, can and should have a role in the final decision that results in the demolition of someone's home. It is something that I have referred to in Hackney's Labour Manifesto 2018.

Ask any resident, independent tenant and resident advisor or local Councillor exploring the regeneration of an area or an estate and they will all say that stable and informed discussion and decision making between Councils and residents, where residents and a Council are essentially working together to 'co-produce' a regeneration scheme, takes place over a period of years, not one day when a ballot is held. A multi-dimensional, long term and multi-faceted issue such as regeneration cannot be adequately addressed through a single ballot, referendum or plebiscite.

Indeed the outcome of any simple majority yes/no vote on a complex issue (where the voter has limited ways of influencing or changing what is being voted on after the vote) will bring more disruption, confusion and disappointment rather than resolution of an issue. The risk is amplified if issues of finance and resources are involved. The current approach of open and meaningful engagement with residents followed by Hackney (and some other Councils) is a direct and positive result of tenants and resident political action responding to the poor, uninformed engagement and decision making, for example during the 1970s where residents were very often (unfortunately) dictated to by a distant, non-responsive, faceless, managerialist political elite. Those days, thankfully, have gone.

Further guidance should be developed to ensure the consultation process and subsequent ballot 'campaign' is conducted in good faith by all parties and resilient to non-local interference. Reasonable turnout requirements should be specified as well as ensuring that the franchise is defined. Our preference is that it should only include secure tenants, resident leaseholders and those in housing need resident on the estate, not absentee private landlords or their tenants. While the latter should have a voice they are not key stakeholders. Further thought should go into at what stage in the process a ballot is held. If held too early it might affect credibility, if held too late projects may feel like a done deal. If rejected it could lead to abortive costs for all involved. Ballots must also never be at the end of the process and a successful ballot should not lead to a sense that the detailed hard work of collaboration and joint decision-making should end.

Councils in London are trying to build new homes in the midst of the worst housing crisis since the war, at time when despite the rhetoric, there is no meaningful funding from central Government for new Council homes, after nearly eight years of austerity and cuts to our budgets. Londoners rightly want to see the system change, and we continue to push for that, but we can't wait if we are to build the homes that places like Hackney need.

I recently joined local residents in Shoreditch to celebrate a construction milestone in one of our biggest projects. The same residents backed overwhelmingly a Council and community led planning application to build nearly 200 homes for market sale, which will pay for their new Council homes. That was only possible because of the years of close partnership with them, architects and independent advisors on where those homes should go, where those homes should be, what they should look like inside and out and why we were building them at all.

In future, the ballot of residents might help cement those principles, but we should consider how we can introduce it into the process in a transparent and constructive way, as part of a wider and meaningful approach to resident engagement and consultation, not as the only element that is legitimate in what is a complex process.

What ballots shouldn't be, however, is a referendum on whether we build new homes at all, and we must never forget the often hidden voice of those who are vulnerable, homeless and in temporary accommodation.

I welcome this beginning of a discussion about ballots for estate regeneration, and to working with you on a way to introduce ballots to improve the resident engagement process, whilst still offering the badly needed new Council homes we all want to see.

Yours sincerely,

A handwritten signature in dark ink, reading 'Philip Glanville' in a cursive script.

Philip Glanville
Mayor of Hackney



London Borough of Hackney

Detailed comments on proposals for ballots

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

We agree, but only if ballots form a complementary part of a broader approach to deep and meaningful resident engagement and apply to schemes that have yet to achieve planning permission. There is no value re-opening existing schemes, especially if this would lead to a lower uptake of GLA grant. As you know, Hackney Council has an exemplary record in engaging and involving residents in decisions about the regeneration of its estates (this was recognised in the Mayor of London's Estate Regeneration Good Practice Guide). If ballots are introduced in a transparent and constructive way, they could help encourage buy-in, participation and help empower residents. However, ballots should be consultative and not become a referendum about whether we build new homes at all. They should be designed in an open and transparent way that enables the Council or other providers to respond to residents' concerns about regeneration of their estate.

If ballots become a referendum on building new homes, then this would have serious consequences for housing supply and for responsible asset management by providers, where older properties with poor conditions are not replaced.

In addition, for consistency and clarity, many of the details around how ballots would operate in a fair and constructive way need to be set out in guidance, including turnout requirements, the overall franchise, requirement for independent advice, and age thresholds for voting etc. Further comments are set out below.

We strongly agree with the principle that the potential beneficiaries of the additional homes on an estate where regeneration is proposed should be included in the ballot. Further comments are set out below

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes, subject to the comments in the response to Question 1.

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

Yes, subject to the comments in the response to Question 1.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Timing a ballot prior to any procurement of development partners or issuing of works specifications of works is appropriate, to avoid potentially abortive effort and costs, and potential legal obligations.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

No, apart from those above.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We agree that ballots should be open to all residents on an estate as set out in paragraph 3.17, excluding absentee landlords and private tenants. However, as partially recognised in the consultation paper, there is an important principle that the potential beneficiaries of the additional homes on an estate where regeneration is proposed should also be included in the ballot. As set out in the covering letter, housing need in Hackney is at historically high levels, and genuinely affordable, good quality housing is desperately needed by residents suffering homelessness, overcrowding and other urgent housing needs. Eligibility for voting should therefore be extended to high priority applicants on local authority housing registers, perhaps ring-fenced to the local area.

For clarity and consistency, guidance on ballots should set out turnout requirements and an age threshold for those voting in a ballot. These matters need to be resolved before any requirement for ballots is introduced.

A low turnout would fail to provide the legitimacy intended by a ballot and may not be a fair reflection of residents' views. Similarly a close vote may prove to be divisive in the community, especially where any benefits and disruption brought about by the estate regeneration plan varies among people living in different parts of the estate.

If an age threshold of, say, 16 years or older is set, ways would also need to be developed for giving a voice to younger residents. Excluding younger teenagers from voting would be potentially divisive along generational lines. In Hackney, we are actively looking at how to give younger residents a voice in helping shape new developments. In housing terms this is particularly important as, because of severe housing affordability issues in London, children are living for longer in the family home, on average until their mid-30s.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Please see the response to Question 6.

The proposal in 3.26 for a 'simple majority' in favour of the estate regeneration proposal would in many instances not have the intended effect of lending legitimacy to the proposal. As in any yes/no, simple majority votes on complex issues, the outcome can bring more disruption and confusion rather than resolution of an issue. Turnout requirements, age limits, and safeguards against non-local interference in the process leading up to the vote will help determine whether the ballot is regarded as properly free and fair.

Three thick, curved green lines of varying shades (light green, medium green, and dark green) sweep across the bottom right corner of the page.

Further guidance should be developed to ensure the consultation process and subsequent ballot 'campaign' is conducted in good faith by all parties and resilient to non-local interference. Reasonable turnout requirements should be specified.

We believe that the Mayor of London should explore estate regeneration partnership agreements along the lines of the Woodberry Down Partnership agreement (attached as appendix 1). We believe partnership approaches of this nature developed collegiately between residents and Council have scope to:-

- Create a sustainable, balanced and well-integrated community.
- Create one community where homes are tenure blind.
- Ensure that the physical masterplan for Woodberry Down is adhered to.
- Create a place that all Parties can be proud of.
- Ensure a viable scheme is delivered.
- Enhance the profile of Woodberry Down and the partners.

The underlying principles that will sustain the partnership between the Parties include:

- Transparency: The first approach and the working assumption to the regeneration is to share information, difficulties and concerns but also to be transparent on when and why information cannot be shared.
- Recognise constraints for partners, be open about limitations and recognise different priorities and organisational cultures.
- Work towards agreement by consensus, through taking a problem-solving approach.
- Acknowledge that all Partners have a valuable part to play in solving problems and recognise that not all Partners have the same resources and knowledge base. Actively take steps to ensure that everyone has enough support to participate and to make informed decisions.
- Make decisions which have regard to the vision for Woodberry Down, built upon a shared understanding of the issues.
- Be honest and upfront about timelines, resources and the decision-making processes involved. If issues arise or timescales change, inform Partners as soon as possible.
- Think about all the communities in the neighbourhood when considering the future of Woodberry Down.
- Develop mutual confidence and trust through support and adherence to agreed decisions.
- Support transparency, openness and integrity in the way we communicate and work.
- Treat each other with fairness, respect and dignity.

- Recognise key achievements and areas where we can grow both as a Partnership and as individual organisations.
- Celebrate achievements.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Hackney Council has developed its own ITLA framework, and we would recommend GLA keep a license of reputable, trusted, independent ITLAs who can command the trust of residents and advocate for their interests while conveying information about the options being developed and proposed accurately.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes.

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

Yes.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No, other than ensuring all the guidance only applies to new schemes, not those that have already received planning permission or are under construction.

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

As acknowledged in the consultation proposals, estate regeneration projects are often long-term, multi-phased and costly. Ballots should not be required where full or outline planning permission is in place for long-term, multi-phased schemes, even where an existing planning permission is varied, amended or renewed. A requirement for ballots would create additional cost and uncertainty and potentially threaten the viability of existing long-term regeneration schemes. It would also wrongly restrict funding, reducing the ability of local authorities and others to deliver more affordable housing and preventing the targeting of other resources towards viable and deliverable schemes.



Appendix 1 - Woodberry Down Estate Partnership Agreement

Woodberry Down Estate Partnership Agreement

Between	(1)	WDCO
	(2)	Hackney Council
	(3)	Berkeley Homes
	(4)	Genesis Housing
	(5)	MHDT

1. Introduction

- 1.1 This Partnership Agreement sets out how Partners in Woodberry Down will work together over the next three years. The Partnership Agreement will be reviewed at the end of the three year period.

2. Purpose of the Partnership

- 2.1 The purpose of the Partnership is to:

- Build trust between Partners and facilitate Partners working together in an open and transparent way.
- Ensure clear communication between partners.
- Encourage collaborative working across partner organisations in Woodberry Down.
- Address challenges and/or changes which arise from the regeneration of Woodberry Down.
- Set out the approach we will take to implement the vision

3. Vision, Aims and Objectives of the Partnership

- 3.1 The vision of the Partnership is:

'Woodberry Down shall be an open, welcoming place where people choose to live, feel safe, are in touch with the natural environment, benefit from a range of community facilities and have a strong sense of pride.'

- 3.2 The overall aims and objectives of the Partnership are to:

- Create a sustainable, balanced and well-integrated community.
- Create one community where homes are tenure blind.
- Ensure that the physical masterplan for Woodberry Down is adhered to.
- Create a place that all Parties can be proud of.

- Ensure a viable scheme is delivered.
- Enhance the profile of Woodberry Down and the partners.

4. Principles of the Partnership

4.1 The underlying principles that will sustain the Partnership between the Parties include:

- **Transparency:** The first approach and the working assumption to the regeneration is to share information, difficulties and concerns but also to be transparent on when and why information cannot be shared.
- Recognise constraints for partners, be open about limitations and recognise different priorities and organisational cultures.
- Work towards agreement by consensus, through taking a problem-solving approach.
- Acknowledge that all Partners have a valuable part to play in solving problems and recognise that not all Partners have the same resources and knowledge base. Actively take steps to ensure that everyone has enough support to participate and to make informed decisions.
- Make decisions which have regard to the **vision** for Woodberry Down, built upon a **shared understanding** of the issues.
- Be **honest** and upfront about timelines, resources and the decision-making processes involved. If issues arise or timescales change, inform Partners as soon as possible.
- Think about **all the communities in the neighbourhood** when considering the future of Woodberry Down.
- **Develop mutual confidence and trust** through support and adherence to agreed decisions.
- **Support transparency, openness and integrity** in the way we communicate and work.
- Treat each other with **fairness, respect and dignity**.
- Recognise key **achievements** and **areas where we can grow** both as a Partnership and as individual organisations.
- **Celebrate** achievements.

5. Management of the Partnership

- 5.1 We have put in place a partnership structure that has all the Partners represented and that provides a hierarchy of decision making with the Round Table at the top. We will endeavour to resolve issues and make key decisions at a local level and will escalate to the Round Table if necessary. These decisions will be recorded in the Round Table minutes.



The Partnership will be implemented through a series of projects that will be agreed annually at the away day and overseen by small working groups. Each group will assess the resources needed to complete the work within the agreed timescale including training needs and the number and times of meetings. The approach of the working groups will be to problem-solve through consensus-based decision making.

- Regular Partnership agenda item at the Executive Liaison Meetings where the timeline and projects are reviewed.
- Annual away day for Partners to review how they are working. The review will look at what's been achieved and will assess the impact of the partnership, review information sharing and how to move forward.
- Report back on project plans and timeline at WDCO AGM.
- Discuss Partnership working at the Round Table on a regular basis

6. Partnership Working Protocol

6.1 The working protocol of the Partnership sets out that:

- The timetable of masterplan implementation is to be prepared and updated annually. It is to include deadlines and milestones to allow time for separate specialist working groups to be built in e.g. CHP.
- All working groups will have an objective that has been agreed by the partners. This will outline the purpose of the group and the duration. Some working groups will need detailed terms of reference (e.g. design committee), others will need a short outline of their role and function and whether the group makes decisions or refers to a higher body.
- Working Groups are to be organised to encourage active participation of a variety of WDCO Board Members. Measures to be taken include:
 - Documents for meetings to be sent out a week in advance by email and post if required.
 - Meetings to be arranged when possible at times which allow working residents to participate, e.g. in the late afternoon or early evening.
 - Residents to recognise that officers also work during working hours and to look to ensure that meetings are short and discussions are focused.

7. Press and publicity

7.1 All Partners will look to communicate between themselves, sharing information and also working together through the communications group to ensure that accurate information is provided to the residents of Woodberry Down and the wider world.

8. Confidentiality

- 8.1 Partners may at times share information that has not yet been made public and/or is confidential. In these circumstances this will be highlighted to the Partners who agree to not disclose this confidential information.

9. Monitoring and Evaluation

- 9.1 Partners will monitor progress towards delivering the aims and objectives of the Partnership Agreement through the annual review.

10. Disputes Resolution Procedure

- 10.1 Partners shall use best endeavours to resolve any dispute.
- 10.2 Where any dispute arises the Partners involved will try to resolve the dispute between each other. If this is not possible, they will refer the dispute in the first instance to the Executive Liaison meeting, to try to resolve the dispute locally, with a recognisable timeframe and process that is agreed on and communicated.
- 10.3 If a Partner is unable to address a dispute at their level, they will explain to the Partnership:
- What they can do
 - When
 - The timescale for escalation
- 10.4 Where agreement cannot be reached the Parties will refer the matter to the Round Table for resolution.



Woodberry Down Estate Partnership Agreement

Date: _____ Signed by: _____

Name (in print): _____

On behalf of: _____

Date: _____ Signed by: _____

Name (in print): _____

On behalf of: _____

Date: _____ Signed by: _____

Name (in print): _____

On behalf of: _____

Date: _____ Signed by: _____

Name (in print): _____

On behalf of: _____

Date: _____ Signed by: _____

Name (in print): _____

On behalf of: _____





Corporate Director Community
Paul Walker

Consultation on ballots in Estate
Regeneration
Housing and Land Directorate
GLA, 169 Union Street
London SE1 0LL
By email:ballotsconsultation@london.gov.uk

Date: 28 March 2018

Our ref:

Dear Sirs

LB Harrow response to the consultation on ballots in Estate Regeneration

We attach our response to the specific questions raised in the consultation paper on the proposed new funding condition to require resident ballots in estate regeneration. Whilst we do not object in principle to the proposal for resident ballots where grant funding is provided, we do have major concerns over how this will be implemented and specifically how this will affect the delivery of a priority regeneration scheme in the LB Harrow. In our detailed answers to the consultation questions we have suggested some alternative criteria specifically to exclude non secure residents on the Housing Register from being included in the ballot as well as additional transitional arrangements.

Specifically we set out below the reasons why we believe our Grange Farm estate regeneration scheme should be exempt from a ballot requirement.

1. We started the process of discussing the regeneration of the Grange Farm estate with residents in 2014. The specific construction type of the majority of the existing stock means that demolition and rebuild is the only suitable option. We have had numerous meetings and consultation events, set up a Resident Steering group in the absence of a TRA, and appointed an ITA with the residents to support them through the regeneration process. We developed a Residents Charter with residents which provides a Right of Return and adheres to the principles set out in the Estate Regeneration Good Practice Guide. We were pleased to see this referenced in the appendices to the Guide. However we were not able to offer a one move only offer to all tenants as we needed to move some tenants to enable the first phase to be built. This is clearly set out in the Charter and agreed with residents. We have had positive response and support from existing residents to our proposals from all the consultation events, documented in the Statement of Community Involvement submitted as part of the planning application.
2. With the residents we appointed architects and consultation team to develop the plans for the site and submit a planning application. The council has funded the significant cost of this direct. The site is constrained with no vacant land to build new homes to enable first decants and the amenity space is all designated Public Open Space. We worked with residents to design a scheme that met our joint requirements to replace the existing social housing and achieve a density that would deliver a viable scheme. A planning application was submitted in July 2016.

3. We offered a voluntary decant option to existing tenants which many have taken up as they were given highest priority to social housing vacancies in Harrow. Many of these tenants have moved to more suitable accommodation such as a larger house or sheltered accommodation of their choice. The vacant homes have been relet as temporary accommodation. Due to the delays in the planning application, set out below, many of these non-secure tenants have been living on the estate for over 12 months and now outnumber the existing secure tenants.
4. The formal Ground 10A consultation process with secure tenants was completed in summer 2017 and the Secretary of State approved in January 2018.
5. The site is under the flightpath approach to RAF Northolt and at a very late stage in the development process, the MoD submitted an objection to the proposed scheme as in their opinion it breached several safeguarding requirements. The location of the Grange Farm estate right under the RAF Northolt flightpath (a military airport) is quite unique in the London context. We have been negotiating with the MoD since September 2016 on the maximum height of buildings the MoD will allow. After much discussion we formally submitted revised plans on the 1 December 2017 to meet the MoD requirements. We have maximised density within these constraints. However, viability has always been an issue and we have successfully bid to the GLA for grant funding and also MHCLG for HIF funding. The GLA contract has not yet been entered into by the GLA although Harrow has signed it off.
6. Harrow's Planning Committee resolved to grant planning permission on the 21 March 2017 subject to some maximum heights of blocks in the outline planning element of the application being agreed with the MoD. The application is now with the Mayor for consideration.

The above demonstrates the long and delayed process this scheme has gone through to get to the point of a planning permission. We believe the appropriate time for a ballot on the Grange Farm estate passed some time ago. Due to the number of temporary residents now living on the estate that cannot be offered a right to return to a new property, we believe that to carry out a ballot as currently proposed could result in a negative outcome and render the scheme undeliverable. We believe this would be of detriment to the secure residents on the estate who we have been working with since 2014. We therefore request an exemption from a ballot should this be confirmed in the new funding condition as proposed in the consultation paper.

Yours sincerely



Alison. Pegg
Head of Housing Regeneration, Communities
Tel: 020 8424 1933 Email: [REDACTED]@harrow.gov.uk

Consultation on proposed new funding condition to require resident ballots in estate regeneration

Response from the LB Harrow

Question	Response
Question 1. Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?	The LB Harrow agrees that the majority of residents living in homes proposed for demolition should be in favour of the regeneration plans. Balloting residents is one method of gauging opinion and when this requirement is known about at the very start of a regeneration proposal it is easier to include this in the very many stages of consultation and engagement that need to be planned and funded. LB Harrow has successfully conducted ballots of estates where transfer to an RP was planned and received overwhelming support (75% in favour on a 75% turnout) for such proposals from both secure tenants and resident leaseholders. We believe this was due to the fair and transparent sharing of information from the very first discussions on the option for tackling property condition on those estates. However, when a ballot requirement is introduced at a very late stage in a regeneration plan and after GLA grant funding has been awarded, the risk of not achieving a positive outcome is increased. There would be delays in delivery whilst the ballot is carried out and if a negative response received, it would incur much abortive cost. For example, with regard to our regeneration proposal for the Grange Farm estate we have spent significant sums on the planning application and if a ballot at this stage was not positive this would potentially be an abortive cost. We are just about to begin the process for selecting a contractor to build Phase 1 and this may need to be delayed if a ballot is now required. We are happy to provide the GLA the details of our costs to date on a confidential basis as this is commercially sensitive information and cannot be included in our public response to this consultation. Would the GLA reimburse the council for abortive costs should we be required to ballot on the Grange Farm estate regeneration proposals and not receive a positive vote? We therefore only agree that ballots should become a funding condition for schemes at the very beginning of regeneration discussions, where a planning application has not been submitted and no

	GLA grant funding or other external funding awarded.
Question 2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/Why not?	See above. We do not agree with the requirement for a ballot for: 1. Schemes that have already been awarded grant (even if the Grant Agreement has not been signed) if this requirement was not in place at the time the grant was bid for or 2. Where a planning application has already been submitted. Significant costs are incurred to submit a planning application therefore we believe this should be taken into account when deciding when a ballot should be triggered. For schemes at the beginning of a regeneration process, we agree with the threshold of 150 homes where both affordable and leasehold homes are proposed for demolition.
Question 3. Do you agree with the proposed scope of resident ballots? Why/Why not?	We accept that a yes/no vote can work if this requirement is known about at the beginning of a project and the communications and consultation plan is devised with this in mind. We agree the proposed scope of information for the offer document this being the same as currently required for a formal stock transfer consultation. Our Grange Farm Resident Charter which we developed with residents on our Grange Farm estate some time ago and has just been updated is an example of a significant part of the information that would be provided in an offer document. We suggest that a clawback mechanism should be subject to discussion/agreement as there may be good reason relating to Planning conditions or other external factors not foreseen at the time of the ballot which means that some offers made to residents cannot be adhered to. We agree the information underpinning such deviations should be transparent so that residents understand why the changes have had to be made.
Question 4. Do you agree with the proposed stage in an estate regeneration process at which ballots	We agree a ballot should be held after a period of consultation, engagement and negotiation and prior to the procurement of a development partner so that uncertainty is minimised during the developer selection process. This would usually be at the beginning of planning a regeneration

should happen? Why/why not?	project and within 2 years of discussions commencing. In the case of our Grange Farm regeneration scheme, we believe this stage has already passed and therefore to hold a ballot at a much later stage carries significant risk and potentially abortive cost as outlined above. We started discussions with residents in 2014 and there have been planning delays due to the proximity of the Grange Farm estate to RAF Northolt and safeguarding issues raised by the MOD.
Question 5. Do you have any other comments on the threshold, scope and timing of resident ballots?	See above
Question 6. Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?	We do not agree with the proposed eligibility criteria. We believe the following residents should be included in the ballot: 1. Social tenants (secure, assured, flexible to introductory tenancy) named on the tenancy agreement 2. Resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold. We do not believe residents on the local authority housing register for at least one year, irrespective of their current tenure should be included. For example we are currently using some of the properties on the Grange Farm estate as temporary accommodation pending their demolition. Unfortunately there is no developable land on the estate that enables us to commence building new homes prior to decanting existing residents. We therefore started voluntarily decanting the estate in 2015/16 as we prepared the planning application which was submitted in July 2016. The existing residents that have chosen to move voluntarily have moved to a property of their choice, have received statutory Home Loss and Disturbance payments and have the Right to Return to a new home. The homes they have vacated have been let to temporary residents as an alternative to Bed and Breakfast accommodation. Not only has this provided better quality housing for homeless households, it is also significantly cheaper than Bed and Breakfast both for the Council and the

	wider public purse. The temporary residents are on the Housing Register and most of them have been there for 12+ months due to planning delays relating to the MOD statutory safeguarding objection to the height of the proposed new homes. The temporary residents would not have priority to be rehoused on the regeneration estate over anyone else on the Housing Register therefore why should they have the same right to vote in the ballot as an existing secure tenant who will have a Right to Return. As temporary tenants cannot be offered similar rights as existing secure tenants, for example to return to the estate, we believe there would be no incentive for these tenants to vote in favour of the regeneration proposals. Currently the number of temporary residents on the Grange Farm estate is higher than the number of secure residents therefore to include the temporary residents in the ballot would potentially result in a negative result. If non-secure residents such as on the Grange Farm estate tenants are given a vote then this potentially threatens the ability of any Council to achieve a positive ballot result and could therefore discourage future use of these void properties for temporary accommodation increasing homelessness costs. Similarly private tenants of non-resident landlords may also be on the Housing Register but have no priority for social housing. Therefore why should they have the right to vote in the ballot over anyone else living in Harrow and on the Housing Register and potentially assist in preventing the regeneration of a scheme that secure tenants support.
Question 7. Do you agree that eligibility should be the same for all schemes? Why/why not?	No. In schemes with high proportions of non-resident leaseholders/freeholders or of resident leaseholders/freeholders consideration may need to be given to the disproportionate influence these votes may have over a ballot outcome compared to the wishes of secure tenants.
Question 8. Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?	Yes. Harrow has previously used the Electoral Reform Services to ensure a fair and transparent process which gives confidence to all in the outcome.
Question 9. Do you have proposals for other potential Mayoral requirements for	No. We are happy to use a qualified independent body provided the costs are reasonable. Perhaps the GLA could negotiate agreed rates for these ballots to ensure public sector value for money with

implementing ballots?	the process.
Question 10. Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not	Yes
Question 11. Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/why not?	Yes
Question 12. Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?	Yes. We have recently decommissioned a sheltered housing scheme and used Age UK as an independent body to advise tenants of the proposal and to gauge opinion which was reported as part of the decision making process. We would recommend this test of opinion approach for specialist or supported housing as the moving process for vulnerable adults is extremely stressful and it should be demonstrated this is being carried out to minimise stress and disturbance.
Question 13. Do you have any proposals for other possible exemptions to the proposed funding condition?	Yes. We believe that schemes such as our Grange Farm regeneration scheme should be exempt from a ballot. The exemption would be for schemes with well advanced regeneration plans eg planning application submitted/approved, other external funding approved (eg we have HIF funding allocated and the estimated delivery timescales did not include for a ballot to be undertaken), potential for significant abortive costs in case of a negative ballot result and other special circumstances eg for Grange Farm there has been an 18 month delay during the planning application process as a result of a statutory objection from the MOD with regard to safeguarding issues at RAF Northolt which has caused additional viability issues etc.
Question 14. Do you agree with the proposed transitional arrangements? Why/why not?	No. These do not address our specific concerns with regard to the Grange Farm estate. We believe the following transitional arrangements should apply: 1. The funding condition should not apply where the proposed demolitions already have a

	planning application submitted, a planning application approved locally but subject to GLA referral or already have full or outline planning permission. Our reason for this amendment is in recognition of the amount of resident consultation that will have taken place to submit a planning application and the significant cost that will have been incurred in doing so. 2. The funding condition will not be applied retrospectively where a GLA grant allocation has already been made and a ballot was not a condition of funding at the time of application, the GLA is already in contract to fund a scheme named in a funding contract with an RP, or other external government funding was approved before the ballot requirement was introduced. The reason for this is to ensure deliverability of schemes against prior agreed timescales with the GLA and other funding bodies. 3. We agree with the transitional proposal where a ballot has already taken place. The consultation acknowledges the additional cost and uncertainty created if additional ballots were required. We assert this also applies to schemes that have been in development for many years, have undertaken much consultation and have submitted planning applications even if a ballot has not been undertaken. 4. We would suggest the GLA has discretion to agree not to apply the ballot condition in exceptional circumstances such as might apply to our Grange Farm regeneration proposal which has significant unique external constraints which have delayed its progress and financial viability. In considering a request for the ballot condition not to be applied evidence of the consultation and engagement undertaken, the use of an Independent Tenant Adviser, other tests of opinion such as Ground 10A consultation of secure tenants and the outcomes from this and whether the principles set out in the Estate Regeneration Good Practice Guide have been followed, should be taken into account.

Mayor of London – Consultation Paper
Proposed new funding condition to require resident ballots in estate regeneration

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

Havering Council appreciates the opportunity afforded to comment on the proposals being considered by the Mayor of London associated with balloting residents being a pre cursor to estate regeneration if grant funding is being sought, especially as we embark on a comprehensive strategy of regeneration and place shaping.

Havering Council does not agree with the proposition to introduce ballots as a funding condition for estate regeneration. The proposals will delay and stifle regeneration also add to the costs associated with these projects. It is the view of the Council the proposals are a direct response of an inadequately conceived project in Haringey causing local residents and representatives grave concerns. The reaction is disproportionate to the situation and should be re-considered after a period of reflection and fact finding associated with the Haringey scheme.

In the view of the Council the ballot proposals contradict the Mayor's intentions set out in the "City for all Londoners" strategy statement and will restrict the development of much needed affordable housing.

The Council further considers the proposals to ballot are introducing a "two tier" system for the allocation of grant funding and not in the spirit of the memorandum of understanding between the GLA and the HCA.

It is the Council's view early extensive consultation and engagement is pivotal in presenting and refining the business case for estate regeneration. This should be in excess of the statutory s105 requirements. Recent experience for Havering has demonstrated this with each locality supporting the principle of wholesale intervention and with 98% of residents who have been rehoused satisfied in the manner in which the Council has handled the end to end process.

It is recognised that proposals for redevelopment can present residents with concerns about the loss of established communities and trepidation about their own personal circumstances. Havering believes this is why it is so important to engage with people at the earliest opportunity and be open and transparent about the rationale regarding the proposals and moreover the significant benefits this will bring. The strategy of early engagement and a positive rehousing experience are the cornerstone of working with communities as proposals and procurements are shaped and completed.

Each London borough has an objectively assessed housing need and regeneration, especially for a borough like Havering, contributes significantly towards addressing those needs. The proposed timing of the ballot does not allow for genuine involvement within the whole process but only reflect resident perceptions on the principles of a hypothetical regeneration scheme in a "snapshot" of time prior to development. Estate regeneration schemes are often long term and complex, requiring adaptation to reflect changing market conditions and planning policy. Methods of ongoing consultation throughout the development process are able to capture and harness resident perceptions of a development over this longer time period.

Havering is of the view the proposed ballot requirement will have an unintended consequence associated with the ever increasing pressures of homelessness. Although a national problem, London boroughs are under intense pressure, due to an ever widening gap allied with supply and demand of housing. The population of the city is ever increasing and forecasts are suggesting this will continue. The differential between earnings and rent costs is adding to the increase in homelessness as this continues to grow. Consequently localities where historic levels of low density prevail and could provide much needed accommodation will be excluded.

It is our view individual local authorities have unique and distinct characteristics impacting on the reasons for this type of project. Havering has significant land designated as green belt and we support the Mayors position to protect London's pioneering designation of a rural zone. However this means "brownfield" locations need to be fully utilised if Havering is to play its part in delivering much need housing.

The opportunity for the delivery of affordable housing is being pressurised as developers seek to maximise the commercial return on developments. Increasing land values, rising development costs and commercial uncertainty is pushing developers to secure their investments in more commercially viable types of accommodation. Furthermore, without the support of public sector grants or other incentives housing providers are faced with the challenge of "bridging the gap" between private housing for sale or rent and affordable housing.

Havering recognises regeneration can be perceived by communities as being driven by commercial motivations and not delivery of community benefits. One of the advantages some local authorities have is many own significant land assets, some currently occupied by low density or unsustainable housing estates. These were built at a time when density requirements were lower than allowed/required and benefited from the subsidised post war drive for the provision of council housing. Havering has a situation where the majority of housing estates it owns were developed post war. Consequently the opportunity for Havering to reshape the offering is afforded but viability issues will remain in the achievement of the required levels of affordable housing needed. The introduction of a ballot will restrict landlords in meaningful dialogue with the requirements for supportive grant funding being subject to the outcome. It is our experience long term presentation of the wider benefits and the pressures for future sustainable communities' shows that a single point decision is wrong.

In bringing forward the sites for consideration the Council took into account a wide range of factors. As well as the long term sustainability of the estates (condition, void levels, crime, deprivation, accommodation provided etc.) it also took note of the perception of the estate by local residents. In all of the locations the majority of residents wanted to see a major intervention by the Council in providing stable, affordable, long term accommodation for them and their families.

In the past funding regimes associated with large scale housing renewal has been predicated on the basis of the proposed ballot arrangements. It is worth noting that intervention by an unrepresentative, highly vocal, influential minority and by organisations with an agenda not representative of local people or needs targeting a broader policy they do not agree with, has led to much needed investment not occurring and locations, over time, requiring interventions to the detriment of local communities.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

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

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Covered in other responses

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

The Councils response to this question is covered in other parts of the reply.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The Councils response to this question is covered in other parts of the reply.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes – The delivery of large scale infrastructure and any associated housing require significant public investment. The necessity to have private sector support will be more

readily achieved if grant funding is available to support high levels of affordable housing, which is not seen as a generator of revenue for developers.

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

Yes – Resident safety is paramount.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes - The delivery of specialist housing require significant public investment. The changes being seen within the sector on people's expectations and needs generally means some schemes built in the past do not fulfil the obligations for a modern society. An example of this is the suitability of bed sit accommodation or where high dependency facilities cannot be accommodated.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Havering Council does not support the proposed introduction of ballots associated with securing grant funding for estate regeneration.

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

Havering Council does not support the proposed transitional arrangements. There should be no impact on schemes currently underway. Any potential reduction of grant funding awarded under the current funding regime will result in Havering Council taking legal advice on bringing forward a Judicial Review.



**London Borough of Hounslow
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Consultations on Ballots in Estate
Regeneration
Housing & Land Directorate
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Your contact:
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[REDACTED] [@hounslow.gov.uk](mailto:[REDACTED]@hounslow.gov.uk)

10 April 2018

Dear Sir

**Proposed new funding condition to require resident ballots in estate regeneration
Consultation Paper**

Please find detailed below our comments in response to the consultation paper "Proposed new funding condition to require resident ballots in estate regeneration".

The proposed consultation is to seek views on the Mayor's proposed policy to mandate resident ballots for estate regeneration schemes where demolition of existing homes is proposed and where GLA funding is sought.

In response to the questions raised in the Consultation Paper our response to Question 2 is that we disagree with the proposed eligibility criteria that would trigger the requirement for a resident ballot and in Question 3 we disagree with the proposed scope of resident ballots. Our concern is with the definition of a "strategic estate regeneration scheme" and specifically what constitutes an "existing social housing estate".

Under section 3.2 it states "In line with established practice, the GLA proposes to define a strategic estate regeneration scheme to be development on an existing social housing estate that is referable to the Mayor for a planning decision, i.e. one that involves the construction of at least 150 homes regardless of tenure.

Under section 3.3 it states "A ballot would be triggered for schemes that fall within this definition only if the social landlord also plans to demolish any affordable or leasehold homes whose freehold it owns, and any freehold properties within the estate acquired under the Right to Buy.

There needs to be a definition of "existing social housing estate" as this is currently missing from the guidance? As currently drafted there could for example be a site predominantly in private ownership, where proposed demolition and redevelopment would involve the construction of over 150 homes but where there is a very small number of affordable or

leasehold homes owned by the Council within the site that would need to be demolished. As currently drafted this would trigger a ballot for this small number of homes which could prevent this site coming forward for redevelopment. We are sure this was not the original intention of the proposals which could be overcome by providing an accurate definition of "existing social housing estate" within the guidance.

We also disagree with Question 6 and the proposed eligibility criteria for resident ballots as there is no definition of what constitutes an "estate".

Yours faithfully

Jackie Simkins
Housing Zone Delivery Manager

LAMBETH COUNCIL'S RESPONSE TO THE GLA CONSULTATION "PROPOSED NEW FUNDING
CONDITION TO REQUIRE RESIDENT BALLOTS IN ESTATE REGENERATION"

APRIL 2018

Lambeth welcomes the publication of the Mayor's Good Practice Guide. We fully support residents being at the heart of decision-making.

No one at Lambeth underestimates the stress that rebuilding an estate could potentially cause for current residents. We want to give residents living on estates that will be rebuilt all the information and support that they need to make the best choices about their and their families' futures.

Lambeth has embarked on estate regeneration on some estates as part of our plans to tackle Lambeth's housing crisis. We have over 28,000 households on our housing waiting list, and over 1,700 families in temporary accommodation.

We do not have enough council homes, and many of the homes we have are in a poor state of repair. Many tenants on our estates are living in dilapidated conditions that the council can't afford to refurbish.

We're not prepared to leave people living in sub-standard properties but funding for refurbishment or additional borrowing powers are not available due to decisions made by the government on Decent Homes funding and Housing Revenue Account borrowing caps. In addition, funding for new council homes has been substantially reduced by the government.

So, we face a choice: of doing nothing for these estates; or rebuilding them to provide the more and better homes our community needs.

Over time, choosing the do nothing option will result in a loss of social homes as families will need to be moved when their homes fall below decent standards.

Estate regeneration is a very important part of how Lambeth can both improve the condition of our housing stock, and provide much needed new affordable social rented housing. But estate regeneration has to meet key principles and put residents at the heart of the process.

Lambeth has been engaging with residents on six estates since 2014, holding extensive consultation and engagement on how to deliver better homes where refurbishment is unaffordable. We have one of the strongest offers to residents of any estate regeneration programme anywhere in the country set out in our 'Key Guarantees'. These guarantee that every secure tenant will be able to move to a brand-new home at council level rent and they provide affordable options to assist resident homeowners to stay on the estate. These guarantees were finalised after extensive consultation with residents and an external review by TPAS (Tenant Participation Advisory Service).

All of our schemes meet the principles set out in the Good Practice Guide to Estate Regeneration: to deliver an increase in affordable housing, provide full rights to return or remain for social tenants and a fair deal for leaseholders and freeholders.

Throughout the process we have sought to engage current residents to both provide them with as much certainty as possible and ensure that they are involved in and influence the decision-making process.

To make this a reality we have created a set of engagements, set up hubs on each estate, provided training to residents, ensured there are engagement partners working with each development

management team and provided independent advisors for each estate. Since 2015 there have been over 800 events which have been attended by over 1,100 residents.

This engagement has improved schemes, for example, residents on South Lambeth wanted a community room, and plans have been added to create one under Wimborne House. Residents on Westbury Estate wanted better access to Heathbrook Park, and we worked on a series of options for them to do this. Also, residents on Knights Walk wanted the new homes for existing residents to relate to the heart of Knights Walk and onto the new open space, which has formed a core part of the design for this phase.

While we accept the principle of applying ballots to future schemes, we hope that the final guidance recognises that they are only one part of the extensive engagement work with residents that any estate regeneration project should involve.

In reference to your specific questions:

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

Lambeth welcomes the commitment to place residents at the heart of the decision-making process on each estate and supports the principle of resident ballots in certain circumstances.

Any proposal on ballots must balance the needs of the wider community with the wishes of local residents directly affected.

Lambeth recommends incorporating three guiding principles to underpin a new, London-wide ballot process for residents living on estates earmarked for regeneration. They are:

1. Guaranteed rights for residents: An approved key guarantee offer for all affected residents
2. A voice for residents on local housing waiting lists: weighted to those most likely to directly benefit from a programme of additional council housing in their local area
3. Providing transparent and deliverable options to residents

We want to support the building of better homes for existing residents and new council homes for local people in Lambeth, to listen and work with those directly affected and ensure people have the information, support and advice to make an informed decision about their future.

2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why?/Why not?

The proposed threshold of 150 homes is reasonable.

The line in para 3.3 “A ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration” is unclear. We would welcome clarification as to what scenario this refers to – social landlords would not purchase homes from private ownership prior to a decision being made about the wider scheme.

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

Yes, we agree that residents must be given sufficient information to make an informed decision.

4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why?/Why not?

Estate regeneration projects are complex and can span over several years. The timing must balance the need to provide residents with enough information to make an informed decision about the future of their estate, with the resources and time required by local authorities to develop these. For example, we spent over 18 months working with residents and their independent advisers to develop the Key Guarantees, which requires significant resources, time and buy-in from both residents and the council.

There would be significant abortive costs to local authorities to develop such an offer if it was then to be rejected in a ballot.

There would also need to be sufficient progress on the design of the scheme to ensure that is compliant with relevant local authority and GLA planning policy before a ballot takes place.

This is similarly the case if developing the design principles of the proposed regeneration, as well as the future tenure mix and associated social infrastructure all of which requires significant design work at cost to the council.

5. Do you have any other comments on the threshold, scope and timing of resident ballots?

No

Eligibility requirements

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

Lambeth has a very high demand for social housing, which is allocated on a borough wide basis according to housing need. Statistically, few tenants on non-secure tenancies currently living on the estates earmarked for regeneration are likely to be on a high enough priority that they would be able to successfully bid for the new build properties. We note that there are over 28,000 households on Lambeth's housing register, of which around 6,000 are in high priority and stand a realistic chance of being allocated social housing.

It is not clear why those that have been on the housing register for a year should have a vote and other private tenants shouldn't, particularly as a ballot is likely to take place several years after the idea is initially proposed.

We do think it is very important to consider the views of those likely to benefit from the new homes and to provide a voice for residents on local housing waiting lists. This could be weighted to those most likely to directly benefit from a programme of additional council housing in their local area. In Lambeth, the top two priority bands account for a fifth of the waiting list but around three-quarters of allocations and may be a reasonable group to ask for their views during the ballot.

Any proposal should also come with a full Equalities Impact Assessment.

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

Yes

Implementing ballots

**8. Do you agree with the Mayor's proposed requirements for implementing ballots?
Why?/Why not?**

We support the use of independent bodies throughout the consultation process, not just for ballots.

9. Do you have proposals for other potential Mayoral requirements for implementing ballots?

No

Exemptions

10. Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why?/Why not?

We think that genuinely affordable housing is just as pressing a need as new infrastructure schemes.

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

We agree that demolitions required to address safety issues should be excluded.

We also believe that where the condition of homes is resulting in higher cases of poor breathing and health impacts because of damp and poor quality housing, that the Mayor should consider exempting those estates from a ballot.

12. Do agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by the local authority? Why?/Why not?

We agree that decommissioning of specialist housing should be exempt.

13. Do you have proposals for other potential exemptions to the proposed funding condition?

We would add a further exception for estates where the extent of refurbishment required to ensure homes are brought up to a decent standard is not economically viable and does not represent value for money.

14. Do you agree with the proposed transitional arrangements? Why?/Why not?

We note that ballots will not be required retrospectively for five of the estates on our regeneration programme (Knight's Walk, South Lambeth, Westbury, Fenwick and Cressingham Gardens) that are in receipt of GLA funding.

On the other estate in our current programme, Central Hill, we commissioned an independent company to carry out a test of opinion in October 2016. This demonstrated that there was a clear majority of secure tenants, and a majority of all residents who expressed a view, in support of redevelopment.

Partly on the basis of the test of opinion, Lambeth's cabinet approved the redevelopment in March 2017. Since then, a number of leaseholder buybacks have since been completed and a number of tenants have exercised their rights to take Band A priority elsewhere in the borough in anticipation of the estate being redeveloped.

Residents have been given certainty that redevelopment is taking place. We are keen to avoid further uncertainty for the tenants and leaseholders and would welcome certainty from the Mayor that this condition will not be applied in this case.

The London Borough of Newham's response to the Mayor of London's "Proposed new funding condition to require resident ballots in estate regeneration" consultation paper

Introduction

Newham's residents are on the frontline of London's housing crisis - a crisis driven by chronic undersupply. Between 2013-2016, the London Borough of Newham (LBN) saw the second highest number of new homes built in the capital, and the third highest number of affordable homes.¹ However, we know that this is still not enough to meet need, and it is crucial that we continue to work closely with the Mayor of London to deliver the homes that London requires.

Estate regeneration has an important role to play in this. We welcome the Mayor of London's guidance on estate regeneration, and note that many of the proposals reflect the best practice that Newham already demonstrates, such as guaranteeing the tenants' right of return and ensuring a fair deal for tenants and leaseholders through our Residents Charter.²

We also welcome the emphasis placed on engagement and consultation with tenants and leaseholders, which is a crucial pillar of successful estate regeneration. We support the proposed inclusion of a ballot in this process, and in particular the recognition of the need to balance the interests of residents currently living on estates with those of people suffering because of the housing crisis.

However, we believe that the proposals in this consultation could be strengthened by the inclusion of a wider group in the proposed ballots. Like all London boroughs, Newham has seen an increase in the number of people in temporary accommodation (up to 4,500 households in 2017) and on the housing register (approaching 24,000) as the housing crisis continues. It is important that the voices of these people, who are most in need, are also heard in local ballots on regeneration proposals. It is also crucial that these ballots are held at a sufficiently early stage so that all residents have their say and can appropriately shape proposals, rather than being applied late in the process or retrospectively in a way that risks stalling schemes that are already well developed.

The only sustainable way to tackle the housing crisis is to build more homes. The Mayor of London has set very ambitious housing targets for Newham in the draft London Plan, and estate regeneration will play an important part in delivering new homes at scale in the borough. We look forward to continuing to work with the GLA to ensure the necessary approach is in place to make this happen.

¹ Mayor of London (2017), *Housing in London 2017*, accessed online at: <https://files.datapress.com/london/dataset/housing-london/2017-01-26T18:50:00/Housing-in-London-2017-report.pdf>

² London Borough of Newham (2012), *Carpenters Residents' Charter, A residents' charter for council tenants, resident leaseholders and freeholders*, accessed online at: <https://www.newham.gov.uk/Documents/Environment%20and%20planning/Carpenters%20Estate%20Residents%20Charter.pdf>

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

Yes. It is important for estate regeneration projects to have tenants and leaseholders on side, and the inclusion of a ballot at the end of a robust consultation process could play an important part in ensuring this and providing a clear mandate for subsequent development. LBN therefore welcomes the inclusion of a residents ballot as a funding condition for estate regeneration schemes, subject to the points on timing and eligibility set out above and below.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes, LBN believes that the trigger as laid out in the consultation document is an appropriate criterion for a resident ballot.

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

LBN agrees with the proposed scope of the resident ballots, which sets out clear minimum requirements on the information needed by residents to make a decision in such a ballot.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

LBN agrees that the appropriate time for a ballot is the culmination of a period of consultation, engagement, and negotiation between residents and landlords. This should occur early in the process to enable residents to have their views heard and shape proposals. We also share the Mayor's view that this ballot is a milestone, not the end of the consultation and engagement process.

It is important that any ballot takes place at this formative stage of the process both to ensure meaningful consultation that will enable residents to shape proposals, and to reduce the risk of unnecessarily stalling the delivery of much needed homes by applying the ballot too late in the process when a project is already well developed.

Similarly, guidance on ballots should not apply retrospectively to projects that are already underway and close to delivery, such as Newham's regeneration plans at the Carpenters estate. This regeneration project is expected to deliver at least 3,000 homes, and will increase the number of affordable units to at least 1,000. The council has already engaged with residents and agreed our residents' charter, including a guaranteed right of return. A significant number of tenants have already been rehoused elsewhere, and out of 710 households, only 255 households remain to decant (plus an additional 54 non-secure tenants). It would be inappropriate to apply new guidance retrospectively to a development at this stage.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

N/A

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

LBN believes that the most appropriate ballot eligibility criteria would ensure that those most in need of housing in the borough get a meaningful vote on redevelopment. We are therefore encouraged that the proposed criteria includes residents on the estate that have been on the local authority housing register for at least one year. However, we believe this could go further to ensure a balance between the rights of current tenants and the potential future tenants who are most in need of new housing.

We therefore propose that the eligibility criteria for ballots include the wider group of those on the housing waiting list, and those in temporary accommodation in a borough. With the addition of these groups, LBN believes that eligibility criteria would encourage wider engagement and provide a fairer balance in giving those most in need a voice in the estate regeneration process.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes, although there should be scope for some flexibility on a case by case basis if a Borough makes the case directly for a change in criteria due to local circumstances and this is agreed by the GLA.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

LBN agrees with these proposed requirements. Having a qualified independent body supervising the ballot will help to ensure the legitimacy of the process, and subsequent decision.

We also agree that a simple majority of "yes" voters is a sufficient mandate.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

N/A

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes, LBN supports potential exemptions where demolitions are required to deliver an infrastructure scheme, although the lack of a ballot must not be seen as an opportunity to avoid the appropriate level of consultation for local residents affected by these infrastructure projects.

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

Yes. Public safety is paramount, and where there are instances where demolitions are necessary to address safety issues, we agree that no ballot should be required as this could risk a delay in tackling safety issues. However, as stated above, all efforts must still be made to engage with residents appropriately throughout the process.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

LBN also agrees with an exemption for specialist or supported housing decommissioning. Decommissioning can be necessary to allow for their replacement with a more specialist or supported provision.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

N/A

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

LBN agrees that disrupting ongoing regeneration projects with ballots would be impractical and damaging for our housebuilding ambitions. London boroughs are not going to meet the Mayor's ambitious housing targets if their existing pipelines are disrupted. Therefore it seems appropriate that existing schemes with full and outline planning permission are not included in the transitional arrangements. As noted above (Q4), this should include not applying the criteria retrospectively to large regeneration schemes where proposals are substantially developed, decants have progressed, and a substantial proportion of the original tenants consulted with have already moved on.

Neil Kirby
Head of Regeneration South

Consultation on ballots in Estate Regeneration
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Response to Consultation Paper on Proposed new funding condition to require resident ballots in estate regeneration

Q1 Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?

The Council supports resident ballots for estate regeneration. Resident engagement at all stages of the development and implementation of estate regeneration schemes is essential. There are a number of points that need to be more fully addressed in the guidance. In order to provide the detailed information that a resident would need to make an informed decision, the scheme will need to be sufficiently advanced to provide certainty on design, timescale and implications such as tenancy changes and rental levels. From experience of stock transfer ballots, the absence of any detailed information is exploited by third party organisations as part of negative campaigns. The cost to the Council, Registered Provider or developer would be significant in getting to ballot stage. It would be helpful for the GLA to consider making funding available for this purpose. If a ballot were to take place at a later stage, a developer may be unwilling to take on this financial risk as a negative result may lead to the proposals being abandoned. In addition the creation of one point in time when the decision is to be taken rather than a series of stages throughout the process could work to the advantage of hostile third party organisations.

Q2 Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why / why not?

No. The threshold for the ballot requirement of construction of at least 150 homes is arbitrary. The decision to ballot needs to take into account the scale of the project, the level of social rented homes and the nature of the proposals.

Q3 Do you agree with the proposed scope of resident ballots? Why / why not?

As set out in the response to Q1, the scope also needs to include detailed information on timescales, rental levels and service charges. Leaseholders will want to know their individual sales offer as well as rehousing options before making a decision on the ballot.

Q4 Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why / Why not?

No. As set out in the response to Q1, a level of detail is required in order for the residents to make an informed decision. A development partner would need to be appointed and heavily involved in drafting the ballot information. The design of the scheme would also need to have been sufficiently advanced so that it is ensured that it is compliant with Borough and GLA planning policy. It would be helpful for the GLA to make funding available for these activities.

Q5 Do you have any other comments on the threshold, scope and timing of resident ballots?

No

Q6 Do you agree with the proposed eligibility criteria for resident ballots? Why / why not?

The criteria need to reflect the nature of the estate in question in terms of the legal status and housing priority of occupiers. The extension of the right to vote to private tenants who are registered on the Council waiting list may mean that the vote is open to tenants who are unlikely to move back into the new development and who may be expressing views on their landlord rather than the landlord of the wider estate. In circumstances where there is a joint tenancy, both tenants should be able to vote.

Q7 Do you agree that eligibility criteria should be the same for all schemes? Why / why not?

No. See response to Question 6.

Q8 Do you agree with the Mayor's proposed requirements for implementing ballots? Why / why not?

Yes. A body such as ERS is needed to avoid allegations of conflict of interest. In addition the Council or Registered Provider should be free to campaign positively for the proposals.

Q9 Do you have proposals for other potential Mayoral requirements for implementing ballots?

No

Q10 Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why / why not?

No. There needs to be consistency. In a number of circumstances, it may be appropriate to share the ballot costs between the land owner and infrastructure company.

Q11 Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why / why not?

Yes. The ballot requirement can not fetter a landlord's ability to address issues of health and safety.

Q 12 Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why / why not?

Yes

Q13 Do you have proposals for other potential exemptions to the proposed funding condition?

No

Q14 Do you agree with the proposed transitional arrangements? Why / why not?

The Council agrees that schemes with full or outline planning permission should not be subject to a ballot requirement. The ballot should not apply in cases of planning variations where social rented housing levels are not being reduced from the consented level. The Council agrees that the ballot requirement should not be applied retrospectively. The Council agrees that a ballot requirement should not apply to a scheme where residents have already been balloted.

Yours Sincerely

Neil Kirby
Head of Regeneration South

London Borough of Sutton: response to consultation paper on Mayor of London's Proposed new funding condition to require resident ballots in estate regeneration

Context set out in the consultation paper:

'In February 2018, the Mayor published 'Better Homes for Local People – the Mayor's Good Practice Guide to Estate Regeneration'. Publication followed three months of public consultation on a draft version, which generated thousands of responses. Views from interested parties continued to be received and considered after the formal consultation period had closed.

The Guide sets out the multiple benefits that the Mayor considers are offered by successful estate regeneration projects, such as higher quality affordable homes for people already on the estate, a greater supply of homes of all tenures, new and improved social infrastructure (such as schools and health facilities), and an improved public realm.

The Guide makes clear the Mayor's support for resident ballots in estate regeneration projects that involve the demolition of existing homes. Positive votes in ballots create a powerful mandate for change and a strong endorsement of councils and housing associations, as landlords, working with residents to develop plans. The Mayor now wishes to undertake a further consultation on how ballots can be encouraged through the adoption of a new GLA funding condition.

The Mayor's draft London Housing Strategy sets out his expectation that boroughs and housing associations seeking funding for estate regeneration will conform to the principles set out in his good practice guide. The Mayor's Supplementary Planning Guidance on Affordable Housing and Viability and draft new London Plan also set out how the Mayor expects estate regeneration schemes to meet requirements for any affordable housing that is demolished to be replaced on a like-for-like basis, and for schemes to deliver an uplift in affordable housing where possible.

The purpose of this consultation is to seek views on the Mayor's proposed policy to mandate resident ballots for estate regeneration schemes where demolition of existing homes is proposed and where Greater London Authority (GLA) funding is sought. Specifically, the consultation seeks views on:

- the principle of applying a funding condition to encourage resident ballots in estate regeneration schemes involving demolition of existing homes;*
- how these ballots should work in practice; and*
- transitional arrangements'.*

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

MoL proposal:

'The Mayor's objective in introducing a requirement for ballots is to ensure that, where his funding supports plans for estate regeneration involving the demolition of existing homes, social tenants and resident leaseholders and freeholders, and residents on the estate in need of social housing, have a clear say over whether the plans should proceed'.

LBS response: As a local authority that is committed to developing options and regeneration proposals jointly with residents, we agree that ballots could form part of an overall programme of continuous engagement. But it is important that a ballot is not regarded as the end of the engagement process and doesn't inhibit further initiative and creativity in delivering schemes which reflect residents' input and views. Moreover, the timing of a ballot will be critical, to ensure that residents have the necessary details of the proposal. Ballots can be a means to demonstrate support but our experience is that asking for views with limited information at too early a stage in the process, let alone seeking a vote through a formal ballot, can lead to scaremongering and potential negative views. It is important that a decision is made based on facts and accurate information regarding the regeneration project. A ballot presupposes a "Yes/No" vote rather than what in our experience residents are more inclined to give - conditional support provided that key undertakings and principles are adhered to.

If there are significant changes within the property market between the results of a vote and the start of construction, proposed schemes may need to be altered for reasons of viability. This may require a restart of the balloting process, significantly delaying the construction of much needed new housing, and as a result, residents may feel a lack of trust as the scheme they voted on is not the one enacted.

In summary, it is important that balloting is flexible enough not to act as a major constraint to estate regeneration schemes but is used alongside collaborative end-to-end consultation to ensure that resident perceptions are harnessed in any proposals for regeneration schemes that come forward.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

MoL proposal:

'A ballot would be triggered for schemes that fall within this definition [the construction of at least 150 homes regardless of tenure] only if the social landlord also plans to demolish any affordable or leasehold homes whose freehold it owns, and any freehold properties within

the estate acquired under the Right to Buy, Right to Acquire, or Social HomeBuy. A ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration’.

LBS response: While we understand the logic of selecting 150 units or more as the first level trigger (i.e. the MoL’s definition of a strategic site), this figure could appear arbitrary. The council might have to justify to its communities why the demolition of a scheme moving from say 50 existing units to 145 new ones was not subject to a ballot, whereas ones over 150 new units were. There would be understandable community pressure on the council to carry out ballots on any scheme that involved the demolition of their estate. Having said this, it is helpful to establish a minimum threshold for smaller scale regeneration and infill sites that are envisaged to play an important role in increasing housing supply in London. Infill developments are particularly encouraged within policy in the new Draft London Plan.

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

MoL proposal:

‘The ballot would be a yes/no vote on a landlord’s offer to residents. It should offer enough information for eligible residents to make an informed decision about the future of their estate, which should be set out in a single and accessible offer document. As a minimum, the offer should cover the following: the broad vision, priorities, and objectives for the estate regeneration; details of the full right to return or remain for social tenants living in homes that are to be demolished; details of the offer for leaseholders and freeholders of homes that are to be demolished; and commitments relating to ongoing open and transparent consultation and engagement’.

LBS response: No. The composite offer proposal here (i.e. both the design vision and the resident offer) is an unwieldy one. Residents might like the design element, but not the current offer package, and so could vote no. The offer package (included in the charter) is for the local authority to negotiate and agree with its residents and is subject to viability and council committee approval. We propose that only the design vision/ masterplan for the preferred solution (developed in partnership with residents) should be the subject of the ballot.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

MoL proposal:

'A ballot would be the culmination of a period of consultation, engagement and negotiation between residents and their landlord. It would generally take place prior to the procurement of a development partner and/or prior to the precise specification of works. This is so that the outcome of the vote can set the terms of the landlord's commitments to residents as well as the broad vision, priorities, and objectives that underpin the detailed planning stage'.

LBS response: We accept this with one qualification. Residents should know about the make up of the delivery vehicle, i.e. will the council be partnering with a registered provider (i.e. housing association) or a private developer? This means that the ballot should take place after selection of potential partners has taken place with resident involvement, i.e. there is an agreed strategy on the delivery mechanism. This will add considerable time and expense to the pre-ballot work, representing potentially significant abortive costs. However, this will allow eligible residents a vote on the most realistic estate regeneration scheme as opposed to a vote based on a more hypothetical regeneration proposal which it may not be possible to deliver. The nature of the council's future partner is a serious matter of trust for residents.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

LBS response:

- a) Where a local authority has, for reasons of viability, to package a regeneration programme into a portfolio of estates, a negative vote on one estate could undermine the viability of all the other estates within that portfolio.
- b) The future ownership of the council land should also be part of the ballot document, as this subject is also a key matter of trust between the local authority and its communities
- c) To ensure resident participating particularly where social housing is predominant, transparency and trust are critical to the success. Seeking votes as part of decision making too early will not allow for residents to engage in the shaping and development of future projects.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

MoL proposal:

'The Mayor proposes that ballots would be open to all residents on an estate that meet one or more of three eligibility criteria: • social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement; • resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or • any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure'.

'Individuals who meet more than one of the eligibility criteria would only receive one vote. It is proposed that there is no limit on the number of eligible voters per household'.

LBS response: We agree with the proposal in the first paragraph above.

We do not agree with the second paragraph (no limit on eligible voters per household) given the inherent complexity. It is much simpler and understandable for everyone if it is one vote per eligible household.

There is a strong argument to expand eligibility and a mechanism put in place to capture the views of likely future tenants who would be housed had the estate regeneration scheme been developed. This could involve enabling a proportion of residents who are on the council's housing register and are most likely to bid for properties within the estate regeneration the right to vote, as long as the sampling process was statistically valid.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

LBS response: Yes. Consistency is important across all the local authority's potential regeneration estates, on grounds of fairness.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

MoL proposal:

'The Mayor believes that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. This mirrors Government requirements for ballots relating to industrial action and strikes by trade unions. Furthermore, although Government guidance for resident ballots for stock transfers did not mandate such an approach, in practice it has been adopted by many councils and housing associations when undertaking ballots'.

'The Mayor proposes that a 'yes' vote is one where there is a simple majority of those voting in favour of the estate regeneration proposal'.

LBS response: Yes, the ballot should be administered by an independent body.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

LBS response: Yes.

- a) Nature of delivery partnership. See answer to Question 4.
- b) Future ownership of the land. See answer to Question 5. (at b.)

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

MoL proposal:

'The Mayor believes there is a compelling case to grant exemptions to the proposed requirement for ballots in three cases':

- *'where the proposed demolitions are required to facilitate a major infrastructure scheme, particularly a transport scheme'*

'Infrastructure schemes often involve the demolition of existing buildings, particularly in built up areas like London. While all public agencies and infrastructure providers should seek to minimise disruption to Londoners caused by such schemes, some disruption is inevitable, and it is important to recognise the crucial role that infrastructure schemes play in London's economy and for a wider population'. (Question 10)

• *'where the proposed demolitions are in response to concerns about the safety of residents ...The Mayor proposes that this exemption to the proposed funding condition would be granted by the GLA on a case by case basis on application from the landlord'.(Question 11);*

• *'where a specialist or supported housing scheme is being decommissioned by a local authority... Where local authorities consider that they are not in a condition to adequately meet the needs of the client group, there should be flexibility to decommission these homes so that the social landlord can replace them with a more appropriate form of specialist or supported provision'. (Question 12).*

LBS response (Qu.10): Yes. However, there could be grey areas in the cases where the infrastructure works will unlock a significant amount of new housing and it could be viewed therefore as a housing scheme as much as a major infrastructure project

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

LBS response: Yes, because time will be of the essence.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

LBS response: Yes, if the scheme will be replaced with a specialist scheme in support of the borough housing strategy. New specialist schemes are unlikely to exceed 150 units, so would already be exempt under that rule. There would still need to be very sensitive dialogue with residents, their carers and relatives leading to the production of a residents' offer. The consultation should be managed in a short time frame to reduce anxiety and ill health due to worry and concerns.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

LBS response: Yes, where a No Vote would seriously undermine the financial position of the local authority or social landlord or would mean that the council could not deliver its Local Plan or London Plan housing targets.

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

MoL proposal:

'First, the funding condition would not apply where the proposed demolitions already have full or outline planning permission. However, where an existing planning permission is varied, amended, or renewed to include demolitions that were not part of the existing planning permission, a ballot will be required should the total number of new homes be 150 or more'.

'Second, the funding condition will not be applied retrospectively, meaning that where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, ballots would not be mandated, unless the Registered Provider proposes to make a significant change to the scope of the scheme (this does not include changes to delivery milestones). This will be determined on a case by case basis'.

'Third, the GLA will consider, on a case-by-case basis, not applying the funding condition where a ballot of residents has already taken place and secured resident support prior to the publication of this draft guidance. This may be the case even if a ballot has not met the precise requirements set out in this consultation. This would be to respect the outcome of the vote and avoid creating additional cost and uncertainty'.

LBS response: They look reasonable. However, a local authority should have the right to run a ballot irrespective of the above three transitional arrangements.

Via email to: ballotsconsultation@london.gov.uk

Executive Mayor's Office
Tower Hamlets Town Hall
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5 Clove Crescent
London E14 2BG

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9th April 2018

mayor@towerhamlets.gov.uk
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The London Borough of Tower Hamlets welcomes the opportunity to respond to the Mayor of London's consultation on the proposed new funding condition to require resident ballots in estate regeneration.

Tower Hamlets is one of the UK's most culturally vibrant and diverse areas. The borough is densely populated, with over 300,000 people living in eight square miles at the heart of London's east end. The borough has over 37,000 households living in social rent tenancies and the Local Authority is the largest provider of social housing in the borough.

There continues to be a high level of housing need in Tower Hamlets, particularly for affordable housing. House prices remain out of reach of the majority of residents in the borough and in order to meet demand and to tackle overcrowding, the development of affordable social housing remains a key concern for local people and a high priority for the council. We have made significant progress in this area, developing over 5,500 affordable homes since 2010 and we will continue to enable further development, preferably at social rents, where possible. Despite this progress we still have around 19,000 households on our waiting list.

LBTH has extensive experience of managing resident ballots over a ten year period up to 2008. During this period the council progressed a programme of incremental proposed estate stock transfers to local housing associations, including three council created housing/regeneration associations.

The preparation for and management of numerous resident ballots for regeneration schemes in Tower Hamlets therefore gives this council a clear perspective on the issue. Initially stock transfer regeneration proposals for estates were often supported by parallel schemes of government-funded refurbishment (Estate Renewal Challenge Fund) works to indicate the council's own commitment to regeneration for existing residents.

As stock transfers became more self-contained in funding terms and therefore more dependent upon cross-subsidy from private sales, a range of common issues emerged which were addressed to achieve community support: these included guarantees about preserved tenancy rights, and options to return or remain in an area as an outcome of the regeneration.

In our experience, considerable time is required – typically fifteen - eighteen months or more – to consult with residents on schemes, engaging them in the process of scheme concept and design, and working through their concerns, aspirations and developing an "offer", including options for their decant and rehousing and wider concerns.

For example, Ocean NDC stock transfer proposal took six years and three iterations to get to ballot and then it was postponed, and eventually defeated. Blackwall Reach wasn't balloted on but was approached as if it were, with careful community building, and then impacted by the 2008 recession which forced a rethink on the business plan. This took three years to get to a point where the community could have been balloted.

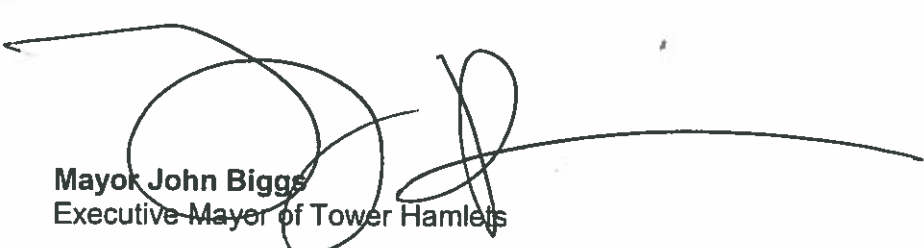
It takes considerable time and often a "start-stop" process to build and sustain local involvement and support, involving the set-up and training of residents' groups, resident commissioned and managed independent advisors, working with resident reps on design and procurement as well as keeping the wider community informed.

The tenure balance on estates is also increasingly diverse, with former Right to Buy properties often representing more than 40% of all tenures, and this cohort itself breaks down into resident occupier owners and "non-resident investor landlords" and their private tenants. Candidate estates for regeneration also often have many short-term non-secure tenant occupiers housed to make best temporary use of empty properties. All these factors mean that careful resident involvement and consideration of a range of needs and aspirations have to be taken into account including many households who will not necessarily be eligible to take part in a ballot.

In addition to our own schemes we are working closely with a number of local Registered Providers on the proposals for their estates some of which were transferred as part of the stock transfer programme.

We support the principles of ballots as part of an overall resident engagement strategy and our comments are borne from this extensive on the ground experience of increasingly complex estate regeneration to date. However, we do have a general concern which runs through this response. This is that in a ballot there is a risk that our primary purpose of providing decent homes, and other public benefits, may be so dependent on local consent that they cannot be achieved, economically or at all. We will always consult with residents and be sensitive to and seek to address concerns but we must never lose sight of our proper additional responsibility, to secure a future for our entire community. Public confidence is secured through good and thoughtful leadership and this requires thoughtful and properly balanced decisions, weighing up local and wider interests and duties.

Yours Sincerely,



Mayor John Biggs
Executive Mayor of Tower Hamlets

London Borough of Tower Hamlets response

Proposed new funding condition to require resident ballots in estate regeneration

LB Tower Hamlets has comments on the following areas as set out in the consultation document:

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

LB Tower Hamlets supports the principle of making resident ballots a funding condition for estate regeneration schemes and has the following comments for consideration by the GLA when agreeing the final policy and criteria.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

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

Re 3.2 & 3.3: LB Tower Hamlets agrees with the GLA proposal to define a strategic estate regeneration scheme to be development on an existing social housing estate that is referable to the Mayor for a planning decision, i.e. one that involves the construction of at least 150 homes regardless of tenure.

LB Tower Hamlets has concerns that a ballot would be triggered for schemes that fall within this definition only if the social landlord also plans to demolish any affordable or leasehold homes whose freehold it owns, and any freehold properties within the estate acquired under the Right to Buy, Right to Acquire, or Social HomeBuy.

We are of the view that there should be a minimum threshold of homes to be demolished to trigger a ballot - i.e. If the number of homes to be demolished is less than 20% of the number of net new homes to be developed, landlords should be able to apply for an exemption.

Our view is that if only a small proportion of homes are to be demolished in relation to the potential number of new homes then meeting London's greater housing need should not be put in jeopardy by a ballot.

Re 3.6: We do not agree that a ballot should necessarily be only a yes/no vote on a landlord's offer to residents. In conjunction with residents, the council is of the view that different options should be explored ranging from demolition and new build through to partial or full refurbishment alongside taking no action. We are of this view as landlords have a duty to maintain their estates to the highest standards possible and that holding a yes/no ballot on the regeneration of an estate that is outdated and hard to maintain may not be in the interests of either the landlord or the residents. This reasoning applies equally to the interests of residents in housing need who will benefit from the new homes proposed. This issue is considered further in our response to paragraph 3.26 below.

Re 3.9: We agree that social landlords should provide as much detail in their proposals to residents as possible and that this should include information about design, mix, management proposals, and allocation policies. The level of detail should be agreed with representative residents groups in advance of the ballot.

Re 3.13: We agree that landlords should be expected to honour the outcomes of ballots and that the

offers to residents should be fulfilled. In the event of a negative outcome we would expect landlords to proceed with alternative options and not have to be bound for an unlimited time period. Whilst we agree that the new funding condition should allow for the GLA to clawback funding if it considers that a landlord's offer deviates materially from that agreed in a ballot it would be useful to set down minimum criteria for what will be considered 'materially' on an estate by estate basis if it differs substantially from current clawback conditions attached to GLA funding. If at a later stage in the process, for unforeseen reasons a scheme has to be changed and residents are consulted and generally in support of proposed changes then we feel funding should not be withdrawn, particularly if it would then render the scheme unviable.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

LB Tower Hamlets supports the proposed timing of ballots.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots

LB Tower Hamlets has no further comments on the scope and timing of ballots.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Re 3.17: We note that the Mayor proposes that ballots would be open to all residents on an estate that meet one or more of three eligibility criteria:

- social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement;
- resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or
- any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.

We agree that social tenants and resident leaseholders and freeholders should be included in the eligibility criteria.

We have concerns over the inclusion of any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure. Our view is that these residents are eligible for rehousing anywhere in the Borough and not necessarily within the proposed estate regeneration scheme. Whilst we encourage all residents to participate in the place making process through a range of consultation methods, we have defined statutory duties to secure tenants, leaseholders and freeholders for whom the outcome of a ballot will have different consequences.

In addition, by providing these residents with an opportunity to vote, this could be seen as raising an

expectation that their personal circumstances could be improved by their participation in the ballot. This expectation may not be met as they may not necessarily qualify for rehousing in the new housing provided if they are not in sufficient priority or if a local lettings policy has not been applied. Even where a local lettings policy may be agreed – i.e. ring-fencing of new homes for existing secure tenants – it could place a non-viable burden on a scheme to include guarantees to relocate waiting list cases solely by virtue of their residency with secure tenants and indeed would raise equalities questions as households with a greater need will be displaced in terms of priority.

The justification set out at 3.21 for including residents who have been on the register for a year is that the policy will 'strengthen the rights' ...of 'those seeking to access social housing'. We would suggest that taking part in a ballot on estate regeneration does not strengthen such rights which are set out through the terms of the council's Allocations Scheme.

However If the Mayor does decide to include residents on the housing register in eligibility criteria, we would recommend that this is only offered to people who are in housing need who have reasonable preference as defined by the 1996 Housing Act.

Excluding these households from the ballot should not diminish a Landlord's requirement to meet this housing need where appropriate. For example this council has operated a policy for several years where decant for regeneration is operated: where residents (i.e. emerging households) on the waiting list who are part of a household which has a secure tenancy are given a higher priority after 1 year on the list and will be entitled to one offer of rehousing, if possible in the local neighbourhood.

This serves the dual purpose of assisting with the decant process and helping to keep communities together.

Re 3.24: With regard to the proposal that to ensure that ballots are consistent, the Mayor proposes that landlords have no discretion on eligibility for ballots

LB Tower Hamlets agrees that landlords should not have discretion on eligibility

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Re: 3.25: We support the proposal that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot.

Re: 3.26: We note that the Mayor proposes that a 'yes' vote is one where there is a simple majority of those voting in favour of the estate regeneration proposal. We support this where there are two options. However as set out in our comments at 3.6 above, if there are more than 2 options in which case a two round ballot system could be adopted.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

LB Tower Hamlets agrees with this proposed exemption.

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

LB Tower Hamlets agrees with this proposed exemption subject to there been a transparent process on how safety issues can be identified and the minimum criteria that would enable a landlord to qualify for an exemption.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

LB Tower Hamlets agrees with this proposed exemption.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

If the policy is to include only an option for a yes/no ballot then consideration should be given to exempting ballots on the basis of a no option resulting in major and unaffordable expensive refurbishments. If the alternative to an estate regeneration scheme is to carry out a major refurbishment of an unfit and dilapidated estate at a potentially prohibitive cost to the landlord and potentially leaseholders then an exemption could be applied for. Additional or unaffordable expense could occur in order to make a building safe an exemption and may possibly be related to an exemption for safety issues as proposed in question 11.

We would expect such issues to be considered in the early stages of consultation and where possible a consensus be reached to proceed on the basis of alternative approaches to regeneration where possible.

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

Re 4.3: We agree with this proposal subject our comments on & 3.3 set out above being taken into consideration.

Re 4.4 & 4.5: We agree with these proposals.

London Borough of Waltham Forest

March 2018

Consultation Response:

Proposed new funding condition to require resident ballots in estate regeneration.

The borough welcomes the publication of the Mayor's Good Practice Guide to Estate Regeneration 'Better Homes for Local People'. The document makes clear the Mayor's expectations of estate regeneration in terms of housing supply and replacement; tenures; and improvement to social infrastructure and public realm. The Guide places a particular emphasis on resident consultation and a resident ballot if GLA funding is sought.

Please see the borough's considered response to the GLA's consultation on this matter set out below.

Objectives

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

The borough supports the general principle of resident ballots. Resident ballots could be particularly useful if they form the culmination of extensive consultation engagement and negotiation with residents.

However, making ballots a funding condition for estate regeneration is likely to generate additional risk for boroughs. Regeneration raises complex and nuanced contextual issues, many of which progress over an extensive period of time. Place making, housing tenure and density are key elements to regeneration and a compulsory resident ballot may result in boroughs having to make significant compromises in these areas, which could impact the viability of schemes.

In addition, ballots would result in the need to commit significant resources at an early stage in the process with a significant element of risk. Boroughs like Waltham Forest that have reached their HRA headroom may therefore struggle to find the finance available for this process without additional funding commitment from the GLA.

The impact of third party agents in recent years on many London regeneration projects should also be taken into account. Third party agents with no stake in the estate or with agendas that have little relevance to the regeneration plans can often have a disproportionate influence. This poses a clear threat to the ballot process.

The borough's view is that detailed discussion should take place with each landlord regarding these matters.

Requirements for resident ballots

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

The borough partially agrees with the proposed criteria for triggering a ballot. The trigger includes plans that meet the GLA's strategic definition i.e. 150+ homes or the intention to demolish any affordable or publicly funded homes.

The borough asks the GLA to consider the case for a de minimis threshold. This is because the criteria outlined in the consultation document does not extend to new estate infill provision which can be significant and have an impact on the estate.

The current statutory Section 105 consultation with residents that is required for regeneration programmes is not covered in the guidance. It is important for boroughs to understand how the GLA sees Section 105 consultation fitting into the ballot process.

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

The borough agrees with the proposed scope of ballots. The scope set out is comprehensive, covering key elements of any regeneration scheme. It rightly provides residents with comprehensive information on the landlord's intentions at that stage.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The borough agrees with the proposed stage in which ballots should take place. The process highlights extensive consultation, engagement and negotiation between landlords and residents. The borough agrees that the process should not be subject to multiple ballots as the programme progresses through each critical phase.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The Mayor expects landlords to stand by ballot outcomes and proposes that the GLA can clawback funding if schemes do not comply with ballot results. Given that estate regeneration is a complex process that takes place over many years, there is the risk that internal and external factors could influence schemes later in their programmes. The borough would therefore ask the GLA to consider a pragmatic and reasonable approach to dealing with changes to schemes following ballots.

Eligibility requirements

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The borough does not agree with the proposed eligibility criteria. The criteria largely follows existing practice covering residents recognised legally through a tenancy, lease or freehold.

The borough would like to extend the principle of stakeholder inclusion to all residents impacted by the regeneration. Estate regeneration often impacts neighbouring areas of the development. This impact is particularly positive when there are social infrastructure and/or commercial gains introduced by the regeneration. ***As a result the borough proposes that the scope of eligibility for the ballot is expanded to the ward area or neighbouring streets. The advantage of this approach is that those residents will be able to input into the significant change in the area. This approach is supported by the statutory planning process which invites a wide area of consultation.***

Equally the borough welcomes the inclusion of residents in temporary accommodation (TA) in the ballot. The borough recommends that this proposal should be extended to households in TA in the extended area.

This expanded approach could be managed through a weighted voting process at ballot. For example, estate resident votes could be weighted the highest as they will be the most impacted and a lesser weighting could be awarded to neighbouring residents. The least weighting could go to residents in TA.

Finally, the guidance excludes groups with commercial interests in the regeneration plans from the ballot such as shops and businesses. The GLA could revisit this as these groups are likely to have strong opinions on the plans which ought to be reflected in the ballot result.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

The borough agrees that the eligibility criteria should be the same for all schemes. There should be consistency in this matter as it provides certainty to residents.

Implementing ballots

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

The borough agrees with the Mayor's proposed requirements for implementing ballots. As this response has noted previously there are complex issues and conflicts associated with regeneration projects so using a well-established independent provider like the Electoral Reform Service to administer the ballot is a good proposal.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The consultation provides very little detail on how the GLA would wish to see the technicalities of the ballot managed. The document does not define a successful ballot outcome. For example, what are the criteria for a successful ballot? Is there a quorum set for the vote? Is a successful ballot outcome 51% or more in favour?

We would expect the guidance to propose a clear minimum turnout.

There is no guidance set out to determine under what circumstances a scheme is required to seek a further ballot following a 'no ballot' result.

Exemptions

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

The borough agrees with the Mayor's proposed exemptions for major infrastructures; demolitions in response to concerns around residents' safety; and decommissioned specialist or supported housing by a local authority. The borough supports the Mayor's proposal to avoid complicating the existing statutory provisions covering the disruptions that may be caused by proposed infrastructure schemes. The borough agrees that a resident ballot would cause a further complication.

The borough requests that the GLA extends the principle of strategic necessity to landlords in this regard.

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

The borough agrees with the general principle of addressing safety issues but we would like to see more detail provided on this matter that defines parameters..

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

The borough supports the proposals regarding supported housing as these schemes would have to be decommissioned.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No, the borough does not have any further proposals.

Transitional arrangements

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

In general the transitional arrangements do not take a retrospective approach to regeneration schemes currently funded without a ballot or where ballots have taken place. The transitional arrangements proposed consider the majority of existing schemes case by case so the borough supports the approach outlined in paragraphs 4.4 and 4.5.

However the borough does not agree to the first transitional condition outlined in paragraph 4.3. This paragraph appears to be an exception to the case by case approach proposed in 4.4 and 4.5. The borough would urge the GLA to adopt a consistent approach and consider a case by case evaluation for the type of scheme outlined in paragraph 4.3.



Consultation on ballots in estate regeneration
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Telephone: 020 8871 6000
Web: www.wandsworth.gov.uk
Our ref: HRD
Date: 29 March 2018

Dear Mayor Khan,

Wandsworth Council response to the consultation on ballots in estate regeneration

Thank you for the opportunity to respond to your consultation on a proposal that a resident ballot would be a required for estate regeneration schemes seeking GLA funding.

Wandsworth Council are wholly committed to empowering residents in decisions about their area and have a proven track record of involving residents on estate regeneration schemes. Meaningful and ongoing resident engagement is vital to exploring regeneration options and identifying the best approach to delivery. However, as London Councils have identified in their collective response, there are concerns over whether a simple, one-off ballot is a sufficient or appropriate way of informing decisions on complex multi-phase regeneration projects. There is indeed a danger that such an approach would disenfranchise rather than empower residents. Therefore, whilst we fully support approaches that enfranchise residents, Wandsworth Council is not convinced that a simple ballot is the best way to achieve these.

Please see Wandsworth Council's full consultation response set out below.

Yours sincerely,

Brian Reilly
Director of Housing and Regeneration
Wandsworth Council

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

The Council is fully committed to meaningful and ongoing engagement and consultation in relation to any estate regeneration proposals. Council officers who contributed to the Mayor's Good Practice Guide were strong advocates of having a clear commitment to local residents about local rehousing on the same terms and appropriate compensation. However, distilling an exercise that may run for many months or years and considered various options to improve an area to a yes/no ballot is misinformed and is not the most meaningful way to gain the support of residents on significant change. Therefore, whilst there needs to be demonstration of meaningful engagement and community support, the council does not support the proposals to apply a new condition in the GLA's Affordable Housing Capital Funding Guide.

More than 3,000 new homes for shared ownership, social rent, low cost rent, market rent and for sale are to be built by the Council and its partners through the regeneration of the Alton estate, in Roehampton, and Winstanley and York Road estates, in Battersea. It is worth noting that regeneration projects in Wandsworth have broad cross-party political support locally, with the opposition supporting the Council's approach to consultation, commitment to residents and principles of regeneration. These regeneration projects guarantee newly built homes for all secure council tenants and owner-occupiers in blocks which are to be demolished.¹ The engagement processes for these regeneration projects have been comprehensive and are ongoing. Notable is the ongoing work that is required to maintain support for regeneration and the all-important demonstration of what change will "look like".

The process for the Winstanley and York Road regeneration began with an options consultation undertaken in the latter half of 2013 and early 2014. Key issues and various options were discussed with residents in detail. Residents were given commitments of rehousing and compensation at the start of the process which gave them the confidence to consider the full range of options. Extensive surveys of attitudes to home, estate and area were also undertaken. These surveys were not simplistic ballots, but asked meaningful questions. They identified a strong message that residents wanted to see significant change rather than just improvements to existing homes. The consultation process included: open days, public meetings, an on-site drop-in centre, newsletters, and individual engagement such as door-knocking. Consultation is a continuous process and these methods continue to be employed.

It is also notable that at the beginning of this process there were groups, not local to the estates, who were intent on highlighting the negative results of estate regeneration schemes. In this respect, the Council recognised the importance of investing significantly in ongoing consultation and not relying on one off consultation set pieces as a ballot could be represented as. Furthermore, the Council believes that a yes/no ballot could be divisive, pitting the Council vs residents, neighbours vs neighbours. It is more productive to build a positive relationship through ongoing and meaningful consultation as Wandsworth Council has done.

The Council's experience is that the majority of estate residents are positive towards redevelopment in their area, so long as communication is strong at every stage of the way and progress is being made to deliver the scheme with as little disruption as possible. The Council also believes that those who are warier about regeneration are likely to see the

¹ <http://www.wandsworth.gov.uk/regeneration>

clear benefit of change as regeneration takes place. A simplistic ballot then cannot capture the complexity of the decisions that need to be made and consulted on.

Councils may be reluctant to spend on a comprehensive consultation process which could be undermined by the GLA denying grant. Proposals are also likely to discourage developer involvement in the first instance, which would limit competition and choice for councils.

Finally, the ballot proposals will effectively disenfranchise those who would clearly benefit from such improvement, but who do not at the point of regeneration live on the estate. For example, new homes for those in priority need and on the waiting list, homes prioritised at first time buyers, and new community and leisure facilities may not be built.

For the reasons set out above Wandsworth Council cannot support these proposals.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Any threshold set by the London Mayor would be arbitrary. The Council would support the requirement to demonstrate that extensive consultation has taken place and that clear commitments have been made to local residents in terms of rehousing and replacement of social housing stock.

Such approaches are set out in the Mayor's best practice guidance and can be easily benchmarked to satisfy GLA officers.

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

The Council is concerned about the proposal for the ballot to be a yes/no vote as this will oversimplify complex issues. Such a ballot will not strike at the heart of residents' issues. Trust in regeneration can only be built up over a number of years and may only start to achieve a strong consensus when plans begin to be delivered.

The Council agrees that where a vote in favour of the proposals has occurred, resident consultation and engagement should continue after a ballot has taken place. However, one concern is that a 'yes' vote risks being seen by Councils as a mandate for regeneration without ongoing engagement with residents.

The Council does support census type surveys representative of a broad range of occupier views and that these are supplemented by other means of engagement (particularly to ensure that harder to reach groups are involved).

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The Council believes that the GLA should stand by its previous final draft of its Good Practice Guide to Estate Regeneration. When and if grant is sought, a social landlord should have to demonstrate that the guidance has been applied in relation to having undertaken meaningful consultation and engagement and provide plans that will continue to engage local residents going forward.

Similarly, whenever further grant allocations are sought, a social landlord should need to demonstrate that ongoing engagement and broad/growing support for estate regeneration

is still present. A “one off ballot” should not be a green light for change and improvement that is likely to be delivered over many years.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Alongside his support for resident ballots, the Mayor has also included a new policy within the draft new London Plan requiring no net loss of affordable housing within estate regeneration schemes, and that schemes deliver an uplift in affordable housing where possible. In the draft London Plan, the Mayor is proposing that replacement of affordable homes should be on a like-for-like basis

The Council’s response to the Mayor’s London Housing Strategy highlighted that the Council does not support a rigid like-for-like replacement policy as it may not be what is required to support local needs for rehousing, regeneration and decanting. Evidence suggests that a flexible approach is required when rehousing existing social tenants into both smaller and larger homes as needed.

Whilst the Council is fully committed to replacing all social housing lost, the Mayor must continue to accept that additional benefit (e.g. affordable housing, new infrastructure) is costly, as is undertaking any estate regeneration (e.g. in decant costs and compensation that needs to be paid). Therefore, regenerations must be subject to financial appraisal and review as to what planning gain benefit can be achieved.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The Council believes that the proposed eligibility criteria is bureaucratic and would be extremely complicated to check and enforce effectively. It is unclear at this stage how this additional burden would be funded. Furthermore, ahead of any potential ballot, estate residents who are not otherwise eligible to vote in such a ballot (i.e. residents of private landlords) could apply to the Council’s housing register to obtain a vote.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

The Council does agree that resident engagement should be bespoke and adapted to ensure that all residents/groups are given the opportunity to be involved in shaping plans. A one-off ballot does not do this and has the risk of putting a decision into the hands of a minority or small majority of residents.

Question 8: Do you agree with the Mayor’s proposed requirements for implementing ballots? Why/why not?

As identified, the Council does support demonstration at each stage of meaningful engagement. However, this is very different to a ballot which may or may not be representative depending on a range of circumstances. The Mayor’s proposal that a ‘yes’ vote is one where there is a simple majority voting in favour of the estate regeneration must therefore be carefully considered. The following circumstances must be taken into account, as these could distort the results:

- the result of a ballot is only marginal;
- certain blocks on an estate vote in favour of regeneration whilst others do not;
- some block residents choose to vote on mass and some do not;

- where there is a very low turnout on a particular day.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The Council believes that continuous engagement should be demonstrated. The Council does support surveying resident views and ensuring that such surveys are representative. A one-off ballot does not achieve this.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

The Council supports granting exemptions to the proposed requirement for ballots where the proposed demolitions are required to facilitate a major infrastructure scheme, particularly a transport scheme. However, it is notable that the Mayor does not view a ballot necessary where it is likely that he may be taking the lead in bringing forward, for example a project he might view as necessary change and improvement.

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

The Council supports granting exemptions to the proposed requirement for ballots where the proposed demolitions are in response to concerns about the safety of residents. However, equally similar exemptions should be considered where, for instance, homes fail to meet current space or energy efficiency standards or where there is a fundamental issue with a building (e.g. long corridors with a single entrance, no access to adequate amenity space).

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

The Council supports granting exemptions to the proposed requirement for ballots where a specialist or supported housing scheme is being decommissioned by a local authority.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

See response to question 11 – there are likely to be a host of reasons why a block may not be seen to be fit for purpose. An exemption misses the fundamental issue that estate regeneration should be about improving the home/block/area by bringing no longer fit for purpose accommodation up to current standards (for existing and new residents).

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

The Council welcomes the proposal that the funding condition will not be applied retrospectively. The Council wishes to emphasise the importance of ensuring that plans which are already underway would not be jeopardised.

Despite proposed transitional arrangements, if the Mayor makes balloting mandatory there may be an expectation amongst residents, as well as political pressure, to undertake ballots retrospectively. The Council is concerned that this may present a risk to existing

regeneration schemes and undermine the comprehensive consultation work which has already been carried out.

The Council is also concerned about the proposals to require a ballot if regeneration plans are significantly changed. This would be destabilising to schemes where joint venture and contractual arrangements may already be in place. Such a requirement may have damaging financial and delivery implications. Furthermore, it is not clear at this stage what changes would be considered significant. This would need to be clearly set out if such a proposal was to be implemented.

Proposed new funding condition to require resident ballots in estate regeneration - Consultation Paper (February 2018)

Response from Westminster City Council

General points

As stated below the council opposes the proposal to make resident ballots a mandatory funding condition. Estate regeneration is a frequently complex process, with the circumstances varying widely from case to case. Imposing a single approach hinging completely on a single yes/no decision at one point of time is unlikely to have the benefits suggested in the consultation document (recent experience does not suggest that referendums are an effective tool for building consensus). Conversely, as the document acknowledges it will at best slow down and at worst prevent provision of much-needed housing, meeting the needs not only of current residents, but those into the future as well. In our view these proposals are likely to be counterproductive and to militate against effective engagement.

A far better approach would be an obligation on registered providers to ongoing, meaningful consultation and engagement with local residents and the wider community about regeneration which could be incorporated into funding agreements. This should encourage an inclusive approach to engagement giving a continuing voice to all those with a legitimate interest in regeneration proposals.

Objectives

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

No. The council has previously held votes in the past and has now moved away from this approach for a variety of reasons including:

- Low turn outs (see the table overleaf)
- A marginal “no” vote can prevent regeneration in an area for the foreseeable future (See our Westbourne Green ballot outcome overleaf)
- They represent opinion only at a moment in time, whereas regeneration schemes are long and complex. Many things in an area can change following a vote and large scale regeneration may take many years to complete
- They have the potential, should the vote in favour of regeneration be successful, to reduce resident consultation following the vote
- They have the potential to be the focus of a campaign and be polarising or to be hijacked for ideological reasons
- The model of resident ballots advocated in the paper would exclude a wide range of stakeholders with legitimate interests in regeneration schemes – those living in the vicinity, those with businesses on estates and potential future residents. The

contrast with neighbourhood plans is marked as they involve much broader engagement.

Renewal Scheme	No eligible to vote	Turnout (valid votes)	Turnout %	No voting yes	% voting yes	No voting no	% voting no
Tollgate Gardens *(Note: residents voted on 4 options, 58.33% voted for a medium to high impact proposal and 41.67% for a low impact proposal or for no change)	119	72	60.50%	42	58.33%	30	41.67%*
Brunel		134		57	42.54%	77	57.46%
Church Street phase 1	7,447	1,883	25.29%	1647	87.47%	236	12.53%
Ebury Bridge	513	305	59.45%	239	78.36%	66	21.64%
Paddington Green	954	314	32.91%	199	63.38%	114	36.31%
Westbourne Green	2696	852	31.60%	414	48.59%	438	51.41%

We welcome the Mayor's acknowledgement that the planning system cannot be used to impose a requirement for ballots – this reflects our own view of the legal position.

We strongly suggest that instead the Mayor makes meaningful consultation and engagement, which meets the general principles of his "Better homes for local people" good practice guide, a condition of funding.

If ballots are made a condition of funding, there will be a disparity of approach across London between funded/unfunded schemes. We note that the document is not accompanied by an impact assessment that models the likely impacts in terms of delivery of affordable housing foregone, either as a direct result of a negative vote, or because boroughs are deterred from applying for grant because of the likelihood that this requirement will be imposed upon a proposal. There is also no assessment of the potential impact on equalities groups more broadly.

It also needs to be absolutely clear if the Mayor will consider further funding applications where residents have voted against regeneration by a small margin, but there are indications that the majority of residents are now in favour of them.

Threshold, timing and scope

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

If ballots are to become a mandatory funding condition, they should only apply to larger schemes as proposed and to ones that involve demolitions. We also suggest that they should only be mandatory where there is a quantum of demolitions, as currently they could be mandated if there were only 1. Consideration could be given to additional criteria such as: them being also triggered where there is a net loss of social housing; there is no right to return for tenants and leaseholders; or where they are promoted by a “For-Profit” agency.

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

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Our experience confirms that there is no perfect time to have a ballot. This is one of the reasons why we no longer support them.

Regeneration schemes differ widely, and inevitably seeking to impose a single stage at which ballots would have to be carried out is unlikely to be readily applicable to every proposal. It is often simply not the case that anything can be said to have come to a “culmination” prior to the procurement of a development partner or “precise specification of works”. In practice much is likely to change after this stage. Participants also may feel they do not have sufficient information to make a sensible choice. This reinforces our point that regeneration schemes are not readily reducible to a single yes/no answer. We much prefer a process of continuous engagement to develop proposals with communities. A ballot being a moment in time rewards giving easy answers to tough questions which may well create future problems in viability, design or delivery.

The timing of a ballot needs to be carefully considered as our experience is that when regeneration is initially proposed, people can be understandably very upset about the loss of a home (and sometimes more resistant to it) but this changes as plans progress and the benefits become clearer.

Mandating a ballot to always have a “yes” or “no” questions is too prescriptive – there may be times when it is preferable to ask for views on different options which might range from “no change”, “partial change” to “full redevelopment”. Proper engagement requires an ongoing process of information, explanation, discussion and testing of options in a way that unsophisticated approaches like mandatory ballots simply do not allow.

Eligibility

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

No (question 6). If ballots are to become a mandatory funding condition they should be as administratively simple as possible and aim to capture the views of all local residents who will be impacted by regeneration and to enfranchise as many people as possible. Non resident leaseholders should also have a vote.

Disenfranchising people might result in campaigns against regeneration which might not have occurred had residents had a vote. The current proposals would exclude wider household members of social tenants and resident leaseholders etc. and also private tenants who may be invested in the community and have lived there for some time. Protected tenants could be significantly impacted. Time and resources would be spent unnecessarily on checking resident leaseholders had been living in their homes for the appropriate period.

We suggest instead that every resident on the electoral register in the proposed regeneration area should be eligible to vote and that residents could have a period of time to ensure they were on the register before the vote. This would make ballots simpler and less administratively difficult and expensive to implement.

Local businesses, schools, third sector and health organisations located on the estate concerned may well feel aggrieved not to have a vote however.

Implementing ballots

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

No. It should be for the authority concerned to decide how ballots should be implemented in the light of local circumstances and needs. It should be open to authorities to use their normal electoral services if this makes most sense and makes the best use of scarce resources – if these are sufficiently robust and independent to be trusted to run neighbourhood plan referendums and national elections there seems little point in seeking to exclude them.

If the Mayor is seeking to impose this additional burden on local authorities, he should be prepared to fund it. This should be a legitimate use of affordable housing grant; this would have the benefit of being transparent about the opportunity cost of using resources intended to fund additional housing provision being used for this purpose.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The Mayor must not make additional demands of local authorities. Making the system any more complex risks turning ballots into ends in themselves, rather than playing a part in a process.

Exemptions

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

We have no objection to this, although there seems little reason in principle to treat one type of development crucial to meeting the needs of London's economy and the wider population differently from another. It is ironic that the Mayor is not seeking to adopt the principles he is seeking to mandate for others to transport and other infrastructure projects his own agencies will be taking forward.

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

Yes.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

If the mandatory funding condition is to go ahead, we support it only applying to new funding applications under an entirely new funding programme, to avoid ballots becoming mandatory where significant work has already started which could delay regeneration and result in time and momentum being lost, which could be a particular issue if a procurement exercise was underway. This way the need for a ballot can be factored into proposals at the outset.

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

We agree that if, despite our representations, the mandatory funding condition is to go ahead then there should be transitional arrangements where regeneration has already started and so the mandatory requirement would only apply to schemes for which grant applications have not been submitted before a due date. This way the requirement would only apply to newly defined schemes where there has not been previous discussion about regeneration.

The guide suggests that a ballot might be required if planning permission is varied. This could result in a relatively small amendment/variation within the scheme being used to argue for or trigger a ballot, putting the scheme back to the beginning or jeopardising it

entirely. Overall, developers may view council schemes as risky in future which could would affect the delivery of much needed affordable homes.

► London Councils Consultation Response

► Proposed new funding condition to require resident ballots in estate regeneration Consultation Paper

London Councils

London Councils represents London's 32 borough councils and the City of London. It is a cross party organisation that works on behalf of all its member authorities regardless of political persuasion.

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

London Councils welcomes the opportunity to comment on important proposals on the introduction of resident balloting as a prerequisite to receiving funding for estate regeneration schemes. Resident balloting could be a useful gauge of resident support for the principles behind individual estate regeneration proposals.

Ballots however, should not replace best practice methods of end to end collaborative consultation which have proved effective in capturing resident perceptions over the long time period that it takes to build out complex estate regeneration schemes. A key challenge associated with the use of ballots on regeneration schemes is the timing of the vote. Balloting results can only reflect resident perceptions on the principles of a hypothetical regeneration scheme in a snapshot of time prior to development. Estate regeneration schemes are often long term and complex, requiring adaptation to reflect changing market conditions and planning policy. Methods of ongoing consultation throughout the development process are able to capture and harness resident perceptions of a development over this longer time period.

If there are significant changes within the property market between the results of a vote and the start of construction, proposed schemes may need to be altered for reasons of viability. This may require a restart of the balloting process, significantly delaying the construction of much needed new housing, or leave residents feeling a lack of trust as the scheme they voted on is not the one enacted.

It is important that balloting is flexible enough to not act as a major constraint to estate regeneration schemes but is used alongside collaborative end-to-end consultation to ensure that resident perceptions are harnessed in any proposals for regeneration schemes that come forward.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

If ballots are to become a requirement, a sensible and realistic threshold is required, and 150 units seems reasonable. It would not act as an unnecessary burden to prevent smaller scale estate regeneration or infill regeneration sites coming forward. These types of scheme play an important role in increasing housing supply in London and infill developments are particularly encouraged within policy in the new Draft London Plan.

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

London Councils believes that increased discussion between landlords and development partners can expand the scope of resident ballots. As stated above, balloting is a crude tool and if the balloting mechanism proposed in the consultation is implemented, it will only reveal the perceptions of voters on the principles behind a hypothetical regeneration scheme at a snapshot in time. It is essential that in addition to ballots, landlords continue to engage in ongoing consultation with residents. End-to-end consultation methods can better capture changing stakeholder views over the longer time period that is associated with complex regeneration schemes.

The consultation document states that “landlords should include as much information as is available about design, mix, management proposals and allocations” before a ballot takes place. However, development partners are key stakeholders in regeneration schemes and their expertise, particularly on development viability, is important in shaping successful regeneration schemes. If a landlord receives a positive vote on a hypothetical regeneration scheme which then becomes unviable due to economic externalities, they will struggle find a development partner that is willing to take on the risk and deliver the scheme. It is likely that a second vote will be required on a revised scheme which will delay development and place an increased burden on borough resources.

This should also be set against the backdrop that estate regeneration is a hugely complex and intensive process. Many boroughs have very constrained resources and also a limited supply of the required skills – especially if balloting may end up happening on more than one occasion on a scheme.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The GLA proposal that “a ballot would be the culmination of a period of consultation” taking place “prior to the procurement of a development partner and/or prior to the precise specification of works” may discourage the use of best practice consultation methods and actually lead to residents feeling increased distrust due to the potential level of change to the proposed scheme. The process of consultation with residents and other stakeholders should not culminate in a resident ballot prior to development, but instead should take place throughout the development process (particularly if it is proposed that the regeneration scheme will be phased) and even after the completion of a regeneration scheme.

The proposal to have a ballot prior to the selection of a development partner or the precise specification of works may also be problematic. As large regeneration schemes are complex and often require multiple phases, externalities such as changes to the property market, changes to the political make up of a local authority area and changes to planning policy can influence the viability of a regeneration

scheme long after the proposed balloting arrangement has taken place. It is likely that any proposed regeneration scheme will undergo changes as the development progresses.

Instead, potential development partners could be consulted at an early stage by landlords to give an indication of the viability of development proposals before any vote takes place. This will allow eligible residents a vote on the most realistic estate regeneration scheme as opposed to vote based on hypothetical regeneration principals which it may not be possible to deliver.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Please see the responses to questions 3 and 4 above.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The consultation defines residents eligible to vote as:

- Social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement;
- Resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or
- Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.

London Councils believes that eligibility should be expanded and a mechanism put in place to capture the views of likely future tenants who would be housed had the estate regeneration scheme been developed. This could involve enabling a proportion of residents who are on a borough's housing waiting list and are most likely to bid for properties within the estate regeneration the right to vote, as long as the sampling process was appropriately demographically weighted.

Further to this, the voices of households that have been privately renting a property long term within an estate should be heard. Households renting privately are particularly likely to lose their homes permanently as they are offered no right of return. The leading cause of homelessness in London is a termination of a private sector tenancy. It is important therefore to capture the perceptions of such people about a new development. However equally there are practical barriers to their inclusion due to churn and a lack of incentive to support even very good quality, affordable development.

In the construction of new schools, local authorities must undertake an open consultation to get the views of the whole community. This is a useful analogue for estate regeneration. Social and affordable housing is certainly a resource for certainly residents on the housing waiting list and in housing need in the broader community, in addition to those resident on the estate.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

This expanded eligibility criteria proposed in the response to question six above could be applied to balloting on any qualifying council estate regeneration scheme at threshold level and above.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

The consultation suggests that a qualified independent body, such as Electoral Reform Services is contracted by the landlord to supervise the ballot. This is likely to add significant pressure on the resources of landlords, including boroughs that are already severely under resourced. Therefore the proposals should also consider the resourcing requirements and how these could be met, especially considering that the ballots happen before the involvement of developers. This, of course, will also add to the overall cost of schemes, further reducing viability.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Please see the response to question 8 above.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

London Councils agrees that where an infrastructure scheme is being delivered and requires the demolition of an estate the ballot should be exempt as it would add significant delay. In the consultation document however, there is no definition of 'infrastructure scheme' and it may be useful to consider the broad range of schemes that may come under this heading. For example, this may not be limited to provision of hard infrastructure.

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

The safety of tenants is of paramount importance to boroughs and London Councils agrees that balloting should be exempt where the demolition of a building is required because of a safety issue.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

London Councils is supportive of an exemption to balloting where a specialised or supported housing scheme is being decommissioned on the conditions that:

- It is a borough's decision that the scheme being decommissioned is not adequately meeting the needs of a client group and this is supported by sufficient evidence.
- The scheme being demolished is to be replaced by a scheme for a more appropriate form of specialist or supported housing provision that is agreed by the borough.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Please see the response to question 12 above.

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

It is welcome that ballots will not apply where a scheme is 'live' and the proposed demolitions already have full or outline planning permission. This will reduce delays in ensuring that current permissions are built out.

However, it is of concern that the consultation goes on to state that "where an existing planning permission is varied, amended, or renewed to include demolitions that were not part of the existing planning permission, a ballot will be required should the total number of new homes be 150 or more."

Large scale regeneration schemes are complex developments and are often phased over a long period of time (perhaps even twenty years). These schemes often require alterations to adapt to changing market circumstances and planning policy and may require the planning applications for alterations or renewals to be submitted (or planning applications for full permission if only outline permission has been granted initially). It is unlikely that these alterations will involve proposals for significantly increased demolition. Each proposal for an alteration to or renewal of a regeneration scheme could be assessed on a case by case basis by boroughs and the GLA to decide if applications for alterations or renewals to a development scheme have deviated from the original outline or full permission to the extent that a resident ballot would then be required.

Royal Borough of Kingston Response to the Mayor of London's February 2018 consultation paper: "*Proposed new funding condition to require ballots in estate regeneration*"

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

Response:

The Mayor's approach is to put residents at the heart of plans for estate regeneration. This is fully supported. However there is no evidence that mandatory ballots will help achieve this. In fact the concern is that ballots can be divisive and could be exploited for political or ideological reasons by individuals and organisations who are not local and who do not have the community's interests at heart. The Mayor should insist on robust and compelling evidence that there has been ongoing consultation and engagement and funding should be conditional on this requirement, however we have concerns that the proposals as they stand will hinder genuine community led regeneration rather than help this.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Response:

Whilst having a community mandate is paramount to any successful regeneration, our concern is that the proposed trigger is a blunt instrument that could cause delay and additional costs for even relatively small schemes. The proposals do not specify a minimum number of demolished homes, nor is there any differentiation between current and future landlord. In short there is no proportionality. By their nature regeneration schemes are very different. For example on the Cambridge Road Estate in Kingston the offer is that all current council social tenanted properties will remain with the council whilst this is not the case in many other schemes.

In the proposals a ballot would be triggered for any estate regeneration scheme that involves demolition and construction of 150 or more new homes. Whilst laudable, again there is a concern about proportionality and fairness. For example the proposals as they stand could lead to a very small number of people impacting on the future of a significantly larger number of households. Take the following scenario:

- a. 75 homes demolished, to be replaced by 150 homes
- b. Assumed electorate from 75 homes is 100

- c. Average local election turnout in London May 2014 38.9%, therefore assume 39 people vote
- d. It would need 20 people, all of whom currently have a permanent or temporary home, to vote against the proposal and therefore potentially prevent a regeneration scheme that could benefit an additional 75 London families in desperate housing need, none of whom are likely to be eligible to vote.

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

Response:

A single accessible offer document is an appropriate scope for seeking a mandate. However the concern is that the proposals as they stand expect too much detailed work to be done prior to ballot, and for this to be undertaken without strategic partners appointed. Estate regeneration schemes have to evolve and flex and respond to changing local, community and market influences. As it stands the suggested offer document doesn't acknowledge the extent of this potential change.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Response:

It is likely that the ballot provisions will cause delays in estate regeneration projects as it will elongate the time between the first design and consultation discussions and the appointment of partners and master planning. Our concern is that this will create a difficulty for the Mayor's desire to build more and better homes for Londoners.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Response:

Residents should be at the heart of discussions about how any regeneration project evolves. The risk with the proposals as they stand is that they are could seriously hamper the ability of the local community and the council/landlord to jointly develop and flex the regeneration scheme as it evolves. The offer document has a genuine prospect of becoming a hostage to fortune and out of date over the full regeneration period – which in most cases is a number of years. We are sure that the Mayor would not want to encumber local communities and landlords where, together, they wish to improve regenerations schemes as they evolve on the basis of an out of date ballot. We feel that this flexibility should be reflected in the provisions.

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

Why/why not?

Response:

There is inconsistency in the eligibility between resident leaseholders/freeholders and housing register residents and this could lead to accusations of unfairness. The former need to have been living on the estate for 1 year, but the latter don't, they only need to have been on the register 1 year. Housing register applicants could therefore have been living on the estate for a very short period of time, both before and after the ballot, and be eligible to vote. We suggest therefore bullet 3, paragraph 3.17, is amended on eligibility to include provision that any residents who have been living in their property *and* been on the local authority's housing register for at least one year irrespective of their current tenure.

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

Why/why not?

Response:

The concern is that some regeneration schemes will be impacted very differently to others. The Mayor should expect concrete and compelling evidence of community support and a mandate, but there is a real risk in trying to make this a one size fits all approach.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Response:

Local councils are demonstrably able to run fair and transparent democratic processes. Therefore arrangements for the holding of ballots and the approach to consultation and engagement should be a matter for locally accountable and elected councils. The Mayor of course will want evidence of meaningful consultation and engagement.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes

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

Yes

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why Not?

Yes

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No

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

For any regeneration schemes that are 'live' there is a real risk created if there is a requirement to ballot for future funding. It's unclear what that ballot would be for and whether it would put the whole scheme in jeopardy. For example if there is future funding that would increase the amount of social housing and there was clear evidence that this is what the community wanted, the council/landlord wanted and the Mayor supported, this and the whole regeneration could be put at risk and delayed if this funding would be subject to a ballot. We feel there needs to be reasonable and proportionate flexibility to allow for this type of improvement and flexibility to schemes over time.

Proposed new funding condition to require resident ballots in estate regeneration - 35% Campaign consultation response

9 April 2018

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

Yes.

The funding condition should also be extended to phased regenerations that are not yet completed and regeneration schemes of less than 150 units. The Mayor should alter the London Plan and change established practice accordingly in the latter case (see para 3.2).

Further, all regeneration schemes should be required to hold a ballot, not just those in receipt of GLA funding. The Mayor evidently considers he does not have the power to do this (para 1.6); we ask him to reconsider whether he might in fact have such planning power or how he might acquire it.

Planning policy should also be strengthened with the London Plan requiring no loss of social-rented homes in any development or regeneration scheme. The Mayor should also require that all estate regeneration proposals consider a refurbishment option, with landlords being required to commission a full independent analysis and comparison of the social, economic and environment issues involved in refurbishment, compared to demolition and rebuilding.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

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

Not entirely on both questions. The requirement should be for a ballot in all estate regeneration proposals, regardless of number of units, for phased regeneration schemes not yet completed and for schemes that have been awarded funding since the close of the consultation for the Good Practice Guide to Estate Regeneration.

We are concerned that otherwise we may see a larger number of proposed schemes of less than 150 homes, as a way of avoiding ballots, particular given the Mayor's focus on small sites in the draft London Plan, and notwithstanding para 3.5.

We believe that residents of phased schemes that have already been started, but have not been balloted, should also now be balloted. The argument in this case is strengthened where the original objectives of the scheme eg amount and kind of affordable have been changed or not delivered.

We also believe the ballot requirement should be extended to any schemes which have been granted funding since the close of the consultation for the Good Practice Guide to Estate Regeneration. This is only just, given the strong support for the ballot during that consultation. Allowing such schemes to proceed without a ballot will undermine the Mayor's laudable intentions.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

We agree with the proposal that the ballot should take place 'prior to the procurement of a development partner', but we have a concern (notwithstanding the requirements of paras 3.6, 3.7) that if the ballot takes place 'prior to precise specification of works' it may entail important information such as rents and service charges not being available; these are invariably the first questions asked when regeneration schemes and replacement housing are proposed.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The 'future tenure mix' (para 3.5) must be precisely described, so that the amount of, for example, social rent, affordable rent, intermediate housing is clear; an 'affordable/market housing' percentage split would be inadequate.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We broadly agree but suggest that it be made clearer that each adult member of the eligible households (para 3.17) will have a vote (para 3.18). 'Adult' should be anyone over the age of 16.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. We can think of no reason why it should be otherwise, given the policy aims are for London.

We also agree that landlords should have no discretion on eligibility for ballots (para 3.24), for the same reason.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We agree.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No.

Generally speaking exemptions are unwelcome; they can be too readily mis-used to avoid ballots, rather as viability assessments are used to avoid building affordable housing, with a disastrous loss of social housing. The credibility of the estate regeneration guidance policy will also be undermined by exemptions.

Whatever the reason behind a demolition the impact of demolition on residents is the same, so it is not clear why those affected by demolitions 'required to deliver an infrastructure scheme', and with the same need to be rehoused, should be denied the ballot that others have. Indeed, a ballot requirement in such cases might have greater justification than when demolition is solely for estate regeneration. Residents on 'no ballot' regenerations would also undoubtedly have less leverage than estate residents on 'balloted' regenerations, to ensure their proper rehousing.

We are unconvinced that a ballot requirement will undermine statutory provisions, as the Mayor suggests (para 3.29). We cannot see how ballots would 'undermine' compulsory purchase orders, unless it is that the Mayor believes they will be less easily obtained, after a ballot result rejecting demolition; we believe this would be an entirely legitimate outcome, since such a situation would only arise if the ballot result is ignored.

The phrase 'required to deliver an infrastructure scheme' is open to much too wide an interpretation. Many estate schemes are mixed use and entail what might be described as 'major infrastructure requirements' and thus claimed as exempt from a ballot. A situation where it is claimed that the funds realised by an estate regeneration are 'required to facilitate...major infrastructure improvements' is also easily imagined eg estates in the vicinity of the proposed Bakerloo line stations on the Old Kent Rd. We would object to this.

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

We agree that the Mayor and local authorities must respond immediately and effectively to concerns about the safety of estates. This does not mean that demolition will necessarily be the best solution. We are concerned that residents may be persuaded that a decant and demolition are necessary on the basis of the cost of remedying safety issues, where both the costs and safety fears are debatable. In all instances full evidence should be provided. All options (including refurbishments) should be considered for remedying problems and residents should retain the right to be balloted.

Question 12: Do you agree with the proposed exemption where a specialist or

**supported housing scheme is being decommissioned by a local authority?
Why/why not?**

No.

Again, we have similar concerns to the exemption in the case of safety issues. All options around making alterations and refurbishing homes should be considered and residents should be able to make the decision about whether this is a better option than demolition.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

The requirement for a ballot, whether or not a scheme receives GLA funding, should be extended to regenerations that are not yet completed (see our response to Q1). Where there is only outline planning permission and no ballot has taken place, there is a ready opportunity for a ballot before the detailed, full application (or in the case of phased regenerations before the full application for the next phase).

END

1. Background Section 1.2: The Mayor has ignored the historic facts that:

- a. There was no policy for local residents to determine improvement schemes prior to the Localism Act and no mention that consultation has been defined by the Supreme Court ruling of 9 October 2014 by Lord Wilson, Lady Hale and Lord Clarke which defines meaningful public participation and the DCLG Planning Practice Guidance published on 28 July 2017 that gives developers a statutory duty to involve every individual who might be directly affected by a planning application ;
- b. Developers, particularly housing associations, have failed to engage social housing tenants in estate regeneration plans in a meaningful way resulting vast sums of money wasted on glossy promote materials and events that lack of the information local people need about the economic, social and environmental justification and impacts of demolition rather than refurbishing social rented homes;
- c. Since December 2014 when 'regeneration' was announced by Catalyst Housing Group social housing tenants and residents on the Friary Park estate in Acton, London W3 have not known if their homes will be demolished, impacting detrimentally on their health and well-being;
- d. Failure to provide information apart from events to discussed design of the flats for private sale to make people aware of Catalyst private rentals business but refusing to discuss the inevitable costs that will result from displacement and breaking up supportive families and communities;
- e. For the most part regeneration in London has dramatically displaced social housing tenants with demolition of their homes leading to the development of luxury dwellings for much higher income households with developers actively seeking foreign investors;
- f. Estate regeneration has caused a huge loss of social rented homes in London
- g. There has been no funding for replacement with new social-rented homes.

FPPG propose that the Mayor acknowledge that in many instances regeneration has had negative impacts like reducing the numbers of social rented homes in London, displacement of low income households and breaking up strong and sustainable communities and local residents have legal rights to be consulted as early as possible.

2. FPPG also propose that in Section 1.3 & 1.4. the Mayor define '**like for like**' and be specific about house size, population density, tenure, rents and service charges. There is clearly a need for transparency and legal requirements to provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised by developers to test the effectiveness and robustness of procedures around ballots.

3. GLA question 1 on making resident ballots a funding condition for estate regeneration. FPPG agree that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes because the London Borough of Ealing arranged a £30 million loan for Catalyst Housing Group to demolish the Friary Park estate in October 2014 without any discussion with social housing tenants to be displaced or local residents or businesses.

FPPG proposal that the London Plan state categorically that:-

- i) there should be no loss of social-rented homes in any development / regeneration scheme;
- ii) refurbishment must be considered as an option in all estate regeneration proposals;
- iii) landlords be required to commission a full independent comparison of social, economic and environment issues involved in refurbishment compared to demolition.

4. Requirement of resident ballots. It is grossly unfair that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition and this consultation document does address but the Mayor's current proposals allow far too many ways to avoid of ballots. The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute requirement. For example a clear definition of what is meant by 'strategic' estate regeneration is also required.

The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.

It is essential that social landlords provide evidence that residents have been fully involved from the start of discussions and that residents also be provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.

5. GLA question 2. Do you agree with the proposals to trigger the requirement for a resident ballot? FPPG does not agree as we know there should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes to prevent the suffering being currently caused to Friary Park estate residents. All tenants and residents must be treated equally and provided with the same right to a ballot where demolition of homes on their estate is proposed. FPPG is concerned that the numerous proposed schemes of less than 150 homes could be used to avoid tenant ballots and making paragraph 3.5 impossible to deliver given the focus on small sites in the draft London Plan.

6. GLA Questions 3. Do you agree with the proposed scope of resident ballots? Why/why not? FPPG support there being a yes/no ballot on whether there should be any demolition of existing social-rented homes within the regeneration proposals. This would then clear a route to more positive collaboration between tenants, residents and social landlords around possible / potential regeneration, without unnecessary demolition of existing social rented homes.

7. FPPG propose that paragraph 3.6 should include the sentence:
There shall be a full and detailed independent analysis of the social, economic and environmental impacts of any demolition on residents of existing homes with comparisons with refurbishment at the appraisal stage.

Detailed independent analysis will develop proposals for grass roots resident-led schemes as properly conducted research requires residents to be provided with sufficient information on issues to make a solid yes/no decision on demolition at the options appraisal stage. It will also be evidence that independent support for residents has been provided with pertinent information along with the opportunities and funding to prepare their own regeneration proposals within the scope of funding available.

8. GLA Question 4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happened?
As detailed above, it is essential that residents are provided with as much information as possible on what might be achieved without the demolition of social rented homes at an options appraisal stage, prior to ballots being carried out.

There is concern around the level of change that can occur in regeneration proposals over long periods of time such as the Old Oak and Park Royal Development. There needs to be more certainty around:

- i) levels of loss of / demolition of social-rented homes;
- ii) the number of replacement homes,
- iii) tenure;
- iv) rent and
- v) service charge costs.

Where any changes in these crucial elements occur there must be opportunities for further ballots to ensure that the intention of 3.13 is upheld.

Regarding 3.14 – As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of ‘like-for- like’ – requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.

9. GLA Question 5: comments on the threshold, scope and timing of resident ballots.
FPPG supports resident ballots being held at the options appraisal stage with residents provided with as much information as possible on what might be achieved without the demolition. The ballots should be binding so developers cannot make claims about demolitions occurring at some unspecified future date as Catalyst Housing Group are doing so its directors can receive hundreds of thousands of pounds of taxpayers’ money for being a Homes and Communities Agency’s Preferred Delivery Partner when no homes are being built.

10. GLA Question 6. Do you agree with the eligibility criteria for resident ballots?
FPPG propose that paragraph 3.17 be altered and highlighted in bold to ensure that it is clear that adult children, partners of secure tenants and an elderly relative living in the homes but not the listed ‘tenant’ are included along with the social housing tenants with secure, assured, flexible or introductory tenancies and named on the tenancy agreement. FPPG are aware of practical difficulties around determining occupancy due to the wide range of tenancies currently being provided by community assets owners like Catalyst Housing Group. Social landlords should ensure information on tenants and occupants is updated and accurate prior to any ballot taking place. Again, all proposals that include demolition should require a ballot. Tenants should have the same and equal rights around processes for being balloted. Where ballots have taken place that do not meet full and agreed procedures, a ballot/further ballot should still be arranged.

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

12. GLA Question 8: Do you agree with the Mayor’s proposed requirement for implementing ballots?
FPPG agree that a qualified independent body such as the Electoral Reform Services or the Market Research Society should be contracted to carry out the ballot.

13. GLA Question 10. Do you agree with the proposed exemption where demolitions are required to deliver infrastructure schemes?
FPPG does not agree as there are already established statutory provisions in place.

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

FPPG does not agree. Health and safety issues must be the absolute priority but this does not mean demolition is the best solution. Outside of terror attacks buildings will not be so structurally unsafe there no possible remedy to health and safety issues through refurbishment. Demolitions have occurred and residents persuaded to accept being decanted on the basis of the huge cost required to remedy safety issues like the Carpenters Estate but where there evidence provided of the health and safety issues as in a building being structurally unsound, all options including refurbishments must be considered for remedying problems and residents must be balloted.

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

FPPG do not agree. Again, all options around making alterations and refurbishing homes should be considered and residents should be able to make the decision around whether this is a better option than demolition.

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

FPPG do not agree and want time limits stipulated. As the consultation paper makes clear in section 4.3, it can take a very long time following an outline planning permission being granted to submit a full planning application. The FPPG propose that it would be reasonable where there is only outline planning permission and no more than six months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead.

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



Sian Berry, Green Party Member of the London Assembly
April 2018

Introduction

The Mayor has responded positively to an overwhelming desire for estate residents to be given a binding ballot on any demolition plans for their homes as part of regeneration.

In September 2016 I wrote to the Deputy Mayor proposing a set of principles for estate regeneration that should be included in his new guidance. These were:

1. No residents excluded from involvement in making plans for the area
2. Full transparency for information on the current state of estates and the basis for new plans
3. Early and wide engagement with residents, when the goals of the regeneration are still open to change
4. Expert support for residents to develop their own plans for their areas
5. A meaningful final say and real decision-making power over the final options, ideally with a ballot for all residents

The Mayor's draft Good Practice Guide to Estate Regeneration, published in December 2016, was very disappointing.¹ I described it as: "almost useless as a resource for residents who want to hold their councils and landlords to account, take part in developing and putting forward positive new ideas to improve their areas or have a meaningful say in whether their homes are demolished."²

The consultation on the draft ended in March 2017, and 95 per cent of respondents – including me – asked for ballots for residents, even though this was not one of the proposals and was not asked about in any of the consultation questions.³

The final draft of the Mayor's Good Practice Guide was published in February 2018.⁴ This is much improved on the original draft and includes a new funding condition requiring a positive result in a ballot of residents on estates in order to qualify for the Mayor's affordable housing grants. This will go some way to meet the Mayor's manifesto commitment to: "Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation."

However, ballots should also be part of planning policy. They should be held in all cases of estate demolition in order to ensure resident engagement is done properly, and to inform planning decisions by the Mayor and other authorities. The results of a ballot – supporting or opposing a proposal – should be given very significant weight in these decisions.

The Mayor is now consulting on the technical requirements for ballots, and this document is my response to the questions in the consultation document here:

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf>

The consultation page is online here and responses could be submitted until Tuesday 10 April 2018: <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration-consultation>

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

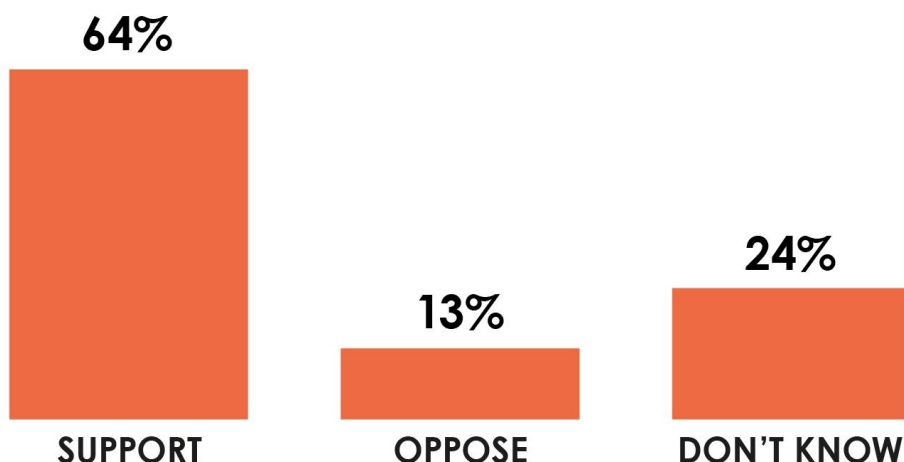
I support the proposal to hold ballots as a condition of funding. However, this principle should be applied as widely as possible, using all the powers the Mayor holds, including planning powers.

The use of ballots in all estate regeneration plans had overwhelming backing in the consultation carried out on the draft Good Practice Guide:

“54 per cent of responses from organisations and 80 per cent of responses from individuals, as well as the Demolition Watch petition and several responses to the Campaign Company consultation, sought a requirement for mandatory ballots on proposals for estate regeneration before any demolition of homes. In all, 1,977 of the 2,076 responses received by the GLA mentioned ballots, with 1,973 of these supporting their mandatory use, and 4 responses opposing this.”

Ballots are also supported by a majority of Londoners. I have commissioned an independent opinion survey of London residents through YouGov.⁵ This found that 64 per cent of a representative sample support this principle, with only 13 per cent opposed.

SUPPORT FOR HOLDING RESIDENT BALLOTS IN ESTATE REGENERATION:



The principle of a ballot should therefore be applied as widely as possible, using all the powers the Mayor holds. However, in the consultation document, the Mayor proposes only to use his funding powers, and says in section 2.5: “Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them.”

This seriously downplays the powers of the Mayor to set planning requirements and make recommendations for processes during planning.

In the draft new London Plan the Mayor is seeking to introduce a wide range of processes that must take place when new plans for areas of London are being made.⁶ These include the use of design panels and the development of new local design codes for small sites (policies D2 and H2), a policy to require transparency in viability assessments where a threshold percentage of affordable housing is not proposed by developers (policy H6), and the introduction of a new Urban Greening Factor assessment method (policy G5).

In planning, almost no issue can be made a fully binding requirement, as it can be for devolved funding decisions. But a process for holding ballots could be made part of planning policy in London, with very significant weight given to the results.

An extract of my response to the draft London Plan policy H10 (Redevelopment of existing housing and estate regeneration) is below.⁷ The Mayor should implement these changes to the London Plan, and also make a firm recommendation as part of his estate guidance that ballots should be held to inform all planning decisions where existing homes are being proposed for demolition.

“I believe that, both in planning and funding decisions, ballots of residents should be held. While I recognise that a positive result in a ballot can only be made an absolute requirement of Mayoral funding decisions, ballots should still be held in all cases of demolition and their results given significant weight in planning decisions by the Mayor and local authorities.

The current version of the Good Practice Guide backs this general principle when it says: ‘The Mayor supports the principle of mandatory ballots as part of estate regeneration schemes where demolition is involved.’

“The application of the Mayor’s Good Practice Guide therefore needs to be a firm requirement of policy in this plan, with ballots required to be held, and their results taken account of with significant weight, in all planning decisions.”

Response to the draft London Plan, Sian Berry AM

Another issue that needs clarification within the guidance is what constitutes ‘demolition’. There are examples of schemes where the overall fabric of the building is planned to be maintained, but with homes remodeled into different unit sizes that mean most or all residents have to move permanently away from the building. These schemes should also be subject to ballots.

The best resident-centered definition of demolition is one that defines it as a process that sees the demolition or reconfiguration to the extent that it requires the permanent departure of a resident from their home.

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

Any funding decision, even for smaller estates, should be dependent on the support of residents being established, and ballots should be used for all suitable schemes. I propose this should be where 10 or more homes are involved (and note that many more than 10 people are likely to live in these homes).

The consultation proposes only to ask for ballots for schemes that would, in planning, be referable to the Mayor for a decision, i.e. schemes that involve the construction of at least 150 homes, regardless of tenure. This has no rational basis, and is also inconsistent with the Mayor's proposal only to use his funding powers to enforce these rules.

All schemes involving the demolition of a minimum of 10 homes should be subject to a ballot, and consent established for schemes smaller than this through individual discussions and negotiations. The Mayor can enforce these requirements directly where these schemes are applying for funding, whatever their size. In planning, ballots should be required to be held under the same terms, and their results given very significant weight in planning decisions, regardless of the authority taking the decision – see my response to question 1.

Question 3: Do you agree with the proposed scope of resident ballots?

I support measures being taken to prevent schemes being split in order to fall below the Mayor's threshold for ballots. However, I am not convinced that ballots should only be held on a single 'offer' from landlords and believe that in many cases several options may be more appropriately put to residents and voted on with a preference system. The level of detailed information required for residents to make an informed decision also needs to be higher than proposed by these draft guidelines.

Sections 3.5 to 3.7 of the consultation document set out the scope proposed:

- I welcome the scrutiny promised in section 3.5 to prevent schemes being 'partitioned' in order to fall below the threshold for ballots (although note that I also propose a lower threshold in answer to question 2).
- Section 3.6 gives more information about what should be voted on, and proposes that "The ballot would be a yes/no vote on a landlord's offer to residents".

- Section 3.7 sets out the level of detail required to be put to residents about the proposals, including: “the estimated overall number of new homes,” and “the estimated scale of demolition of homes.”

I do not believe the criteria set out in sections 3.6 and 3.7 require enough information for residents to make decisions in an informed way. The language should be strengthened to ‘require’ not merely say landlords ‘should’ provide these details. And the list of information requirements should be expanded to include specific information about the fate of each current block and/or home, as well as firm numbers or ranges for the different types of new homes that will be built overall, as well as those to be offered to current tenants. Details required should include home sizes, tenures and other issues of interest to residents such as room sizes, aspect, outlook, communal facilities and outdoor space. Issues such as allocation, locations within the scheme, policies and timing should also be included in the information (as the guidance proposes already), as well as how the impact of construction will be managed.

It is too limiting to expect all decisions to be yes/no on a single ‘offer’ from the landlord. The Mayor has repeatedly cautioned against binary decisions. In many cases single proposals will not be appropriate as a number of different feasible options with varying strengths and weaknesses may emerge from the work done with residents. The consultation document asks in paragraph 3.8 for “an open and transparent options appraisal process” and so all the feasible options emerging from appraisals should be put to a ballot, not just the landlord’s preferred option.

The ballot should be run under a simple Alternative Vote (AV) system, where residents rank options by preference (including where there is single option, where the alternative is ‘go back and think again’ – an option that should also be included where two or more feasible plans are on offer). AV voting systems are a proven way of identifying options with the broadest support from a range of alternatives.⁸

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

Ballots should be held at the latest possible time when there are different, detailed options on the table, with enough information so that people can see the consequences for their own home. Further ballots should be required where any significant aspect of the plan changes following a positive ballot to support a detailed option.

The consultation document as a whole is contradictory on this point. Sections 3.9 and 3.10, reproduced below, ask for a large amount of detail to be given to residents, but also for ballots to be held before the masterplanning stage, and before a development partner is selected, after which there are commonly significant changes to plans.

The vagueness of the information requirements given in sections 3.6 and 3.7 – asking for no more than general promises from councils and landlords – combined with the early stage at which ballots are proposed here, risks creating suspicion among residents. This could lead to

plans being rejected in cases where a later ballot and a greater amount of detail could win resident support.

“3.9 The GLA will encourage social landlords to provide as much detail in their proposals to residents as possible. Landlords should include as much information as is available about design, mix, management proposals, and allocation policies, although the GLA recognises that a number of such details may be developed following a positive vote.

“3.10 A ballot would be the culmination of a period of consultation, engagement and negotiation between residents and their landlord. It would generally take place prior to the procurement of a development partner and/or prior to the precise specification of works. This is so that the outcome of the vote can set the terms of the landlord’s commitments to residents as well as the broad vision, priorities, and objectives that underpin the detailed planning stage.”

The wording of the guidance should make sure that residents are given a choice between detailed options for their estates, at the option selection stage, with minimal changes made afterwards, and it should also require that they have been fully involved in the development of those options.

In terms of timing, this means ballots should be held at the latest possible time when there are different, detailed options on the table, with enough information so that people can see the consequences for their own home. This also means not constraining the scope of ballots to just yes/no on a single option – see my answer to question 3.

Section 3.13 says: “The Mayor expects landlords to honour the outcomes of ballots. This means landlords’ offers to residents should be fulfilled.” However, the proposed process also appears in section 3.11, to allow for significant changes to be made to schemes after a ballot.

Further ballots should be required where any significant aspect of the plan changes following a positive ballot. Criteria for these changes should be set out, and should include issues such as tenure mix, number of homes, building heights, home sizes and other issues that are of importance to residents when approving (or not) a plan for their estates.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

I propose that, in cases where limited demolition is proposed on an estate, the results of ballots should be reported in two parts: for the subset of residents facing demolition, and for the estate as a whole. There should be a ‘double lock’ condition so that a scheme cannot go ahead unless both results are positive. This will ensure two things: wide community support for any approved scheme; and that those facing the greatest impact are satisfied with proposals made to them for rehousing and compensation.

What will happen in cases where a wider estate regeneration plan involves the demolition of a small number of homes is an important issue to get right in this policy. This situation is relatively common for schemes that are mainly infill, but may involve demolishing one or more blocks to make a proposal work.

I have discussed this issue with a range of residents of estates under threat and campaigners and I believe that the process in cases like these should involve a 'double lock' that enables both the wider estate community and the residents facing demolition to reject a plan if their needs are not being met. This would mean a ballot being held for all residents as usual, but the ballot result being reported in two tranches. If either a majority of residents across the estate or a majority of residents facing demolition reject the plans then they should be rethought.

This proposal is not intended to pit residents with different needs against each other, but in fact to guard against this kind of behaviour by landlords.

It should prevent, for example, residents in homes proposed for demolition being given inadequate or unsuitable rehousing and interim housing options within the plans. Conversely, it should also make sure that a small number of residents in a block intended for replacement with a larger building cannot be induced to approve plans that would have an unacceptable impact on the rest of the community.

A double lock ballot is a positive proposal that should ensure that all residents, including those with different needs and facing different impacts, have their expectations met by any plans that are put forward at the detailed stage where a ballot would be held.

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

No, I object to the exclusion of private tenants from the ballot unless they are also on the housing list for the local council, as this risks introducing a 'postcode lottery' due to differing housing allocation policies within London councils. I want to see all residents over 16 years old in homes on the estate given a vote, rather than just those named on leases and tenancies.

The proposed eligibility criteria are set out in section 3.17 to 3.20:

3.17 The Mayor proposes that ballots would be open to all residents on an estate that meet one or more of three eligibility criteria:

- social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement;
- resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or
- any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.

3.18 Individuals who meet more than one of the eligibility criteria would only receive one vote. It is proposed that there is no limit on the number of eligible voters per household.

3.19 The following would therefore only be eligible to vote in a ballot if they had been on the local authority's housing register for at least one year:

- tenants on non-secure/assured shorthold tenancies; and
- homeless households living in temporary accommodation.

3.20 The following would not be eligible to vote in a ballot:

- non-resident leaseholders and freeholders;
- resident leaseholders and freeholders who have been living in their properties for less than a year prior to the ballot; and
- non-residential tenants, leaseholders and freeholders (e.g. businesses).

These proposals exclude from voting a large number of residents on estates who ought to have a say, including:

- private renters who are not on the local authority housing register
- people living in homes who are not named on their lease or tenancy, including large numbers of the young people whose lives will be affected for the longest by any plans
- homeless people living in temporary accommodation.

I believe that all residents over 16 who are living in the estate under any tenancy should be able to vote.

For social housing tenants and leaseholders this should not be restricted to the person named on the tenancy agreement or lease but to all over 16s in the property, whether or not they are on the local authority housing register. The electoral roll could be used to verify a year's residency, at least for over 17s, as residents wishing to vote can request to be added to the electoral roll after their 16th birthday.

The equalities impact of the proposed mandate should be looked at very carefully. I believe that restricting votes only to those named on leases and tenancy agreements could have a huge effect on the ability of many women living on the estate to vote, as well as on younger members of the community who may have the most stake in any provision of new homes in the future.

I agree with the proposal to restrict the vote to resident leaseholders but their residency should not be required for more than one year. All current residents as of a suitable cutoff date should be included.

I would like to see all private renters, tenants on non-secure/assured shorthold tenancies and homeless households living in temporary accommodation included in the ballot too.

Eligibility among these groups should not be limited just to those who are on the local authority housing register. The ability to be accepted onto housing lists has been restricted by many councils recently, and also varies considerably across council boundaries.⁹ The

Mayor should avoid creating a 'postcode lottery' for who is able to vote on the future of their homes in this way.

I would also like small businesses who have been based on the estate for more than a year given one vote each in any ballot, rather than being completely excluded.

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

I agree that there should be consistency across London in the application of these ballots and who can vote.

See my response to question 6 for concerns about inconsistency if being on a local authority housing register is made a condition of voting for social tenants or private renters.

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

I fully agree with the proposal that "a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot," would like this to be made a firm condition of the new guidance, and would like the Mayor to maintain a list of approved providers.

Paragraph 3.25 says that the Mayor 'believes' an independent body like Electoral Reform Services 'should' supervise the ballot. I agree but the wording of the final funding guidance on this needs to make this a firm condition and to say 'undertake' rather than 'supervise'. It is important to note that the independence of Electoral Reform Services is well established, and that its reputation for confidentiality and good practice is clear.

Residents on estates will become very suspicious – and the process of carrying out ballots will quickly fall into disrepute – if new companies that do not clearly demonstrate their independence with a high degree of transparency and accountability spring up and start being contracted by councils to hold ballots.

I propose that the Mayor maintains a list of approved, reputable providers in order to prevent this from happening.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

I believe the Mayor should be helping residents who do not get support from their landlords to devise their own plans. This should include a way for them to access truly independent advice and expert support through City Hall in order to examine information provided by their landlords, and to develop, assess and cost their own alternative plans where these ideas are being formed.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme?

I agree with this exemption where the land is needed directly to support major infrastructure, but not in cases where estates are merely 'linked' to such schemes. The wording of this section leaves open too many opportunities for this excuse to be used across wide areas around major infrastructure schemes.

The successful application of this exemption very much depends on the definition of 'infrastructure'. Given the clear statutory processes that exist for compulsory purchase where truly major infrastructure is required, I would agree with the exemption in these cases. The processes involved give residents wanting to oppose the demolition of their homes a clear way to make their case and ensure it is listened to.

However, I would remove the last, additional, part of this proposal, which appears to add a potential loophole for landlords to argue that many other proposals qualify for an exemption because they are 'linked' to major infrastructure plans. The entire Old Oak Common area could be covered by this exemption as it is written, for example.

Where other statutory processes are not involved, ballots should still be held and used as a condition of Mayoral funding in all but very exceptional cases. In these cases the results of a ballot should be clearly known to decision makers who are implementing any exception, rather than a ballot not being held.

[from section 3.29]

"He therefore proposes to grant an exemption to the proposed funding condition where proposed demolitions form part of a major infrastructure scheme with statutory underpinning (e.g. a Hybrid Bill or a Transport and Works Act Order), or on a case by case basis where the landlord can demonstrate that the demolitions are required to facilitate a scheme linked to major infrastructure improvements."

Question 11: Do you agree with the proposed exemption where the demolitions are required to address safety issues?

I disagree – while the decision to demolish may fall under other legislation, in these cases a ballot on replacement home plans should still be held.

Again, as one of the purposes of a ballot is to help ensure residents' needs and wishes for rehousing are being met, there is no reason not to hold a ballot in these cases. The case for demolition may be very clear on safety grounds, and so a positive result may be expected and a negative result may not be able to be respected by a long delay to find a better solution.

However, as the vote in this case would be on the option being offered for rehousing, a positive result should be worked towards by landlords. A ballot on replacement plans should still be held and be used as a condition of funding and a factor with significant weight in planning in the normal way.

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

Again, there is no reason why a ballot should not be held in this case and its results used to assess the adequacy of the proposed offer to residents for rehousing. There should be a high bar to any exemption for a binding ballot on demolition being allowed.

Such plans are often part of a wider reassessment of provision being made for other reasons, which may be compelling. In these cases, while the results of a ballot may not always be binding in terms of the decommissioning of a facility, the wishes of residents and their view of the proposed strategic changes to services should be established as part of the process, and a binding ballot should still be held on options for rehousing.

The Mayor should also have a very high threshold for allowing this exemption to be used on the question of demolition itself – the words in the current consultation are very vague and the condition should be along the lines of “very strong technical or financial reasons”.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Not at this time.

Question 14: Do you agree with the proposed transitional arrangements?

It makes sense that any funding agreements signed before the publication of these new draft conditions on funding should be honoured without new conditions being imposed. But the Mayor should pause any new funding contracts being signed until the new arrangements are in place. He promised to do this at the March 2018 Mayor’s Question Time meeting.

Transparency is vital. In order that residents are fully informed about what happens during the transition to the new arrangements, we must be able to see what has already been signed off for funding as of the date of the publication of the guidance (2 February 2018).

We must also see a commitment to transparency and a process set out for how funding applications and decisions will be made more public in future.

This could include, for example, the publication of a funding application register along with the likely timetable for progress through the stages of funding approval. This will help give residents of estates notice that a ballot is to be expected and give them chance to prepare and ask for any information from their landlord that they believe they will need in order to make an informed decision. It will also help residents who want to put forward their own proposals for evaluation.

Londoners would be very unhappy to see any schemes signed off for funding during the period of transition, I am pleased that the Mayor has promised a pause to any new funding contracts being signed until the new arrangements are in place. In addition to this promise during MQT in March 2018, the Mayor suggested that councils and landlords who are currently applying for funding for schemes involving demolition should commission a ballot while these details are being determined.¹⁰

However, I am very concerned at the number of schemes that have been signed off in the period of nearly 11 months between the end of the consultation on the draft guide (14 March 2017) and the publication of the new guide and these new proposals for ballots (2 February 2018). I have not received a decent answer to my two written Mayor's Questions asking for information about this.¹¹ However, disclosures under Freedom of Information have revealed that 34 estate schemes have had their funding contracts signed during the period, and that 16 of these deals were struck during the final two months before the new policy was announced.¹²

I am extremely disappointed to see this from the Mayor. These actions will be felt as a blow and even a betrayal for the people living in homes proposed for demolition on some of the controversial estates where funding deals have been signed off.

Paragraphs 4.3 to 4.5 set out the Mayor's proposed transition arrangements.

I disagree with the proposal in paragraph 4.3 that ballots would not be required before funding decisions are made if a scheme already has full or outline planning permission.

Outline planning permission often does not contain anywhere near the level of detail required for residents to know the fate of their homes or the final outcome of schemes.

I broadly support the proposal in paragraph 4.4 not to apply a condition for ballots retrospectively to funding decisions that are already in contract. However, as I say in response to question 2, I would like to see a strong recommendation from the Mayor during the transition that for schemes without planning permission a ballot should be held to inform planning decisions. Schemes with funding agreed within a broader programme, where the specific use of the funds within an estate project has not been considered by the Mayor should also not be exempt from a ballot.

In paragraph 4.5 it is proposed that surveys and consultations already held by councils will be used by the Mayor as a substitute for a ballot in some cases, even after the transition period. This worries me, as residents have pointed out many deficiencies in council ballots in the past and, in general, do not have faith in these processes. **An exemption should only be**

applied where a truly independent ballot has already been carried out, using one of the Mayor's recommended providers (see my response to question 8). However, the Mayor appeared to contradict paragraph 4.5 at the March 2018 Mayor's Question Time meeting, indicating that there would be no flexibility on the requirement for an independent ballot.

In some cases, there have been council consultations whose results conflict with resident surveys. The Mayor should recommend an independent ballot is held to decide between conflicting results.

References

¹ Draft Good Practice Guide to Estate Regeneration. Mayor of London, Dec 2016

<https://www.london.gov.uk/sites/default/files/draftgoodpracticeestateregenerationguidedec16v2.pdf>

² Mayor's guidance won't stop estate demolitions. Sian Berry, Mar 2017 <https://www.london.gov.uk/press-releases/assembly/sian-berry/mayors-guidance-wont-stop-estate-demolitions>

³ The Mayor's draft Good Practice Guide to Estate Regeneration Consultation Summary Report. Feb 2018 <https://www.london.gov.uk/sites/default/files/draft-good-practice-guide-to-estate-regeneration-main-consultation-summary-report.pdf>

⁴ Good Practice Guide to Estate Regeneration. Mayor of London, Feb 2018 <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/good-practice-guide-estate-regeneration>

⁵ Respondents were asked the following question: 'The Mayor of London has announced that any regeneration plans that will receive funding from his office, and that involve the construction of at least 150 new homes but the demolition of existing homes, should be voted on by existing residents. Do you support or oppose this policy?' All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 1,155 adults. Fieldwork was undertaken between 12th - 15th February 2018. The survey was carried out online. The figures have been weighted and are representative of all London adults (aged 18+). Details here: <https://www.london.gov.uk/press-releases/assembly/sian-berry/london-backs-vote-for-residents-over-demolition>

⁶ Draft London Plan. Mayor of London, Dec 2017 <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/download-draft-london-plan-0>

⁷ Response to the draft London Plan. Sian Berry AM, Mar 2018 <https://www.london.gov.uk/what-we-do/publication-sian-berry-response-draft-london-plan>

⁸ Electoral Reform Society. Alternative Vote information. <https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system/alternative-vote/>

⁹ Vulnerable people 'trapped in homelessness' due to law. BBC News, Feb 2018 <http://www.bbc.co.uk/news/uk-england-42919703>

¹⁰ Video of MQT questions with Sian Berry on estate ballots, 22 Mar 2018 <https://www.youtube.com/watch?v=G4fNtLMZMEA>

¹¹ Estate regeneration funding contracts, MQ 2018/0401, 22 Feb 2018 http://questions.london.gov.uk/QuestionSearch/searchclient/questions/question_297947 and Estate regeneration funding contracts, MQ 2018/0826, 22 Mar 2018

http://questions.london.gov.uk/QuestionSearch/searchclient/questions/question_298446

¹² http://www.sianberry.london/news/2018_03_23_mayor-betrays-34-estates-over_ballot/



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BY EMAIL & POST

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27th March 2018

Dear Mayor,

CONSULTATION ON BALLOTS IN ESTATE REGENERATION

REPRESENTATIONS FROM COUNTRYSIDE PROPERTIES

Countryside Properties Plc have the pleasure of submitting representations in response to the Mayor of London's Consultation Paper on resident ballots for estate regeneration projects for your consideration.

As you are probably aware, Countryside are currently working in partnership with the Mayor of London to create exciting new places that people will love now and in the future, right across the Capital. Some of our estate regeneration projects include Acton Gardens, Ealing; St Leonard's Court, Hoxton; Alma Estate, Enfield; and Brook Valley Gardens, Barnet. We are also currently engaged in the tender process to become the preferred developer on a number of notable estate regeneration projects in the Capital. A number of our projects benefit from Housing Grant received by the Mayor either directly or indirectly via Registered Provider partners.

We consider that existing residents have a strong voice and ability to shape/influence estate regeneration proposals if effective and meaningful consultation is undertaken from the outset by Councils and Developers. However, there is a real risk with the proposed ballot that some estate regeneration projects will not go ahead in the future and that the wider economic, social and environmental benefits arising from projects of this nature will not be realised. Everybody deserves to have a voice, not just a few, and policies should be shaped to promote equality for all Londoners and we therefore implore the Mayor to adopt more stringent requirements for effective community consultation on estate regeneration projects in receipt of Housing Grant rather than enforcing a 'minority' ballot.

The Mayor is concerned about lack of power/influence on estate regeneration projects, however as set out within paragraph 3.14 and 3.15 in the consultation paper, the Mayor has the planning powers to refuse estate regeneration schemes if they are not in accordance with planning policy. We therefore don't see any reason why the Mayor needs to introduce additional/duplicate powers.



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As acknowledged by the Mayor of London within the Draft London Plan (December 2017), London is in the midst of a housing crisis. We are concerned that the proposed ballot would add further policy constraints/barriers to estate regeneration projects, which are important in helping the industry deliver the much needed affordable and market homes that the whole of London needs.

We have structured our comments according to the consultation questions and these are set out below.

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

We do not agree with the Mayor's proposals to make residential ballots a funding condition on estate regeneration schemes. It has the potential to restrict our ability to create places that truly enhance the quality of life for all. Estate regeneration projects are complex and it often takes time to win the hearts and minds of residents and get them to embrace change. For example, at the outset of our Acton Gardens project only 20% of residents were in favour of the project but this has now risen to 90% after only 5 years.

We agree with the principle that estate regeneration projects should only proceed if there is wide spread support for a scheme. However, the Mayor's existing statutory (The Town and Country Planning (Mayor of London) Order 2008) and non-statutory town planning powers enable the GLA to fully take account of this. The Mayor of London is consulted on all planning applications that are of potential strategic importance ('PSI') in London. PSI applications are defined in the Schedule attached to the Town and Country Planning (Mayor of London) Order 2008 ('the Order') as developments comprising more than 150 residential units, the same threshold that is proposed for ballots. In our opinion this seems unnecessary duplication, especially when the Mayor has Stage 1, 2 and 3 powers and ability to determine an application.

In addition to the above, whilst pre-application consultation is non-statutory, the reality is that any proposals for an estate regeneration scheme are going to be subject to consultation with the GLA at this stage. This provides GLA Officers the opportunity to fully scrutinise the community consultation that has been undertaken, including engagement with existing residents and brief the Deputy Mayors (James Murray and/or Jules Pipe) or Mayor accordingly.

As you are aware, the Mayor has recently concluded consultation on the Draft London Plan (December 2017) and whilst a new London Plan is unlikely to be adopted until Autumn 2019, the Mayor is proposing the following policies that he can draw upon to control estate regeneration projects:

- Draft Policy GG1: Building strong and inclusive communities; and
- Draft Policy H10: Redevelopment of existing housing and estate regeneration.

The Mayor has also published his Estate Regeneration Good Practice Guide which is a material consideration in the determination of a planning application. We are aware that GLA Officers are requesting checklists of compliance with the measures set out within the Estate



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Regeneration Good Practice Guide to be submitted with planning applications referable to the Mayor and we support this approach rather than the proposed resident ballot.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

This has been primarily covered in our response to question 1 above, however we do not agree with the principle of having a ballot where more than 150 affordable or leasehold homes are proposed for demolition in order to facilitate regeneration. We consider that existing residents have a voice and ability to shape/influence estate regeneration proposals if effective and meaningful consultation is undertaken from the outset by Councils and Developers.

If the Mayor proceeds to implement resident ballots, then aligning the trigger for ballots with the Mayor's planning application referral threshold is considered to be a reasonable approach. In relation to paragraph 3.3, the ballot is supposed to relate to the demolition and re-provision of social housing, we therefore query why resident's within freehold properties acquired under the Right to Buy, Right to Acquire or Social HomeBuy would get a vote whilst other members of a community are not entitled to a vote.

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

We agree that existing resident's should have a strong voice and ability to shape regeneration proposals, however they are one part of a wider community that benefits substantially from estate regeneration projects. If there are to be ballots, then this should not be purely focused on social tenants, resident leaseholders/freeholders and residents who have been on the housing register for at least a year. What about schools, health services, businesses, community or sport facilities and existing resident's surrounding an estate that can benefit positively from estate regeneration proposals? Surely these people have an important voice in shaping the places where they live?

The Equality Act 2010 seeks to ensure that an authority "*when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage...*" and the Mayor's Equal Life Chances for All, Policy Statement 2009 seeks to "*ensure that all formal decisions are assessed for their impact on equality, inclusion and community cohesion and that an appropriate equality impact assessment or integrated impact assessment is carried out on all strategies, policies and appropriate programmes*".

We note that an equality impact assessment has not been published to inform the proposed policy on residential ballots. We consider that this should be undertaken and that the proposed resident ballot policy as currently drafted is discriminatory against other people within our communities.



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Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Yes, if a ballot does happen, then we fully agree that this should be at the outset of an estate regeneration project prior to the procurement of a development partner. This will help to ensure that public and private sector resources and finances are used efficiently before a project progresses too far. However, there is a real risk that without detailed masterplan information upfront, prior to a vote, that residents will air on the side of caution and ultimately estate regeneration projects will not proceed.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The consultation paper is absent on what happens if the outcome of a ballot is 'no'. Is there a set time period that must lapse before a ballot can happen again? If public sector funding is invested into making homes on an estate 'fit for purpose' following a 'no' vote, then is there a prescribed period of time before demolition of the existing stock can be reconsidered? Likewise it is conceivable that an estate regeneration project could proceed at the outset without Housing Grant funding from the Mayor. However, the development economics of a project could shift and result in Housing Grant being required to ensure that a scheme remains economically viable. In this instance, would a ballot be required even if Planning Permission to demolish the existing buildings/homes on an estate has been granted? This should be clarified in the document and we would suggest that if an extant planning permission to demolish existing buildings is in place, then any subsequent need to secure grant during a later stage of the project would not trigger a ballot.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

No. We believe that residents should have a strong voice and ability to shape regeneration proposals, however they are one part of a wider community that benefits substantially from estate regeneration projects. If there are to be ballots, then eligibility should not be purely for those living on an estate. As highlighted above in response to question 3, we believe that all residents, businesses and community groups that could be directly affected by regeneration works should be thoroughly consulted. Residents on the Council's housing register for at least one year, have the potential to be eligible for new affordable homes that are delivered as part of estate regeneration schemes but may not be living within an area that is directly affected by regeneration works. We therefore believe that any eligibility criteria should be focused on people with an association to the wider place.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

If the Mayor does adopt a policy which requires resident ballots on estate regeneration schemes benefitting from Housing Grant, then we agree that the eligibility criteria should be the same for all schemes. This will avoid any potential ambiguity and scope for misuse of the ballot procedure to stall/jeopardise estate regeneration projects from proceeding.



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Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

If the Mayor does adopt a policy which requires resident ballots on estate regeneration schemes benefitting from Housing Grant, then as set out within paragraph 3.25 of the consultation paper, we agree that this should be by a qualified independent body such as the Electoral Reform Services.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes we agree with this in principle but, if the Mayor proceeds to implement resident ballots, then the definition of a major infrastructure scheme needs to be clearly defined. Paragraph 3.28 and 3.29 refer to the "crucial role that infrastructure schemes play in London's economy and for a wider population" and demonstrating that "the demolitions are required to facilitate a scheme linked to major infrastructure improvements".

We would argue that a number of our estate regeneration projects have major infrastructure benefits (i.e. transport enhancements, schools, healthcare, community provision, public open spaces, shops, office floorspace etc) that help to enhance the quality of life and economy for a wide population and that there is a compelling case to grant exemptions to the proposed resident ballot in these instances. This should be clarified in the document.

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

Again, we agree with this in principle but consider that the criteria that constitute an unsafe building or home need to be clearly defined by the Mayor if he proceeds to implement resident ballots. This could be achieved by expanding the exemptions section of the paper or adding a section that defines key terms.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes.



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Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

We would like to suggest 2 additional exemptions if the Mayor proceeds to implement resident ballots:

1. We consider that the Mayor should have the ability to recover a project and have the ability to override matters if a 'no' vote has been received and there is clear and compelling evidence that the wider public benefit of an estate regeneration project would clearly outweigh any disruption caused to local residents from a single move decant process; and
2. If the economic cost of refurbishing an existing estate, to ensure that homes meet the minimum decent home standards and that supporting infrastructure is fit for purpose, is demonstrated to be uneconomical following a 'no' vote, then we consider that Mayor in partnership with a Local Authority should have the ability to recover an estate regeneration project and have the ability to override the vote if considered appropriate.

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

We are happy with the proposed transitional arrangements should the Mayor proceed to require resident ballots on estate regeneration projects.

Summary

We trust that these representations are helpful to the Mayor of London and Countryside look forward to continuing to work with the Mayor and his team at City Hall on existing and future estate regeneration projects that they are delivering.

If there is anything that Officers would like to discuss further, please do not hesitate to contact me at these offices.

Yours sincerely,

Jim Dodd
Land and New Business Director



Proposed new funding condition to require resident ballots in estate regeneration G15 consultation response

Introduction

The g15 group of housing associations provide a home for 1 in 10 Londoners and together we deliver on average 10,000 new homes per year for the capital. We are currently on site at numerous regeneration schemes in the city. The Mayor's proposed changes to funding conditions for estate regeneration are therefore significant for us both as a collective and as individual housing associations.

Many of our members have forged a way in working with communities to improve the quality of homes and amenities, and increasing density to deliver the new homes that London so desperately needs. Through this we have developed best practice in resident engagement, winning awards for our regeneration expertise.

We have experience of delivering estate ballots with some members having done so previously for certain regeneration schemes. While we would not challenge the need to be listening to the voices of our residents and of Londoners, based on our experiences we feel that the some adjustments are needed to the proposal to introduce mandatory estate ballots for regeneration schemes in receipt of GLA grant funding. Through this response we highlight the potential consequences of such a decision, and proposals for how these consequences can be mitigated. With these practical adjustments we will happily support the Mayor in his decision to implement this policy. Appendix 1 sets out questions of clarity arising from the papers.

We look forward to continuing to work in partnership with the Mayor and the GLA to build new homes, regenerate communities, and put a roof over the heads of London's residents.

Our recommendations

- The scope of the ballot should be reviewed and limited to a yes/no decision on the residents' housing offer, with the wider vision and objectives of the scheme developed through more detailed consultation with the wider stakeholders.
- [REDACTED] ballot is triggered only when a minimum of 33% of all homes on estates are proposed for demolition. A ballot result should only be valid with a minimum turnout of estate based eligible voters.
- The Mayor should explore increasing the level of gap funding available to protect the delivery of social rent units on regeneration schemes, to mitigate the likely consequence of lower density proposals and reduced opportunities for cross subsidy.
- The exemption for estates where safety issues arise must remain in policy, to enable us to deliver our landlord duties around health and safety.
- In the case of local authority regeneration proposals, abortive costs should be shared equally between the selected housing association, local authority and the GLA – with costs for successful proposals rolled into total scheme costs.
- The absolute exemption of all stock which has not had the benefit of public subsidy should be clearly stipulated in policy, as should the exemption of schemes taken forward without public money.
- We welcome the indication given by the Mayor that mandatory balloting will only apply to new schemes which have not yet secured planning, and propose that this assurance be extended to all committed projects in pipeline where costs have already been incurred, including for future phases of existing schemes.

Scope of ballot

The g15 are clear that all stakeholders who might benefit from or be detrimentally affected by future regeneration should have a say in the proposals, but this should be through consultation rather than through balloting. The practicality of delivering a very wide reaching ballot would be limited. For example, the consultation document sets an ambition for those on the list for over a year to be included in the ballot. It is ambiguous as to whether only those living on the affected estate who are registered on the list will have a vote, or all those within the borough, and we ask for clarity on this.

In the event that all those on a list were to be balloted, this could amount to several thousands of people, which in our view does not offer good value for money. Housing providers will be unwilling to commit the considerable resources required to deliver such a ballot. These individuals (and small business owners or non-residential tenants) are better reached through consultation, not least because effective consultation allows individuals to express a range of preferences relating to the regeneration, rather than a binary yes/no support for redevelopment.

We would therefore put forward an alternative but aligned option which we would strongly recommend the Mayor consider. The g15 would support focussing the ballot to a yes/no response on the residents' housing offer only, and omitting the stipulations that the ballot consult on "the broad vision, priorities, and objectives for the estate regeneration". These should then be explored and developed through longer term consultation with both residents and the wider stakeholder group, who have a legitimate right to express their views and preferences in the process. Several of our members have expressed concern about the binary nature of the ballot in the current proposal, as residents should be able to give preferences on specific parts of the offer, and not just express a yes/no view on whether or not to proceed with the proposals. By relating the ballot question directly to the housing offer, wider consultation can proceed in tandem and according to the best practice currently employed by many of the g15.

Further to the above, we have several points of clarity which we would ask the GLA to amend in the final policy. These are included in appendix table 1. Another key point which is unclear in the current draft is whether those renting through intermediate products – such as intermediate/discounted market rent which received public subsidy – are classified as private tenants (and therefore not entitled to a vote), or as social tenants.

Finally, in response to consultation question 7, the criteria should be the same for all schemes to avoid over complication and improve the ease with which this policy can be introduced.

Thresholds for ballots

We are concerned that the current policy stipulates a ballot for proposals involving the demolition of a single home, which would be excessive. When applied at the extremes there is a risk that normal development of a site could be mistaken for the regeneration of an estate. Where the number of homes to be demolished is clearly out of kilter with the total number of homes on the affected estate, in-depth discussion should be carried out and provision of alternative accommodation for the small number of households set to lose their

homes. We would note that the recently published [National Estate Regeneration Strategy](#) endorsed votes before complete demolition, but workshops or surveys for partial demolition or refurbishment.

We therefore propose that a threshold should be introduced in policy for the minimum percentage of homes to be demolished which would trigger a ballot. This could be set at 33% of all homes on the estate (vacant or occupied).

[REDACTED]

It is also important that a minimum percentage of eligible residents on the estate vote in favour of the ballot for the result to be valid. For example, with a low turnout rate, a small number of residents could hold plans to ransom and prevent the proper course of regeneration schemes. As a group we have discussed what this level should be set at and 50% was the most promising level, although there was not total consensus. We would be interested in continuing engagement with the GLA in this area, to work through options and determine the most appropriate level. For example, research could be undertaken to understand average turnout of similar votes. Finally, we would highlight that if the threshold is not met, the ballot should be considered null rather than a 'no' vote, enabling a re-ballot.

Density and like for like replacement

The g15 would like to highlight that there is a central tension between the Mayor's increased drive for production of new homes, and the intensification of risk taken on by housing associations due to the introduction of tenant ballots. Mandatory ballots are likely to restrict the extent to which density can be increased. Residents will, reasonably, wish to preserve parking or green space currently available to them, which might be earmarked for new housing under proposals, and will be exacting about provisions for daylight, parking and green space in the new plans. Our members are in agreement that lower density proposals are likely to be a consequence of the combination of tenant ballots. Lower density will reduce opportunities for cross-subsidy and affect the viability of regeneration projects, particularly due to the expectations on like for like replacement of homes and rent levels.

In short, the introduction of a ballot will make the successful delivery of regeneration schemes more challenging and more expensive, and this is interconnected with like for like replacement and issues of viability. If the Mayor is committed to the introduction of these two policies, we would recommend that he looks to increase gap funding, in particular to maintain provision of social rent, or to secure more support from central government to prevent housing associations from reducing their regeneration activity.

[REDACTED]

Refurbishment or demolition and rebuild

Similarly, the Good Practice Guide establishes a preference for refurbishment of estates rather than demolition and rebuild, building on policy 4.3 of the Draft Housing Strategy. We are pleased that the consultation document introduces an exemption to this for where there are concerns about the health and safety of buildings and residents. In our view, our landlord duty to provide a safe home must come above all else, and cannot be fettered by other policy objectives. We therefore welcome the introduction of this exemption and offer our support. We ask for clarity on whether safety concerns encompass only fire safety, as in our view they should also include construction issues.

As noted in our response to the Housing Strategy, we can share several case studies of best practice in favour of refurbishment or demolition and rebuild, and strongly believe a one size fits all approach will not always result in the best outcome for either residents or the wider community. We know of several housing estates within g15 portfolios where the stock condition is failing and it is not cost effective to maintain, or where the properties are too small to meet modern day standards and housing need, [REDACTED]

[REDACTED]. In the absence of grant for refurbishment, demolition and rebuild would be the only suitable option. As a group, we would not be willing to refurbish estates where it is not economically sensible to do so, for example, where costs of refurbishment are close to or equivalent to the cost of building a new home but will only provide an additional 20 years of property life. This would create a tension with our public duty to provide value for money. In addition there is the possibility that uneconomic refurbishment will produce sub-optimal home designs.

We have also seen examples where refurbishment would be feasible but not desirable. [REDACTED]

In our opinion, ongoing consultation and engagement with residents is more likely to produce outcomes that overall fit with communities' needs and wants, than a binary choice ballot taken at a single point in time. We would caution that the introduction of a mandatory tenant ballot alongside a presumption in favour of refurbishment could result in some housing providers seeking to sell estates in need of substantial remodelling, rather than take on the considerable risk of developing proposals sufficiently to take to ballot.

Abortive costs

Our interpretation of the draft guidance is that ballots should be taken at an early stage in the process. However, the earlier this is held, the fewer firm details will be available on which eligible parties can base an informed vote. Our experience tells us that the detail of the resident offer can only be established after costly and time-intensive feasibility testing has been undertaken, and that residents are more likely to vote

for clear and developed proposals. In addition to expenditure at the bid stage, planning work for local authorities and the GLA is often undertaken at risk. In some instances, independent tenants/leasehold advisers are needed to support delivery of a proposal. We are therefore concerned about potentially abortive significant expenditure incurred during this pre-ballot stage.

[REDACTED]

Resident ballots will increase the costs of any bid for new work, and will significantly increase the risk that such work will be abortive. It would not rule out pursuing certain opportunities altogether, as schemes will often be in good locations and generate a reliable pipeline of homes. It will however make it more attractive to housing associations to pursue other simpler opportunities, not least when the steer from the regulator is to focus on cost control and efficiency. We therefore highlight the potential knock-on impact of mandatory ballots on the g15 and Mayor's mutual ambition to increase the availability of low cost housing in London.

The g15 would ask the Mayor to consider the sharing of abortive costs – including scheme design, ballot preparations, and resident consultation – between the housing association or developer, the relevant local authority, and the GLA. In the event of a successful ballot, these could be rolled into the overall scheme costs at no expense to the GLA or the local authority.

Exemptions

Balloting must not be made mandatory for regeneration works being carried out without GLA funding. We recognise that the policy proposal in its current form does not indicate that this will happen, but there is some concern that boroughs may seek to make the best practice guidance a broader requirement for planning. Were this to happen, it would prove hugely problematic. A particular example would be for the redevelopment of Victorian estates with floor areas below London Plan standards, where as noted above replacement on a like for like basis would be especially difficult to achieve in planning and cost terms. It is important for us to highlight that we are independent organisations, many of us over 100 years old, and we need to retain control over our important historic stock.

The g15 therefore propose that the GLA should stipulate in policy the absolute exemption of stock which has not ever had the benefit of public subsidy, or where stock will be taken forward for regeneration without subsidy. The requirement for ballots should not be permissible in planning policy. We will, of course, undertake detailed and consultation with residents for these schemes throughout the regeneration lifecycle.

Negative campaigning

It is important to highlight that the proposal to introduce mandatory estate ballots, particularly those with binary yes/no options, amplifies the risk of intimidation by a particular group or individual to influence ballot outcomes.

[REDACTED]

through the introduction of a minimum ballot turnout. We also wonder whether an independent observer is required for large/high risk schemes.

Transitional arrangements

We welcome the indication given by the Mayor that mandatory balloting will only apply to new regeneration schemes which have not yet secured planning. We propose that this assurance should be extended to all committed projects in pipeline where costs have already been incurred above a certain threshold, such as those relating to scheme design or resident consultation, or for example with future phases where we are midway through development. As noted above, we are concerned about the potential abortive costs which could be incurred to take regeneration projects to the point of balloting. For the schemes in pipeline, even where planning has not yet been agreed, these costs were incurred in good faith prior to the introduction of this policy. We would happily work with the GLA to determine what an appropriate threshold for incurred costs should be. Equally, we could be in a position to supply a list of schemes currently in process for which we feel the GLA should provide a clear exemption to the mandatory balloting requirements.

We would also note that the proposals indicate a requirement for a ballot if there is a 'significant change' in the proposals. We would suggest an exemption should be considered for instances where any planning amendments increase the amount of affordable housing, to control the risk of dissuading developers from enhancing existing schemes to better reflect new products, planning policy and technology all of which could result in more affordable homes.

Summary

The g15 group are, for the most part, active developers. We are pleased to work in partnership with the GLA and the Mayor to house a significant proportion of London households, and increase supply of new homes for the capital. Regeneration is one key way in which we can work together to achieve these strategic objectives, and over the last 30 years many members of the group have developed considerable expertise in delivering high quality successful schemes that better serve local communities.

The g15 asks the GLA to carefully consider the recommendations made through this document as we believe with the right practical amendments, this policy can be reshaped and successfully delivered in a way that works for the Mayor, housing associations, and London's residents alike.

There are a number of suggestions in here which we recognise could be more clearly defined and we would be pleased to continue to have open dialogue with the Mayor on these matters.

Further information

[REDACTED]

Appendix 1 – Points of Clarity

Point	Feedback
3.1	What is an estate? For larger sites this is clear, for a small block with surrounding street properties the distinction is unclear. We recommend the introduction of a clear and transparent definition.
3.3	The policy would currently trigger a vote if one affordable home is demolished for a large scheme delivering 100s-1000s of new homes. This should be amended to trigger a vote where a minimum number of homes are intended for demolition, expressed as a percentage of all homes. We would suggest 33% to be an appropriate benchmark.
3.14	Where homes are demolished at social rent levels, should they be replaced at the new London Affordable Rent benchmarks or on the original social/target rent product?
3.14	Clarity is required on whether rent type is protected, or precise rent level? This should only be for returning residents.
3.14	Does like for like extend to accommodation type, i.e. can houses be replaced with flats? This should be the case; otherwise it will create issues of density.
3.16	How do you determine which residents would be directly affected by regeneration works? Is eligibility limited to only those households whose homes will be demolished, or everyone on the estate?
3.17	Confirmation required on understanding that partners and household members do not have a ballot vote if not named on tenancy agreement. Adult children will only have a vote if they meet the eligibility requirements for a vote through the waiting list route.
3.17	Clarity required on eligibility to vote through the local authority waiting list. Will all on the local authority list have a vote regardless of whether they have a connection to the specific estate or smaller locality? This would be impractical.
3.17	We understand the intention is that long term residents of temporary housing should have a vote. Is registration on local waiting list sufficient to achieve this? For example it will not pick up where local authorities have discharged their duty to social landlords but residents retain a temporary housing AST.
3.17	Are voters considered adults at age 16 or 18? We recommend 16, as there are some circumstances in which we may have tenants of the age 16 or 17, and these residents have a legitimate right to vote.
3.19	Tenants on non-secure tenancies (assured shorthold tenancies) are only eligible to vote if on housing register for more than 1 year. Confirmation needed that fixed term tenants are considered to have flexible tenancies rather than ASTs.
3.21	Do those residing in housing association accommodation on intermediate products – such as London Living Rent, or IMR – fall within the private or social rent categories?
3.26	There should be a minimum turnout of all eligible voters for the result to be valid, and failing to meet that threshold should render the vote null rather than ‘no’.
3.26	Will a majority of 1 vote be sufficient, or should recount reassessments be required for close results? We suggest the latter but welcome guidance on how close a result can be to trigger this eventuality.
3.27	For exceptions in response to safety concerns – does this encompass only fire safety? Or also poor construction, fear of crime or ASB that cannot be resolved?

Achilles Street Stop and Listen Campaigns response on Mayor's Proposed new funding condition to require resident ballots

- Agree Ballots should be made a condition for all estate regeneration schemes
- All existing estate regeneration scheme residents should be balloted including the 34 recently signed off for GLA funding.
- The minimum number of homes demolished to trigger a ballot should be 1 home (A decision to demolish a single home shouldn't be taken lightly).
- Funds and resources should be made available for alternative resident's proposals, legal help and Independent consultations
- Ballots should be held at the latest possible time when there are different, very detailed plans of all the options for example refurbishment, infill and with detail information including information on costing, time scales and all impacts.
- Further ballots should be required where any aspect of the plan changes
- We want to see Independent Social, financial, environmental, equalities impact assessments

Very Detailed information should be presented to all those affected in advance of any ballot including:

- All options including refurbishment and infill should be pursued with the same amount of resources and time as the councils often preferred option of demolition so residents have a genuine choice.
- A stop to the vague meaningless, misleading sound bites of information given to residents and the businesses by Lewisham Council. All costs and impacts for all options should be presented and communicated- including refurbishment and infill, Right to remain for all those affected on the same terms and conditions (detailed information), any change in tenancy conditions including increase in rents from council social rent to HA social rent (detailed information), Leaseholder offers terms and conditions (detailed information) Transparency of all details involving and relating to developers, housing associations and other stakeholders involved in the estate regeneration.

There are homes, small businesses and community organisations under threat of demolition including leasehold and freehold properties as part of the Achilles street area regeneration proposals; all of who should all get a vote

We would want to see everyone who is going lose their home have a vote in a ballot including:

- Private tenants living in freehold, not just those on the waiting list (Homes)
- Private tenants living in Leasehold properties, not just those on the waiting list (Homes).
- temporary tenancy residents, not just those on the waiting list (Homes)

- Leaseholders who have lived in their home during their lease but may have had to move away temporarily for work or carer reasons.

We want to see all the businesses and community groups who are under threat of demolition due to the council's regeneration proposal have a vote in any ballot that takes place

Includes:

Small businesses who are tenants of the Local Authority

Small businesses who are tenants of the freeholders

Non resident freeholder businesses to have a vote

Non resident freehold and leasehold community groups to have a vote (for example BWA Muslim Cultural Centre & Mosque on Clifton Rise under threat of demolition)

(Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration' and

Definition of what is meant by 'strategic' estate regeneration).

- We would like to see all residents over 16 have a vote
- And for Ballots to be carried out by an independent organisation and to be accountable to the residents not the council
- We support an AV voting system as way of identifying options with the broadest support

Achilles Stop and Listen Campaign, April 2018.

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

It is important when demolishing someone's home, that you get consent for such an extreme action.

As such, a consultation over a regeneration of a council estate, should endeavour to get full consent for the action. This should include a dialogue, with all options and all the information necessary for such a decision available to residents, that is not pre-judged or loaded to reach a particular conclusion.

The dialogue with residents should be part of a long inclusive journey that allows residents to fully voice concerns and understand the issues involved.

When residents have exhaustively discussed the various options, they should then be given the option, through a ballot, to decide whether they agree with the arrangements for a regeneration of their estate.

It is important that residents/leaseholders are given primacy in this ballot, as it is their homes that will be swept away, too often low-income groups are seen as easily exploited and whose opinions are unimportant.

This would mean that the council concerned would ensure their consultation and the dialogue would be as purposeful as possible and engagement would allow full scope for residents to voice their opinions and reach a considered conclusion.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Should the regeneration affect fewer than 150 homes, the utmost care should be taken to ensure that the proposed regeneration is popular, but since they are not referable to the Mayor's office, this funding condition should only apply to large schemes.

Regenerations have become controversial where social homes/leasehold have been demolished and not replaced and/or the public land available loses a significant proportion of its social housing and opportunities to re-house residents and those on the waiting list are lost to too high proportions of market sale housing on public land.

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

It is important that the resident have as much information about the purpose of the regeneration as possible before reaching a decision and the ballot is not seen as the end of the consultation.

As such, residents should have recourse to representation in the fields of regeneration and legal matters to help them understand the process and documentation.

Engagement and resident participation built during the process must be retained to ensure consent is maintained during the whole process.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Ballots must be held before partners are agreed and any demolition/regeneration has begun. However, any issues around the extent of the regeneration, likely regeneration partners, re-provision, additional social, affordable and market housing, infrastructure, environmental concerns, design, materials and quality are fully known before a ballot takes place.

Should any significant change take place to the regeneration, a re-ballot should take place.

As such, the proposal sets out a considered staging for the ballots.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

A like-for-like basis of re-provision is important, but where residents' needs may have altered since taking possession of their homes, flexibility should be allowed in ensuring efficient re-provision is achieved.

The need for affordability is over-powering and levels of affordability must be maintained and increased. Realistic viability must replace the risk-averse tendency we have at the moment, and excessive profit taking by venture partners, whilst sourcing infrastructure grants should maintain higher levels of affordability in regenerations.

Regenerations should look to achieve high levels of affordable housing, as they are using public land, where infrastructure costs would reduce, significantly, affordable levels, and this primary goal cannot be reached, the argument for re-developing is undermined.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

It's important that those directly affected are enfranchised, so any regeneration will be as a result of those living on the estate, so directly affected, "buying in" to the decision, after all they are the people that will suffer the upheaval and it is their environment being altered.

This should include any home in the estate area that is due for demolition, including those that may not have been part of the original council estate build, those due for demolition, but also those not due for demolition, but could be reasonably argued are part of the integrity of the estate and therefore directly affected by an estate regeneration.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

There is no reason to vary the eligibility criteria for most estate regenerations, although care should be taken to ensure a democratic deficit is not achieved by embarking on an unrepresentative ballot.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Best practice in industrial ballots for instance, should guide implementation of ballots.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

It is important that a "critical mass" is achieved in any ballot, so a large proportion of those living on the estate and eligible to vote, do in fact vote.

Should that number (to be defined by the Mayor) not be achieved, it can only be deduced that the consultation has not been as comprehensive as hoped and must be restarted.

Consideration should be given to parts of an estate that vote significantly in a particular way, that is different to a majority on the whole estate. Plans for the regeneration may need to be re-assessed to take this into account.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme?

Why/why not?

To have a blanket exemption for any infrastructure scheme that demolishes a significant amount of social housing/private tenants on a council owned estate, without re-provision on a “like for like” (or taking into account reviewed needs of tenants) would be troubling.

It would be better that all demolition of council owned estates (of over 150 homes) for infrastructure projects, that do not fit other criteria for exemptions are treated the same way as any regeneration and tenants are balloted to ensure the council is making popular re-provision decisions.

“Expressway” type infrastructure “improvements” can be contentious and without consent being measured by a ballot, would seem to undermine the argument for ballots on “normal” regeneration schemes.

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

Where safety can be proved to be an issue and accepted by a large body of industry specialists, then there should be no need for a ballot to regenerate to ensure the safety of residents.

However, the council should demonstrate that re-provision meets the legal or decency requirements, it has a “like for like” basis (or taking into account reviewed needs of tenants) and a reasonable distance from the current location if re-provision is not to be on-site.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Where supported or specialist housing is being decommissioned and the council is re-provisioning on a “like for like” basis (or taking into account reviewed needs of tenants), a ballot should not be deemed necessary.

However, the council should demonstrate that re-provision meets the legal or decency requirements, it has a “like for like” basis (or taking into account reviewed needs of tenants) and a reasonable distance from the current location if re-provision is not to be on-site.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Where a council owned estate no longer meets legal or decency requirements, a ballot should not be necessary to carry out the regeneration. However, the council should demonstrate that re-provision meets the legal or decency requirements, it has a “like for like” basis (or taking into account reviewed needs of tenants) and a reasonable distance from the current location, if re-provision is not to be on-site.

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

Where regenerations are already in place, a ballot has already determined that a regeneration should take place or GLA funding has already been contracted to fund a regeneration there would be no justification in “undoing” such a regeneration to ballot and potentially put such a regeneration in jeopardy.

Save Cressingham Gardens Response

to

Mayor of London's Estate Regeneration Ballots Consultation

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

Yes

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

The language of the consultation document does not make clear what the proposed criteria are, as there is no section headed 'Criteria'. For the purposes of this response, we assume that the section "Requirements for resident ballots" covers the criteria.

However, assuming what we can determine are possibly the proposed criteria, we do not entirely agree:

1. The funding condition of a ballot should be applied to all estate regenerations that are pre-planning approval stage, including where "contracts" have been purportedly been signed (see comments and arguments in response to question 14).
2. Trigger should be where any homes are being demolished, not where at least 150 homes are being constructed. Very unfair on the scenario where say 140 homes being demolished and 149 being built. The proposal is just setting a structure/mechanism that will be abused.
3. Unclear whether in section 3.3, "affordable" home also refers to secure tenancy homes that have been converted to temporary accommodation. It should cover all homes that were at any stage secure tenancy homes to stop local authorities modifying the tenancy in order to get around the rules.
4. The information should include the proposed planning documents/submission, as well as further appropriate supporting detail, and there must be a legally binding guarantee that the offer to residents on the table is the (non-variable) offer. Should the scheme change (eg any reduction in number of homes for council rent, any reduction in amenity, change in offer to residents to their detriment, etc), there should be a further/second ballot held and if any funding was already drawn down by the local authority those monies are to be immediately paid back if the ballot result is a 'No'.

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

The consultation document is quite vague as to the scope, and would allow extreme abuse by local authorities who are looking for legislative loopholes to operate through.

There is no mention about the financial impact on residents. Information must be clearly provided to all residents about the possible financial impacts on their personal circumstances. Tenants and homeowners should be fully informed about the financial risks of regeneration, and the range of financial impact should be detailed clearly in the offer documents. For example, the rebuilt homes on Cressingham Gardens will be more expensive for both tenures. Current secure tenants can expect to pay up to 25 per cent higher rents due to the manner in which 'council rents' of new homes are calculated based on market values. Current leaseholders will have to find between £100k and £300k more per property to retain a leasehold on the new property, as well as service charge increases. All tenures can expect higher council tax following revaluation, and to be tied into uncompetitive energy contracts for decades that they cannot switch out of.

The offer document must highlight the other negative impacts on residents. For example, if leaseholders are forced into shared ownership, they must be made aware of the change in their rights:

- That there is a serious risk that they may not be able to port their mortgage or get a new mortgage, and that the local authority in the case of Lambeth council has refused to be a "lender of last resort";
- That there are constraints on being able to re-mortgage their property (and hence potential financial insecurity) going forward under shared ownership;
- That if they have to pay rent going forward, that they will be paying rent for the rest of their lives including into retirement;
- That they are no longer homeowners, but rather tenants under law and can be evicted for ASB with no compensation for the 'equity' component;
- etc

The GLA should develop a template / example version of the offer document with the necessary detail, otherwise local authorities will do the minimum and may deliberately mislead residents (there is historical precedent from many of the local authorities the Mayor's remit covers). For example, there is very little of the important detail ever included in documents sent out to residents by Lambeth council and often worded in a manner that would mislead residents. The latest document to leaseholders from Lambeth council is absolutely shocking in the lack of detail, with residents having to wade through cabinet reports to see what is supposedly going to be their rights, but obviously not clear what will or will not be implemented.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

It should definitely be done prior to any planning application. This would save local authorities a considerable amount of unnecessary expenditure

As to when before planning, there are two options, with our preferred option being clearly (2) as described below, as (1) does not offer sufficient information for informed resident decision nor provide sufficient guarantees and security to residents:

1. **We Object:** Before development team/master plan

The advantage for the local authority is that they will not be incurring the costs of the development management team if there is no support. However, it is very hard to ensure that they will actually deliver on what was promised at such an early stage.

For example, Lambeth council cabinet approved the demolition of the Westbury estate with the clear statement that they would be delivering 150 additional homes at council rent. However, the planning application submitted was for only 3 additional homes at council rent. This over-promising and under-delivering is rampant in Lambeth: South Lambeth was supposed to deliver over 100 additional homes at council rent, but now only 21; Knight's Walk 25 additional homes at council rent, but planning submitted for a mere 10 additional. It is also a problem in many other local authorities in London - as exemplified in the debacle of the Heygate estate, where several thousand social homes were demolished, to be replaced by fewer than 100.

Residents will need some very strong rights legislated to force the necessary transparency in order to check what is being proposed, compared to the promises made by the local authority. Also, there is a question as to how residents can compel the GLA to act upon any agreements. For example, in the template GLA contract, the GLA has removed the Third Party Act, thus consciously or unconsciously disempowering residents. The FOIA works too slowly to get data prior to decisions by local authorities, leaving only the judicial review route, which only looks at process rather than the substance of decisions.

2. **We Agree:** After master plan but just before planning submission

Ideally, it should be done after the master plan, but before planning application is submitted. Only at this stage is there enough information for residents to make a truly informed decision and to know that there is a better chance that their local authority is not going to go back on all their supposed guarantees and promises (something that will still be possible through planning amendments).

Knowing that residents could vote "No" to the masterplan, should also help ensure that the development team properly listens to residents, and designs something that is suited to the community, rather than suited to the maximisation of income.

If residents do vote “No”, then it should be binding on the local authority for 5 years. It is grossly unfair on residents to have to keep engaging with local authorities over the future of their homes, as it is a very time consuming process and has many negative consequences to family life.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The ballot should also apply to estate regenerations that the GLA have signed off funding contracts during the past few months. There has been absolutely deplorable behaviour by the Mayor and the GLA with regard to his *sub rosa* signing of contracts, and there is zero trust now in the Mayor or the GLA. Residents of Cressingham Gardens contacted the Mayor’s office in August 2017 requesting a meeting, but we were told that the Mayor was extremely busy and couldn’t meet with the democratically elected residents representatives over the subsequent months. In a FOIA response in October 2017, the GLA confirmed that no contracts had been signed with Lambeth. This appears to have been a lie, given that a contract had been signed with Lambeth for Westbury, Knight’s Walk and South Lambeth estates in September 2017. Residents announced a protest march requesting a ballot on November 2017 for 2 December 2017. A further FOIA response in February 2018 simply referred back to the previous FOIA response in October 2017. We are thus very saddened and angered to discover through another FOIA response that the GLA had secretly signed a contract with Lambeth on 1 December 17.

We will be happy to work with the Mayor to see how the contracts his office have signed over the past few months can be amended or terminated.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We do not agree with the proposed eligibility criteria as currently outlined:

1. Requiring homeowners to have lived for at least a full year before the ballot denies many residents for whom their property is their primary home a vote, even if they have recently moved in (estates typically have the most affordable housing in their areas and thus there are very few options to buy off an estate for such residents)

Furthermore, it ignores the following example situations:

- a. Residents who have temporarily moved out to look after elderly parents or other relatives
- b. Not all families can afford the step up in market value to buy a larger home when needed. Consequently, there are families who have moved out of say the family home (1 bed flat) due to insufficient number of rooms and are renting a larger home.

They have kept the original home as the sole family home and propose to move back in once the children move on.

- c. On estates, many of the homeowners are marginal homeowners and work within the freelance / contracting industries. Thus, many of them are required to live elsewhere for periods of time due to work.

Consequently, we believe that all residents that have lived in their home at any point in time should get the vote, as this ought to screen out the 'buy-to-let' landlords, whilst not disadvantaging the residents who consider the home as their primary home even if not living in it for a full year prior to the ballot.

2. All private tenants having lived on the estate for more than a year ought to get a vote, not just those on the housing waiting list. Private tenancy is one of the most insecure tenancies and have the least rights and protection with regards to the regeneration. If the GLA is going to insist that they are on the housing waiting list, then there must be a requirement that the local authority is required to assess whether they would be eligible to be on the housing waiting list prior to the ballot. There are many reasons why a private tenant might be eligible to be on the housing waiting list, but is not on the list.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. At this moment we cannot think of any circumstances when a certain type of scheme should get an exemption from the rules.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

We do not agree that an independent body should merely 'supervise' the ballot. We believe that the independent body should be required to take a more active and accountable role:

- Carry out the ballot
- Ensure that the materials presented to residents are both truthful and not misleading
- Make available appropriately qualified independent advisors (ie accountable to residents and not to the council) to answer any questions from residents about the implications of the proposals (e.g. legal, financial, language support etc)
- Report any incidents that they become aware of where the local authority has unfairly pressured or taken advantage of individual residents to vote in one way or the other (eg free from threats, whether direct or implicit). Any 'visits' by council officers to vulnerable residents to be recorded as recommended recently by the Commons Works and Pensions Select Committee in connection with disability assessments.

In order to demolish an estate, there must be a majority of the residents voting 'Yes', not just a majority of the voting residents. We have seen too often where Lambeth council has undertaken /

attempted to undertake consultations during holiday periods when many residents are not around. By requiring a majority of residents to vote 'Yes', not just a majority of those voting, it will remove the temptation to run ballots during the holiday periods when many residents are away.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

There should be a requirement for local authorities seeking funding, that they present a fully-scoped and costed - as audited by an external independent body - scheme that does not have future flexibility on volume, housing residency split and other important factors written into it. Too many developers, including local authorities, use such flexibility to the detriment of current residents, using vague terminology such as "like for like".

The fully-scoped and costed proposals should be made public so that residents can review. It is totally unacceptable for the GLA and local authorities to hide behind an excuse of 'commercial sensitivity'. For example, releasing approximate build costs in any viability statement will not impinge on any tendering process if there is a competitive market. (Clyne vs ICO) and thus should not be subject to commercial sensitivity claims.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No. The majority of residents will vote in favour of demolition if what is being proposed and offered provides them with the security of an equivalent home (as would be considered equivalent by the residents, not as per planning jargon) and a protection of rights. The problem with most demolition developments, they do nothing for the current residents and all too often are detrimental to them. We believe if local authorities truly worked with communities a 'win-win' solution can be found and the local authority will achieve a Yes vote.

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

No. Local authorities will abuse the definition of 'safety issues', and create a situation that could be down to their own shoddy repairs and maintenance. What will stop a local authority creating a situation where they for example refuse to do roof repairs leading to an unsafe circumstance in order to avoid a ballot. This exemption would actually endanger current residents.

Again, as responded in question 10, if there is an honest discussion with the community, then the majority of the community will vote Yes.

Furthermore, if there is truly an urgent safety issue, residents would need to be evacuated straight away into temporary accommodation. In any case, why shouldn't there be a ballot of Grenfell residents as to what should be done going forward with their homes?

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

Why/why not?

No. Again, as responded in question 10, if there is an honest discussion with the community, then the majority of the community will vote Yes.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No. We can't think of any possible exemption.

If all of the residents were not able to exercise their vote, then we believe in this circumstance the legal guardian/proxy should be allowed to vote on their behalf and in their best interests.

Question 14: Do you agree with the proposed transitional arrangements?

Why/why not?

We totally object the proposed transitional arrangements.

In Sadiq Khan's election manifesto in 2016, he wrote:

"Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation, and that demolition is only permitted where it does not result in a loss of social housing, or where all other options have been exhausted, with full rights to return for displaced tenants and a fair deal for leaseholders."

Subsequently, in the GLA's Affordable Housing Funding Program document issued November 2016¹, it was clearly stated:

Estate regeneration

94 The Mayor is developing a Good Practice Guide to Estate Regeneration, which will set out good practice in relation to landlord aims and approaches, consultation and engagement, and offers to tenants and leaseholders that the Mayor expects to see in estate regeneration projects. **Providers who bid for grant to deliver estate regeneration will need to contractually commit to these standards for their estate regeneration projects.**

1

<https://www.london.gov.uk/sites/default/files/homesforlondoners-affordablehomesprogrammefundingguidance.pdf>

Thus, it should not come to the surprise of any local authority that resident ballots would be required. Indeed, any local authority that bid for the latest round of GLA funding (2016-21) were made aware upfront that they would be contractually required to meet the estate regeneration guidelines set down by the GLA. The fact that they GLA is trying to avoid residents ballots now for the next 3 years worth of estate regeneration makes a complete mockery of this consultation and residents' expectations. Only a ballot can provide appropriate evidence that there is majority resident support.

To be very clear, there should be no transitional requirement for any contracts signed under the 2016-21 GLA funding program.

The GLA has been signing contracts with local authorities throughout 2017 and 2018 during the various consultation periods in connection with estate regenerations that do not evidence resident support, such as Cressingham Gardens. This shows the lack of due diligence on the part of the GLA and reinforces some of our concerns over whether the GLA has appropriate skills / experience to enforce this funding ballot, let alone the poor estate regeneration guideline document that has been issued.

Whether or not the GLA does decide to renege on its own policy and deny ballots, there must be full transparency over the contracts signed with the local authorities. To date we have been denied access to the contract signed with Lambeth council and to any of the due diligence performed by the GLA. The fact that the GLA now wants to be able to make further exemptions on a case by case basis and provides no definitions as to what would be considered a 'significant change', provides further evidence that this is just a white-wash by the GLA. It would appear the GLA has no intention of giving any residents a meaningful say or influence or input into the future of their homes or community.



Proposed new funding condition to require resident ballots in estate regeneration – consultation response from Catalyst Housing

As a member of the g15 group of London's largest Registered Providers, Catalyst owns and manages over 21,000 rented and shared ownership homes across 40 local authorities in London and the South East. To date we have completed five estate regeneration schemes, with a further three on site (two of which are in London: Havelock Estate in the London Borough of Ealing; Portobello Square in the Royal Borough of Kensington and Chelsea), and another in the London development pipeline. These comprise estates that we either own outright, or which are/were owned by local authority partners and which have transferred to us following a stock transfer ballot (in two cases), or via a phased programme of new build and demolition ('trickle transfer').

Whilst we have already contributed our views to the g15's collective response to Mayor of London's consultation paper on the proposed new funding condition to require resident ballots in estate regeneration, given our extensive experience of estate regeneration we wished to further share our views on this matter, and address some of the complexity of the issues that have been raised by the consultation.

Whilst we fully support the principle that residents should be able to influence and play a major role in determining the future of existing housing estates – and have many positive examples of our own work which demonstrate this - our concern is that a straight-forward ballot process may, in many instances, lead to a negative response (particularly where politically based pressure groups are active and focus upon residents innate fears and any negative publicity): and that this may ultimately prevent regeneration from happening (and with it our ability to resolve issues associated with poor quality housing and design layout, and limit the large-scale opportunities for increasing the supply of affordable housing within London).

Our view is that the GLA should establish a set of parameters that must underpin any regeneration scheme (of 150 + new homes) where public subsidy is to be provided – and that where these are met, a ballot should not be required. Such parameters being:

- a minimum of no loss of social-housing (on a habitable room or m² basis) – with an increase in numbers where possible;
- a right to return for all existing secure tenants with two, or more bedrooms;
- an offer for leaseholders/freeholders which enables them to continue to live in the neighbourhood;
- clear commitments in respect of rents and service charges;
- a clear plan for resident consultation and involvement throughout the process underpinned by
- a 'residents charter' of commitments.

We do not believe that a ballot should be required in situations where a majority of the homes affected are shown to be of a failing construction methodology such as REEMA or Resiform (as defined by the AML not being prepared to offer mortgages on the homes) – even where the first three of the above commitments cannot be met.

Similarly if the GLA decides to implement the ballot requirement we believe that this should only apply to entirely new proposals and not to projects where there has already been substantial investment in regeneration proposals evidenced by, for example, advanced pre-planning discussions with the local authority. It should also not apply to subsequent phases of a regeneration scheme which has already been part implemented

In the event that the regeneration does not meet the proposed parameters, and a robust business case for regeneration cannot be made, then a ballot of residents would be an option. In such instances it is essential that residents are clearly informed of what the alternatives to the estate regeneration proposals are, and what the impact of a 'no' vote is likely to mean for them. We have historically witnessed estates which, following unsuccessful ballots, have continued to decline through lack of investment, and where the communities living there have become increasingly marginalised.

We believe that the GLA will need to be clear about what public funding it is willing to make available to social landlords to improve the quality of estates where a regeneration proposal is rejected, and that residents must be clear about this prior to ballot.

Never-the-less we do not believe that public subsidy should be put into improving homes where endemic problems associated with construction methodology or poor spatial/urban design and connectivity cannot be resolved. For example, on our Wornington Green estate in North Kensington (Portobello Square) numerous changes had been made historically to address problems associated with poor design, including removing communal walk ways between blocks and securing and reducing entrances to them – but ultimately there is a limit to what can be done to address issues associated with, for example, public walkways located above people's bedrooms, and cold, damp and noise attenuation associated with a concrete slab construction. Similarly outside of London we are working to address issues associated with the Radburn layout of an estate – designed prior to Secure by Design principles – and where there are major security issues associated with large swathes of unsupervised public realm and underpasses, coupled poor quality Bison design homes and a largely socially-excluded community.

Where schemes do not meet the GLA's parameters and a ballot (conducted by the ERS) is required we believe that only those over the age of 16, named on a tenancy agreement, or registered on the electoral roll as living in a property should be eligible to take part, and do not think that it should apply to those who are living in temporary accommodation on the estate. Similarly we consider that there should be parameters around the minimum percentage of leaseholders and tenants who need to participate in a vote to render the ballot representative and therefore valid; our concern being that the views of leaseholders/freeholders (who are more likely to vote) do not unduly influence the nature and quality of our future social housing stock, and our ambition to provide more high-quality, affordable homes.

In the majority of cases where estate regeneration is proposed there are legitimate reasons for it. We have worked on estates which have sub-standard stock, and where there would be significant costs to bring the homes up to Decent Homes Standards whilst failing to address wider issues such as ineffective and in-secure design of homes and estate, inadequate space standards, poor use of land (with low-density and high parking ratios), high-levels of dissatisfaction with the neighbourhood. Yet even whilst there are strong reasons as to why residents would want redevelopment, the complexities around the process, and pressure from local and national interest groups may well result in a negative ballot. Going forward we need to be careful that our good intentions don't have a counter-intuitive result of failing to resolve the issues of existing poor quality housing, and the need to provide more affordable homes.

We have sought to keep our response concise, but are happy to provide more in-depth responses/examples if required. More particularly we would welcome an opportunity to discuss our experience of estate regeneration in London with you, and hope that you will not hesitate to contact our Director of Business Development, Sue Cooper [REDACTED] if you require any further information/discussion on this matter.

10th April 2018

Housing and Land Directorate
Greater London Authority
169 Union Street
London SE1 0LL

Email: ballotsconsultation@london.gov.uk

**Proposed new funding condition to require residents ballots in estate regeneration
Churchill Gardens Residents' Association Consultation Response**

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

Yes.

The funding condition should also be extended to phased regenerations that are not yet completed and regeneration schemes of less than 150 units. The Mayor should alter the London Plan and change established practice accordingly in the latter case (see para 3.2).

Further, all regeneration schemes should be required to hold a ballot, not just those in receipt of GLA funding. The Mayor evidently considers he does not have the power to do this (para 1.6); we ask him to reconsider whether he might in fact have such planning power or how he might acquire it.

Planning policy should also be strengthened with the London Plan requiring no loss of social-rented homes in any development or regeneration scheme. The Mayor should also require that all estate regeneration proposals consider a refurbishment option, with landlords being required to commission a full independent analysis and comparison of the social, economic and environment issues involved in refurbishment, compared to demolition and rebuilding.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

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

Not entirely on both questions. The requirement should be for a ballot in all estate regeneration proposals, regardless of number of units, for phased regeneration schemes not yet completed and for schemes that have been awarded funding since the close of the consultation for the Good Practice Guide to Estate Regeneration.

We are concerned that otherwise we may see a larger number of proposed schemes of less than 150 homes, as a way of avoiding ballots, particular given the Mayor's focus on small sites in the draft London Plan, and notwithstanding para 3.5.

We believe that residents of phased schemes that have already been started, but have not been balloted, should also now be balloted. The argument in this case is strengthened where the original objectives of the scheme eg amount and kind of affordable have been changed or not delivered.

We also believe the ballot requirement should be extended to any schemes which have been granted funding since the close of the consultation for the Good Practice Guide to Estate Regeneration. This is only just, given the strong support for the ballot during that consultation. Allowing such schemes to proceed without a ballot will undermine the Mayor's laudable intentions.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

We agree with the proposal that the ballot should take place 'prior to the procurement of a development partner', but we have a concern (notwithstanding the requirements of paras 3.6, 3.7) that if the ballot takes place 'prior to precise specification of works' it may entail important information such as rents and service charges not being available; these are invariably the first questions asked when regeneration schemes and replacement housing are proposed.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

The 'future tenure mix' (para 3.5) must be precisely described, so that the amount of, for example, social rent, affordable rent, intermediate housing is clear; an 'affordable/market housing' percentage split would be inadequate.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We broadly agree but suggest that it be made clearer that each adult member of the eligible households (para 3.17) will have a vote (para 3.18). 'Adult' should be anyone over the age of 18

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. We can think of no reason why it should be otherwise, given the policy aims are for London. We also agree that landlords should have no discretion on eligibility for ballots (para 3.24), for the same reason.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We agree.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No.

Generally speaking exemptions are unwelcome; they can be too readily misused to avoid ballots, rather as viability assessments are used to avoid building affordable housing, with a disastrous loss of social housing. The credibility of the estate regeneration guidance policy will also be undermined by exemptions.

Whatever the reason behind a demolition the impact of demolition on residents is the same, so it is not clear why those affected by demolitions 'required to deliver an infrastructure scheme', and with the same need to be rehoused, should be denied the ballot that others have. Indeed, a ballot requirement in such cases might have greater justification than when demolition is solely for estate regeneration. Residents on 'no ballot' regenerations would also undoubtedly have less leverage than estate residents on 'balloted' regenerations, to ensure their proper rehousing.

We are unconvinced that a ballot requirement will undermine statutory provisions, as the Mayor suggests (para 3.29). We cannot see how ballots would 'undermine' compulsory purchase orders, unless it is that the Mayor believes they will be less easily obtained, after a ballot result rejecting demolition; we believe this would be an entirely legitimate outcome, since such a situation would only arise if the ballot result is ignored.

The phrase 'required to deliver an infrastructure scheme' is open to much too wide an interpretation. Many estate schemes are mixed use and entail what might be described as 'major infrastructure requirements' and thus claimed as exempt from a ballot. A situation where it is claimed that the funds realised by an estate regeneration are 'required to facilitate...major infrastructure improvements' is also easily imagined eg estates in the vicinity of the proposed Nine Elms Bridge. We would object to this.

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

We agree that the Mayor and local authorities must respond immediately and effectively to concerns about the safety of estates. This does not mean that demolition will necessarily be the best solution. We are concerned that residents may be persuaded that a decant and demolition are necessary on the basis of the cost of remedying safety issues, where both the costs and safety fears are debatable. In all instances full evidence should be provided. All options (including refurbishments) should be considered for remedying problems and residents should retain the right to be balloted.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

No.

Again, we have similar concerns to the exemption in the case of safety issues. All options around making alterations and refurbishing homes should be considered and residents should be able to make the decision about whether this is a better option than demolition.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

The requirement for a ballot, whether or not a scheme receives GLA funding, should be extended to regenerations that are not yet completed (see our response to Q1). Where there is only outline planning permission and no ballot has taken place, there is a ready opportunity for a ballot before the detailed, full application (or in the case of phased regenerations before the full application for the next phase).

Yours faithfully,



Chair



Clarion Housing Group
6 More London Place
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London
SE1 2DA

10th April 2017

Clarion response to proposed new funding condition to require resident ballots in estate regeneration

Clarion Housing Group is the largest housing association in England with 125,000 homes across the country. We work in 26 London Boroughs providing 51,000 homes for nearly 100,000 Londoners. As one of the Mayor's strategic housing partners, we have an ambitious programme to build 50,000 homes across the country in ten years, 20,000 of which will be in London in recognition of the capital's extensive housing need. A sizeable proportion of our building programme will be on existing estates, either those which we own or that we will be regenerating in partnership with Local Councils or private developers. We are currently undertaking major regeneration schemes in Merton, Ealing and Kensington and Chelsea and elsewhere (investing almost £2billion) to improve the quality of life for our residents across London.

As a major landlord and house builder we are supportive of the Mayor's work to encourage better regeneration practice, and are pleased to contribute to MHCLG's and the Mayor's constructive processes to devise good guidance for urban renewal projects. Based on our varied and extensive experience of demolition, rebuilding and refurbishment of social housing in London over many decades, we recognise the additional pressures, but equally the specific opportunities that regeneration in the capital presents.

Clarion starts from the position that a regeneration scheme will only be successful if supported by the residents. We, and our partners, are confident that we are able to work with our residents to find solutions the majority of occupants feel are reasonable. We already demonstrate that we are acting on the outcomes of resident engagement / consultation. Our resident-led scheme at the Lavenders in Sutton is a positive example where project team meetings chaired by a resident ensured the community were fully involved. In some instances, there is a role for ballots. Our confidence in our decision-making and residents engagement processes means we would expect most of our schemes would get a yes vote. However, we believe that the right tools should be used at the right time, in the right context.

Regeneration is commonly described as taking partners and residents on a journey. Partners are on a journey of cooperation to make the best of their individual contributions (whether these be land, funding, experience or the power to grant planning permission). Residents' journeys involve learning about the opportunity the scheme presents, understanding the practical delivery constraints and being fully engaged in the process of selecting the most appropriate scheme. Optimising these trade offs is a long iterative process of multiple decisions and occasional reversals of view. To reduce this journey to a snapshot referendum is oversimplification of a complex, iterative and lengthy process.

At Merton, the Electoral Reform Society Group conducted an independent survey, visiting every home across three estates. Here residents were asked on their views of master plans for the estates and the Residents Offer; both around the likely impact on them and their families and their neighbourhood. This was a far more nuanced and comprehensive exploration of complicated issues than would be possible with a yes/no ballot, and was demonstrably the right process for these particular neighbourhoods.

Clarion have in the past acted on the outcomes of ballots, and, regardless of the political environment, would be willing to do so again in the future if it was the fairest, most suitable route to take. Ballots present practical challenges such as who gets to take part, how this is entitlement to vote is confirmed, and the scope of the referendum question. Yet there are greater unintended risks from an across-the-board application of ballots, which are highly likely to restrict the appetite for, and delay the progress of these projects. A blanket requirement for ballots would, ultimately, reduce housebuilding in the capital.

In the light of our comments below we would ask the Mayor to carefully consider the circumstances when ballots might be applied. We feel retaining a more responsive, regular collaborative approach with all stakeholders would provide a more consistently favourable and balanced outcome. Clarion would be pleased to work with the Mayor to reshape existing consultation mechanisms to ensure involvement and truly representative resident voice in decision-making can be achieved alongside both building the greater number of the high quality homes that London needs.

Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a long, sweeping line extending to the right.

Austen Reid
Group Director of Development

Question 1: Should resident ballots be a funding condition for estate regeneration schemes?

The greatest proportion of regeneration by housing association is self funded (see g15 report [Meeting the Challenges of Urban Renewal](#)). GLA funding often unlocks stalled projects, enables projects to proceed or achieve additional benefits. This support is often both welcome and necessary, particularly to protect the delivery of social rent homes.

If ballots were a funding condition of estate regeneration schemes it would, naturally, add an element of risk to projects where the ballot was more likely to fail. As such, GLA funding may, less readily be sought and 'higher risk' regeneration schemes be less likely to be brought forward. Instead, schemes with less need but a greater certainty of acceptance are likely to be prioritised.

Question 2: Criteria to trigger a ballot

150 units is a relatively modest scale scheme, but means a tiny number of residents may impact on schemes with the potential to deliver a high number of new homes. A more sensible ratio might be the proportion of existing residents to new homes, or if 1/3rd of the homes are to be demolished.

The ballot proposal assumes that regeneration is always about demolishing and rebuilding. Historically grant from GLA or HCA was not related to any homes that were demolished and replaced – grant was only available for additional homes. Currently there is no / minimal grant available for refurbishment, which many residents would happily support. If the condition of the stock is so poor it needs demolition, Housing Associations will struggle to find the additional funding to needed for refurbishment (which, unlike replacement, is subject to VAT). So intensification to deliver more homes to provide cross subsidy is often necessary to pay for improvements.

Question 3: Scope of the ballot

The ballot scope should focus on the resident's housing offer (right to return, leaseholder packages, see [Clarion's Merton offer](#)). This can include a broad vision and objectives where known, as it improves a scheme to have the vision established at an early stage. Yet more detailed consultation will be required. It is proposed that the ballot includes "commitments related to ongoing and transparent consultation". This would result in two further aspects to the ballot; whether the commitments are sufficient and a vote of confidence that they will be delivered. This also implies that there will be ongoing monitoring (by the GLA?) that these commitments are honoured.

Thresholds for Ballots

Too high a threshold resulting in a failure to agree will condemn future residents as well as existing ones to continue to live in poor housing conditions. A realistic level of turnout would be around the 50% mark, with a simple majority in favour to proceed.

The London Plan requirement for like-for-like replacement on the basis of floor space rather than numbers of units is welcome. Yet the ballot consultation definition of like-for-like replacement conflates two issues: replacement of similar floor area or bed spaces with replacement of homes at same rent levels.

Existing residents are more likely to favour low-density proposals, maintaining their gardens and parking spaces (though the latter is in contradiction with the London Plan and a particularly

contentious issue for consultation). Risk of ballot failure will reduce developers' inclination to increase density, which in turn will impact on the funding viability of schemes, as well as the overall additional homes delivered. This will increase the call on grant needed to provide sub-market social rent homes and to continue regeneration activity. We firmly support the Mayor's proposal in his Housing Strategy to call on government to fund any financial gap that arises when social housing is replaced like-for-like. The realistic outcome of these interdependent actions is to reduce density and decrease the likelihood of meeting the Mayor's housing targets.

Question 4: Proposed stage and timing in an estate regeneration process at which ballots should happen

A ballot can only ever be a subjective snapshot of a single point in time – the timing will be very sensitive. If held at an early stage, a ballot risks being a referendum on a complex matter at a point where it is unlikely that a holistic picture of the scheme will be known. We feel it is better to have a continuous process of collective decision making throughout the whole process rather than a stop / go decision relatively early on.

Question 5: Other comments on the threshold, scope and timing of resident ballots

We already involve residents in the adoption of a master plan or approval of development partners. As development partners will be responsible for construction quality, residents' informed input into this kind of decision will have the most significant influence on the outcome of the scheme.

Question 6: Proposed eligibility criteria

While we support a broad range of voter eligibility, and not just those who are already adequately housed, two issues need to be considered; the hierarchy of who should have a say in the renewal of an estate and whether a ballot is quorate.

A hierarchy of influence and involvement:

We would agree that stakeholders across the wider community are consulted on the nature of changes to their area. Increased densities will affect demand for services and the call on local amenities such as GP's, schools or open spaces. Nearby commercial owners need to be reassured that their businesses are not going to be affected negatively. However the greatest impact will be to those living on the estate now and in the future, and it is only right that their concerns are given significant hearing and consideration over others who may be affected to a lesser extent.

A ballot gives non-social leaseholders and homeowners the power to veto whether social housing gets investment. They will have different motivations in a vote. We all see a higher turnout from resident leaseholders in normal consultation processes, often motivated by a desire to maintain the value of their investment. Our range of offers and incentives to leaseholders (see [Clarion's Merton offer](#)) is in recognition of this.

However non-resident leaseholders frequently see their rented out properties as an income source, and have little interest in the condition of the assets, and less in the welfare of their tenants or the wider community. As the [English Housing Survey 2015/16](#) shows, private rented homes were less well maintained compared with other housing tenures, and to have lower levels of smoke alarms or Carbon Monoxide monitors fitted than social rented homes.

The consultation proposes that estate residents who have been on the waiting list for a year are eligible to vote. There have also been suggestions that all those on the borough waiting list might be given eligibility. While there will be impacts on others living across a borough, extending eligibility is practically unworkable and unnecessarily expensive.

The rate of churn of London tenants varies dramatically by tenure. Including tenants living in temporary accommodation or non-secure / assured short hold tenancies (if they have been on the LA waiting list for a year) in ballots fails to recognise the long-term decisions that need to be reached. Occupants with a year's residency or less will have influence over schemes expected to house several generations of social tenants.

Question 7: Same eligibility criteria for all schemes

It would be simpler to have the same criteria for all schemes; however there will be estates with high numbers of leaseholders acquired thorough right to buy. Experience from Stock Transfer where ballots excluded leaseholders were limited to tenants on tenancy agreements partly to simplify verification of eligibility.

Question 8: Proposed requirements for implementing ballots

The independent supervision of ballots is sensible.

Question 9: other potential Mayoral requirements for implementing ballots

Ballots increase the risk of abortive costs. The detailed offer for residents can only realistically be established after feasibility studies plus other pre-ballot investigations. The cost of a ballot may be minimal against the up front costs of regeneration schemes, (£10-15 million spend before planning submitted isn't unexpected for a large complex scheme) but it is an additional at risk cost. GLA funding will be welcomed for this.

Question 10 / Question 12: Exemption where the demolitions are required to deliver an infrastructure scheme, or where a specialist or supported housing scheme is being decommissioned by a local authority

Exemption in both of these cases is sensible.

Question 11: Exemption where the demolitions are required to address safety issues

We agree with this exemption and that that safely issues can have abroad definition covering fire safety, construction failings or energy inefficiency.

Question 13: Other potential exemptions to the proposed funding condition

Ballots are not appropriate where there is no public funding involved and we would wish to see the exemption of stock which has not had the benefit of public subsidy (or even historic receipt of grant if no new grant was being sought).

Question 14: Proposed transitional arrangements

It is vital that any emerging guidance will only apply to future schemes which have not yet received planning permission. In addition to exempting schemes where planning has been granted for demolition, where GLA funding contracts are in place or a ballot has already occurred, the transition exemptions should be extended to cover early stage but committed pipeline projects which have

already incurred costs, including the future phases of schemes already underway. We would not wish to see a ballot becoming a mandatory planning requirement.

Impacts of ballots and potential 'no' votes

The Mayor's new [*Better Homes for Local People*](#) states that estate regeneration schemes involve the demolition of existing homes should provide: an increase in affordable housing; full rights to return or remain for social tenants; and a fair deal for leaseholders and freeholders. Clarion and other g15 Housing Associations already adhere to these principles, with most of the Mayor's suggested good regeneration practice already normal practice. Much current public resistance to regeneration arises from a few high profile, exceedingly problematic examples. It would be a pity if the Mayor's legitimate concerns about a minority of developers' poor processes, jeopardise and delay reasonable schemes by responsible organisations. We are unconvinced that ballots as they are proposed are enough to guarantee representation and limit intentional manipulation of votes.

Ballots will slow down and increase the risk in what are already long drawn out, and uncertain regeneration programmes, and are a disincentive to investing early on in the process at just the point when the focus should be on investigating residents' needs and exploring the underpinning master planning principles. If the ballot fails then there will be abortive costs against any possible works to the estate. For some schemes refurbishment isn't an option, and 'do nothing' is just as undesirable, but once a no vote has been made, removing the option for any demolition will mean that any regeneration plans will halt.

Paul Robinson

From: Cowell, Fred Cllr [REDACTED]@lambeth.gov.uk>
Sent: 10 April 2018 09:37
To: Ballots Consultation
Subject: Balotting Estate Residents Consultation

These proposals have many broad merits.

But I wish to respond to this consultation in relation to Question 6 chiefly paragraph 3.17

The Mayor proposes that ballots would be open to all residents on an estate that meet one or more of three eligibility criteria:

- social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement;
- resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or
- any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure

In my view this final criterion is the most essential component of the entire scheme. The housing waiting list in Lambeth is over 20, 000 and each fortnight I have people in my surgery desperate about their position on the housing waiting list. This group have to be prioritised as they are the ones who end up suffering the most if a scheme does not go ahead and have the most to gain by far from any new housing project.

If anything the section in part 3 of the report is under ambitious. I would be far more in favour of this part of the scheme having turnout thresholds to encourage landlords to ensure that there is maximum awareness and participation in any decision that is made. There is a perverse incentive at the moment to underplay the significance of such ballots or for those campaigning for outcome, potentially either way, to make no effort to maximise turnout fro a particular part of the electorate in order to favour their preferred outcome.

I would suggest

- social tenants (50%)
- resident leaseholders and freeholders (80%)
- any resident who has been on the local authority's housing register (25%)

With all three blocks been given equal voting power

As the minimum threshold for the decision of a ballot to be considered binding. If a vote is taken which falls bellow these thresholds the landlord should have a year-18 months to re run the ballot, regardless of the outcome of that vote.

Cllr Fred Cowell
Labour Councillor
Thurlow Park Ward
London Borough of Lambeth

Lambeth Town Hall
Brixton Hill,
London SW2 1RW

[REDACTED]
@fredacowell
Surgery: 2nd Friday of the month,

West Norwood Health and Leisure Centre
25 Devane Way, West Norwood, West Norwood, London SE27 0DF

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04 April 2018

Consultation on Ballots in Estate Regeneration
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Dear Sirs

Please find below our responses to the consultation paper received on the 'Proposed new funding condition to require resident ballots in estate regeneration'.

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

Orbit recognises the importance of engaging with residents affected by regeneration projects. We aim to develop schemes which reflect local aspirations and priorities and we recognise the importance of being able to demonstrate resident support. We have reservations about whether resident's ballots, registering a binary choice, made at one point in a long process, are the best and most constructive way to do this. However if resident ballots are a requirement, we have a preference to keep this out of the formal planning process and as part of a funding application. It should be acknowledged however that regeneration schemes in high value areas may be progressed without funding in order to avoid the requirement for a ballot, [REDACTED] different rights for resident in high and low value areas of the city

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

The requirement for a ballot if any property is to be demolished should be reviewed. A minimum number of homes to be demolished should be included, (e.g. 50) A situation can be imagined where a single property needs to be demolished to facilitate access to a garage site which will allow the development of 150 homes. Should a ballot be required in this instance – giving the occupant an effective veto?

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

Orbit fully supports the need to set out the offer to residents on right to return and their rights for re-housing and compensation. These should be fixed very

early in the process and not be subject to variation through the planning process. This is the guarantee to residents. It must be clear that other elements of the proposal at that stage are estimate only and subject to change through design development.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

If a ballot is not to add significant risk and therefore be a deterrent to development, it should be conducted as early in the process as possible so as to avoid abortive design costs. Clarity is needed on the extent to which the design concept can be varied post-ballot. It is not unusual for schemes to undergo significant change through design development to meet the requirements of pre-application discussions with planners and the outcomes of viability studies or to reflect site investigations.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

No comment

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Orbit believes the eligibility criterion has created some inconsistencies in enfranchisement which cannot be justified.

Orbit are not convinced about permitting voting rights to temporary residents who have been on housing register for a year. Granting these residents the right to vote could disincentivise landlords from making empty properties available for temporary use, reducing the availability of a valuable short-term **ISSUES - ALSO** residents placed in temporary accommodation pending assessment of the availability of permanent housing through choice-based letting will presumably not have any particular priority for the new housing on the new development. It does not seem logical to prioritise their views over those of private tenants, who may have been settled on the estate for many years. Allowing a vote only to those tenants in private tenancies who have been on the local authority housing list for a year would create an unjustifiable distinction with disenfranchisement of tenants who are working (and therefore are less likely to meet the eligibility requirements for the waiting list) and those who are less politically astute (and who have therefore not made an application to ensure they have a vote in the event of a ballot)

It is not clear why business owners are excluded. Small businesses can be an important part of a local community and their owners can be as invested in the neighbourhood as those who live there.

There cannot be unlimited number of votes per household, which could occur if extended family members or friends are lodging with social or private tenants or leaseholders and have registered with the council. The principle of the ballot should be to protect the interests of the long term residents and ensure a fair-deal for those potentially losing a legal right to a home.

We suggest that the right to vote should be for

- a) Those named on a tenancy or lease for a year, either as the tenant/leaseholder
- b) or for private tenants (if tenancies cannot be verified) that they have been on the electoral roll at that property for at least a year

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Agreed. Eligibility should be the same for all ballots to ensure consistency and avoid challenges of manipulation.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Agreed. Ballots must be conducted independently to assure trust and confidence in the results.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No comment

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Most regeneration schemes involve an element of infrastructure. While we generally accept that this exemption is necessary, it is not entirely logically consistent with the ballot approach. The underpinning principle is that the need of the greater community takes precedence over the views of the disrupted population. The argument could equally well be applied to non-infrastructure regeneration where an increase in density, removal of blight etc, bring benefits to a wider group of people than those whose homes are directly affected.

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

The exemption for safety issues should make reference to viability, i.e. comparison of the costs of addressing the safety issues should be considered

as part of the business case for redevelopment, and shown to be unviable for the landlord.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Agreed in general. Other procedures cover care homes and sheltered housing. Consultation with particularly vulnerable groups also needs a more nuanced approach than simple ballot to ensure that everyone can understand the issues and express their views. However consideration needs to be given to situations where a care home/sheltered housing scheme is part of a wider regeneration project which is subject to a ballot. How will the views of residents be given weight alongside the ballot of the wider community?

Orbit is committed to continuing estate regeneration and full engagement with our residents and other stakeholders. We submit this response with the intention of creating a fair and workable ballot system to enable vital regeneration in London to continue.

Yours faithfully



Maggie McCann
Development Director

██████████
██████████@orbit.org.uk

Paul Robinson

From: [REDACTED] >
Sent: 05 February 2018 18:57
To: Ballots Consultation
Subject: Estate Ballot Consultation

Dear GLA

Here are my thoughts on estate plan ballots. Before private developers are allowed onto super prime public land.....a meaningful statutory obligation plan ballot or a mock plan ballot- that is the question?

It would not be correct to say that estate ballots are ground breaking.

The South Kilburn Estate had an estate ballot in 2004 following a detailed 4 years estate consultation to architect design a regeneration framework, fully financial viability tested final plan, this before developers were allowed anywhere near the social rent housing blocks.

One problem was that this detailed ballot plan of 2004, over a hundred pages was in 2010 put into Brent Local Plan statutory obligations in UK Planning Law as one side of A4 paper worth of detail and an illustrative map.

while another ballot problem has been that the estate negotiated final masterplan product of 2004 was negotiated in good faith based on common law rights and communal land uses, while in the subsequent implementation (2005 ongoing) this estates land is vaguely UK Land Registry registered with all ballot negotiated actual uses re-packaged and bundled together into a mass as 'super prime brownfield bio-contaminated land'. So a very different contract law, (taxpayer funded Temple lawyer), Brent Development Vehicle, 'Master Developer,' Neo-colonial implementation is what has actually happened.... the estate population is excluded as contaminants and suffers apartheid. The Local Plan 2010 has no statutory obligation to replace demolished social rent homes with new social rent homes even, so implementation is therefore understandably way off course from the electoral reform society organised estate balloted masterplan of 2004.

An expensive £4 million public funded masterplan 2004 was landlord/ landowner designed to fail. Model anti-socialism. 'The poor had no lawyers' as the saying goes and since 2017 Brent Developer Vehicle wants to build on the oversubscribed estate schools, community and education centres and main central park (all 2004 ballot protected/ to be invested in). A public realm, shared neighbourhood no plan and blocked CIL spend in favour of a new Total Enclosures Model.

Ballots great, but ballots on plans of a legal design to fail for a 70% BAME estate community needs to also be challenged by the Mayor. GLA funds are in South Kilburn and the GLA has it would appear supported ballot plan extremist deviations so far.

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

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not? Yes

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

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not? Yes

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots? (See above/ make sure it is a real statutory obligation masterplan being balloted on (not difficult), so that residents can be included throughout as it is their plan, their community changing and they face the massive daily disruption and health hazards)

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not? Yes

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not? Yes

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not? Yes

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots? Make the plan balloted on real and a statutory obligation. Make separate development, parallel process, land war approaches by 'Master Developers' impossible.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Don't know given that estate residents face open institutional racism and having lives and futures that don't matter to decision-takers.

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

Yes. In South Kilburn we have new blocks Grenfell petrol panel clad, scary at high density.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not? Don't know

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

GLA needs to look at ballot plan deviation and the designed to fail approach. Simple land lawyer stuff at the start to allow residents clear modern human rights to get the plan they voted for rather than 'other ideas' and a chaos for developers.

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

Deviation and maladministration of an already existing balloted plan 2004, the estate abuse and suffering from this is escalating year by year. London Plan holistic approach needs to be applied on such estates as a matter of urgency.

If Brent really insists that Brent Kilburn's only remaining park sized park is brownfield bio-contaminated land 2018 and will not CIL invest in it for these 13 years all Kilburn people. The GLA should step in to protect this park for the super high density, no garden population surrounding it and as a safe space for emergency services given flammable cladding issues this estate faces.

Yours sincerely



Vice Chair South Kilburn New Deal for Communities

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Demolition Watch London Response to Consultation Paper from the Mayor of London

“Proposed new Funding condition to require resident ballots in estate regeneration”

Below is the collective response of Demolition Watch London (DWL) to the Mayor of London’s new proposals for ballots on estate regeneration. DWL is an organisation made up of council housing, housing association residents and housing activists from across London. Our response draws on the actual experience of residents on estates across London whose homes have been undergoing major works .

We welcome the Mayor’s commitment to balloting residents. The amendments proposed by DWL are intended to help translate the Mayor’s commitment genuinely empowering and substantive for residents. They are intended to put residents ‘at the heart’ of any regeneration process, a Mayoral objective for his Estate Regeneration Good Practice Guide.

Section 2 - Objectives and application of a funding condition to require resident ballots

2.1 The meaning of word ‘demolition’ needs clarification. Often residents’ flats can be remodelled without the framework of the building being demolished. In the Ballots Guidance there needs to be a definition of demolition. The best resident-centred definition is one that defines it as a process that sees the demolition or reconfiguration to the extent that it requires permanent departure of a resident from their home.

2.5 The Consultation Paper is unimaginatively timid about how planning powers can be utilised. Whether a resident ballot is held and/or the results accepted could and should be seen to be a ‘material consideration’ in coming to a planning decision. The Draft London Plan already refers to estate regeneration in Policy H10. There is scope to adjust the Draft London Plan, if that is needed to give effect to regarding demolition as a ‘material consideration’ in the planning process. As the Consultation Paper itself recognises (in para 3.14), the ballot requirement needs to be closely linked to planning policies.

Answer to Question 1: Yes, the GLA should make resident ballots a condition for funding estate regeneration schemes, and to extend this also to schemes that require the Mayor’s planning permission.

Section 3 - Requirements for Residential Ballots

a. Threshold, timing and scope of ballots

3.1-3.2 There is no reason for, nor any justification given in the Consultation Paper, for limiting the funding condition to a strategic estate regeneration scheme i.e. 150+ homes. If it gets GLA funding, it should have a ballot. We think the minimum number of homes demolished to trigger a ballot should be 10 homes; otherwise we could see a piecemeal approach to demolition that undermines the principle of ballots.

3.6 The Mayor argued in the draft Estate regeneration Good Practice Guide to the potential deficiencies of a binary decision. As para 3.8 acknowledges, there will have been an options appraisal. The feasible options should be part of the consultation process, even if one of the options

is one with a very limited amount of work e.g. because of cost or indication of resident views. However, at the end of the process of developing a scheme, there must be a Yes/No ballot to decide if a scheme goes ahead. This puts power into the hands of residents, and will ensure councils and developers work in the interests of residents. The Consultation must also add that as a minimum, offers should include a right to return with the same tenancy conditions, rents and service charges.

3.7 This is too restrictive of the information to be provided on the factors involved. It needs to include time scales, safeguards for disruption noise and dust to the estate and the neighbourhood, site working timing, bedroom size mix, rents and other issues relevant to the scheme which residents reasonably ask to be addressed.

3.9 The word “encourage” on the amount of information is too feeble for and undermines a process for a mandatory ballot. The funder should “require” “as much detail as possible”.

3.10 It is proposed that the vote take place before the selection of a development partner. That could be feasible provided the residents are informed of the full implications of differing development partners. They may have very different approaches to the scheme. The Consultation Paper says in the context of requiring residents to vote before the development partner is selected that “This is so that the outcome of the vote can set the terms of the landlord’s commitments to residents as well as the broad vision, priorities and objectives that underpin the detailed planning stage.” It is impossible that a simple Yes/No vote can do that. It is go or stop. Unless a landlord will allow the residents’ ballot to have a decisive say on the procurement process, the ballot has to be after the selection of the development partner. The Mayor captures this problem in 2.2 and 2.3. – Therefore the ballot has to be after the procurement of the developer. Anything else is entirely inconsistent with a simple Yes/No, ballot. .

3.13 is loophole ridden. We all may ‘expect’ the outcome of ballots to be honoured. The question what happens if the expectations are not met. Firstly the Mayoral funding (and where appropriate planning approval) has to be withdrawn if the landlord does not honour a ballot outcome e.g. goes for an option that the residents have rejected. Withdrawal of Mayoral funding should be automatic and mandatory in the case of a material variation unless the landlord reballots.

Answer to Question 2: No, for the reasons and to the extent set out in para 3.1 above.

Answer to Question 3: Yes, but with the amendments outlined above.

Answer to Question 4: No, for the reasons outlined 3.6 and 3.10.

Answer to Question 5: See the comments in para 3.6 on the weaknesses of the consultation.

b. Eligibility requirements

3.17 Whether or not a resident is on the housing register is irrelevant. It is residency that counts. Further linking it to being on the housing list will produce inconsistencies with the one year period proposed in the Consultation Paper. Some boroughs have very restrictive conditions to get on the register often requiring applicants to have lived in the borough for longer than the one year quoted in the Consultation Paper. For instance one borough has a policy requiring four years residency. There are adverse equalities consequences; often potential applicants are obliged to apply online which many people find intimidating.

3.20 Appears too restrictive. Resident leaseholders and freeholders have a real stake in the estate. No reason to exclude them if they have been there for less than a year. Businesses should also have one vote per property if they have been there for over a year.

Answer to Question 6 : No, for the reasons set out above.

Answer to Question 7 : Yes.

c. Implementing ballots

3.25 The involvement of the Electoral Reform Society or a comparable body is important. Who is to certify that the alternative to the ERS is qualified? There should be a schedule of certified bodies, which the GLA should publish in draft form with scope for public comment by interested parties. The word 'supervise' should be replaced with 'undertake'. There should be an independent body to undertake the ballot in a strictly even-handed way, with scrutiny by residents over the process.

Answer to Question 8 : They need to be both tightened up.

Answer to Question 9 : No

d. Exemptions

3.29 The scope of the proposed exemption in the case of major infrastructure scheme and safety concerns is too sweeping. While the residents should not have a veto on the initial change needed e.g. in infrastructure scheme, they must have a ballot on options for the replacement housing if it meets the normal conditions for a ballot on an estate scheme e.g. 10+ homes demolished. Supported housing is different as is discussed in para 3.31. Further the word "linked" is too imprecise it would be a standing invitation to misuse of this exemption. It allows the impact of the scheme to migrate onto nearby estates with tenuous links to the scheme. The wording should be "required for".

3.30 Accepting the safety case should not be subject to a residents' ballot. There should nonetheless be a ballot on the options for a replacement scheme.

3.31 There is no justification given as to why the residents of the specialist and supported housing schemes should not have a vote on whether the scheme should be decommissioned. The Consultation Paper says "Where local authorities consider they are not in a condition to adequately meet the needs of the client group..." [our emphasis]. This wording is contrary to the Mayor's commitment to put residents at the heart of proposals. The highly elastic wording allows local authority preferences to be the sole deciding factor. There would have to be a threshold of 'overwhelming technical or financial reasons' to override the ballot requirement. And on any event there would have to be a ballot on the replacement scheme.

Answer to Question 10 : Yes, provided there is a ballot on the alternative and replacement housing and the scope is properly constrained to what has to be done for the infrastructure scheme. This should also only be if the direct location of an estate is part of infrastructure needs.

Answer to Question 11 : Yes provided there is a ballot on the alternative and replacement housing.

Answer to Question 12 : Yes if properly justified threshold is met and provided there is a ballot on the alternative and replacement housing.

Answer to Question 13 : No

Section 4 - Transitional arrangements

4.3 The size threshold should be 10 or more dwellings. The funding condition should apply wherever the funding has not been contracted by the GLA. This includes cases where planning permission has been granted. . Exemption in a case where there has already been a ballot would only apply if the ballot was conducted in a way broadly consistent with the proposals in the Consultation Paper as modified and in particular that the ballots have been independently conducted.

Answer to Question 14 : Yes subject to the amendments on size threshold and the nature of the previous ballot as set out in para 4.3 above.



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Answer to Question 4: No, for the reasons outlined 3.6 and 3.10.

Answer to Question 5: See the comments in para 3.6 on the weaknesses of the consultation.

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c. Implementing ballots

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Answer to Question 8 : They need to be both tightened up.

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Answer to Question 11 : Yes provided there is a ballot on the alternative and replacement housing.

Answer to Question 12 : Yes if properly justified threshold is met and provided there is a ballot on the alternative and replacement housing.

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Section 4 - Transitional arrangements

4.3 The size threshold should be 10 or more dwellings. The funding condition should apply wherever the funding has not been contracted by the GLA. This includes cases where planning permission has been granted. . Exemption in a case where there has already been a ballot would only apply if the ballot was conducted in a way broadly consistent with the proposals in the Consultation Paper as modified and in particular that the ballots have been independently conducted.

Answer to Question 14 : Yes subject to the amendments on size threshold and the nature of the previous ballot as set out in para 4.3 above.

Consultation response to the Mayor's consultation on proposed new funding condition for resident ballots in estate regeneration.

[REDACTED] - Gipsy Hill Green Party
April 2018

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

A: We strongly support the requirement for residents to be balloted as a condition for receipt of GLA funding. We are, however, disappointed to hear that several estates facing demolition have already had their GLA funding contracts signed before there has been the opportunity to put the funding conditions into place.¹ This includes controversial projects in London such as Cressingham Gardens, where Lambeth's consultation process has been subject to judicial review and continues to be contested despite the second hearing being upheld², and the Fenwick Estate, which has faced controversy surrounding the tendering of contracts by Lambeth Council³. We strongly urge the Mayor to retrospectively apply funding conditions in these instances, to allow for oversight of the ongoing engagement with residents and to ensure transparency from the council. The scope of the ballot should have a wider application than that which is proposed in paragraph 2.5 of the proposal - although planning is a devolved process, residents' ballots should be a key factor in planning decisions involving demolition of or major works to current council estates, to ensure that community consent is viewed as a priority to approving a request for planning permission. We hope that the decision not to sign off funding to the Central Hill Estate can give hope to the local community that the residents will be granted a ballot.

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

A: Triggering a ballot only on estates with planning decisions referable to the Mayor (150 homes or more) appears arbitrary and forgets the need for community consent on many different types and sizes for development. Many smaller estates (with many multi-occupancy residences) are just as entitled to have a say via a ballot on the future of their homes. The GLA has the influence and authority to lower the threshold. We agree with Sian Berry AM's suggestion to lower this limit to those of 10 homes or more⁴. Even in developments with

¹ FOI Response March 2018: <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information/foi-disclosure-log/foi-estate-regeneration-schemes-london>

² *Court backs Lambeth over decision to redevelop Cressingham Gardens estate*, Local Government Lawyer, 22 December 2016: http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=29473%3A-court-backs-lambeth-over-decision-to-redevelop-cressingham-gardens-estate&catid=63%3Aplanning-articles&Itemid=31

³ *Karakusevic Carson forces council to rerun 'flawed' estate contest*, Architects Journal, 22 February 2018: <https://www.architectsjournal.co.uk/news/karakusevic-carson-forces-council-to-rerun-flawed-estate-contest/10028456.article>

⁴ Draft consultation response, March 2018, Sian Berry AM: https://www.london.gov.uk/sites/default/files/2018_03_sb_ballots_technical_consultation_response.pdf

fewer homes, the GLA has the ability to implement strict guidelines to local authorities to ensure that community engagement and consent is a vital factor for any future regeneration or demolition schemes.

Question 3: Do you agree with the proposed scope of resident ballots?

We agree with the initiative to prevent local authorities from “partitioning” estates so as to fall under the threshold to trigger a ballot. However, estate regeneration and demolition schemes are too complex for residents to answer a simple “yes or no” question. Residents should be able to pick preferences from a wide variety of options, which then are ranked and weighted proportionally. In order to make such decisions, it should be a mandatory requirement for local authorities to release all pertinent information to residents regarding the proposed options, and there need to be strict guidelines in place to support this.

Question 4: Do you agree with the proposed stage at which ballots should happen?

We propose that any ballot happens as late as possible in the planning stages of the proposed scheme. The ballot should also not be considered as a first and final ballot, especially in cases where masterplans for demolitions and rebuilds evolve and change over time. The ballot should be held after the masterplan and before planning application is submitted. Only at this stage will residents have sufficient information to make an informed decision.

The guidance on the consultation document does not make it clear as to how much information councils and social landlords would be required to make available to residents before a ballot. This should be mandatory and there should be stronger checks and procedures in place at GLA level to ensure that all required information is disclosed to residents. There should be stronger stipulations to ensure that residents are able to make informed decisions. We also propose that additional ballots are triggered when plans significantly change, to ensure that residents are not consulted and balloted on a plan which then becomes defunct as lengthy schemes evolve.

Question 5: Do you have any other comments on the threshold, scope and timing of ballots?

Ballots should be considered for all different types of schemes, not just demolitions. Key decisions around changes to estates, including infill and refurbishment, should be subject to adequate resident scrutiny and consent through the ballot process. To engage with communities democratically will be vital for cooperation between landlords, local authorities and residents.

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

We strongly oppose the current eligibility criteria, as this shuts out a lot of residents from being able to have their say. Council estates are mixed communities, and stratifying residents according to their status in the eyes of the council is not within the spirit of democracy. At one resident engagement meeting with Central Hill residents in Lambeth, a council member was quoted as saying that private tenants are not allowed to join

engagement groups as “they do not have a contract with the council”; and although this may be the case directly in terms of tenancy agreements, this is not a true representation of who private tenants are on the estate, especially given the fact that they remain council tax payers. This example highlights the reason why Councils need to be instructed by the GLA on these matters. The proposed eligibility criteria (3.17 - 3.20) will also exclude temporary residents who are homeless, and those living in homes who are not named on a lease or tenancy. The impact on equality in terms of who gets to have their say on a ballot would be wide ranging for this reason.

There are also cases where neighbouring streets will be significantly disaffected by years of demolition and development work let alone the final constructions that will usually be taller and more densely occupied than the existing. On estate regeneration schemes such as Central Hill neighbouring residents have not been consulted by the council at all and have not been viewed as stakeholders when they should be. The planning and scrutiny process is not sufficiently robust in places such as Lambeth, whose committees are dominated by one party.

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

We agree that criteria should be applied consistently, so long as it is applied equally and fairly as mentioned above.

Question 8: Do you agree with the Mayor’s proposed requirements for implementing ballots?

We agree that independent bodies such as Electoral Reform Services should be utilised for implementation of ballots, and for scrutinising and overseeing the process from consultation to planning and beyond. Central Hill Estate residents have already expressed a betrayal of trust from the council over the use of a paid company to oversee consultation of their estate demolition, as they were not able to handle and fill in their own consultation sheets. For this reason, there should be incredibly strict guidelines for any private company contracted to oversee this process. Ideally Electoral Reform, the Electoral Commission and Housing Ombudsman would ensure community trust and transparency, but if a private company is to be contracted there need to be strict, enforceable penalties for anyone breaching rules or calling the democracy of the process into question.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Emphasis should be placed on “People’s Plans” for estate regeneration - the tenor of the consultation document presupposes that regeneration and demolition schemes are a good thing, and is almost suggestive that those who disagree are merely obstacles to the process. This would be mitigated through residents having an active involvement in creating their own schemes for demolition, rebuild OR refurbishment, rather than having to feel like they are voting on options that are imposed upon them.

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

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

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

No.

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

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

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

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

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

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

It can take a very long time following an outline planning permission being granted to submit a full planning application. Therefore it would be entirely reasonable, in instances where there is only outline planning permission and no more than six

months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead.

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

Estate Regeneration – Resident Balloting Consultation

GVA welcome the opportunity to respond to the Mayors proposals surrounding the role of a resident ballot within estate regeneration schemes where GLA funding is sought and the demolition of existing homes is proposed. We note that the Mayor sets out clear support for resident ballots within 'Better Homes for Local People – the Mayor's Good Practice Guide to Estate Regeneration' (published February 2018).

Specifically we have replied to the questions set out in the consultation document:

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

No - we consider a yes/ no ballot to be too binary in dealing with a highly complex process. Further, balloting residents only does not take account of the wider view of the community and in particular those in need of social housing who could directly benefit from the scheme. We do however support the principle that residents should be fully consulted as part of any proposed estate regeneration. Further, given the resident ballot will only be applicable where there is demolition of homes is there an argument to suggest that this may drive Landlords down the route of less ambitious, 'light touch' schemes which may fail to deliver some of the wider benefits a more comprehensive scheme would have done due to the need to secure GLA funding.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

If balloting residents is considered good practice then why is this only relevant in a scenario where there is demolition. Surely it should be considered good practice even in scenarios where a less comprehensive Estate Regeneration solution is pursued.

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

The ballot does not take account of the wider community and those on housing waiting lists who could stand to benefit from the Estate Regeneration. Where are the views of these parties being fully captured? In addition, it is important that those voting within a ballot should understand what the result of a 'No' vote would be. Our experience shows that residents may not be clear on the result of a 'no' vote, and may have unrealistic expectations of how the proposed scheme or resident offer could be improved or changed if a 'no' vote is in the majority.

For example, the ballot might ask residents to vote 'yes' for a proposed demolition and rebuilding of the area, which includes a resident rehousing offer, or 'no' for very limited redecoration and maintenance scheme, at an approximate cost of £xxx per leaseholder or freeholder.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The level of information it is proposed will be provided to residents will involve a lot of detailed modelling and design work in advance, if the ballot is unsuccessful will this reflect an appropriate use of resources?

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Experience has shown us that the views of residents alter significantly through the estate regeneration process so a 'snapshot' in time may not fully capture emerging views. Would it be possible to have more than one resident ballot – i.e. the first ballot is unsuccessful, no estate regeneration takes place, this is then explored again in say 3 years, could you in principle ballot residents again?

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The question of who should be balloted needs to be explored further, is drawing an arbitrary 'red line' around the estate correct? Those living in the wider community or indeed adjacent to the estate opinions should surely be captured as part of this exercise. Further, there are a number of people on housing waiting lists living in temporary accommodation both in and out of Borough, as well as private tenants who are not on the local authority housing register. These parties would undoubtedly benefit from the provision of increased private and social housing, but as proposed the ballot system would not take account of the needs of this group. Will each 'vote' be treated equally – is it correct that someone living in temporary accommodation for a year on the estate is given as much weight as a resident who has lived on the estate all of their life?

In principle we would suggest that non-resident leaseholders and freeholders, who are investors in the area, be entitled to a vote also. In addition, there may be good reason why non-resident leaseholders and freeholders are temporarily non-resident (eg work/education/family responsibilities/armed forces etc.

On page 12 of the February 2018 Mayoral Guidance on Estate Regeneration, the Mayor acknowledges the need to engage with stakeholders who are not residents on the estate. The suggested stakeholders include businesses and community facilities on the estate, as well as local councillors, MPs and residents and businesses not within the boundary of the Estate as well as statutory consultees such as utilities and Transport for London.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes in terms of use of a qualified independent body to administer the ballot. We would suggest some flexibility around the requirements for a majority to reflect the different interest groups within those entitled to vote in a ballot, and the weight applied to the interests of specific groups.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

N/A

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes – although it will be necessary to ensure there are not unintended consequences – eg housing regeneration schemes being put forward as part of infrastructure schemes in order to avoid the requirements of ballots.

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

Yes

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No

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

Yes

Paul Robinson

From: [REDACTED]
Sent: 03 April 2018 15:22
To: Ballots Consultation
Subject: Ballot consultation

Hi,

I am writing to you as a resident of Gilbeys Yard Estate in Camden Town as well as the Chair of Gilbeys Yard Tenants and Residents Association. Please see my responses to the questions for the ballot consultation:

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

Yes, by making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Partially. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.

I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.

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

The scope of the ballots seems appropriate. The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Yes, it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

N/A

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy

agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.

I do not agree with the proposal to have the following eligibility criteria for resident ballots:

Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.

How will this be implemented in practice?

I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes, there should be uniformity on all schemes for fairness

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes, Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.

The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.

The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes, but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.

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

Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

N/A

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

I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

Many thanks,



Chair

Gilbeys Yard Tenants & Residents Association



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Proposed new funding condition to require resident ballots in estate regeneration

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

The Housing Forum members believe that regeneration should have a positive outcome for existing residents and as such ballots demonstrate buy-in from the community and require proper engagement from the landlord. They also serve to ensure the offer to local people is well thought-through and meets their needs. However, ballots can become politicised and there is a risk that schemes which would add additional homes, as well as reprovide for communities, will be undermined by effective campaigns where misinformation and scare tactics are used to prevent schemes progressing, or make the offer required from the landlord to secure a yes vote too costly for it to be viable.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Broadly yes. However a regeneration which provides 150 homes may require the demolition of many fewer than this. Should the criteria to consider a minimum number of existing homes?

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

Yes

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not? Question 5:

Yes we agree the ballot should happen at an early stage.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Yes.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes we believe this exemption will allow infrastructure projects, which will benefit the wider geographic area.

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

Yes, where there is risk of death and injury and buildings are unsafe this is sensible.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Where the number of homes to be demolished is less than a certain threshold (say 40)

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

Yes.



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Community Led Design

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Consultation response to:

Proposed new funding condition to require resident ballots in estate regeneration

To the attention of Consultation on ballots in Estate Regeneration Housing & Land
Directorate Greater London
169 Union Street
London SE1 0LL

Submitted by **The Glass-House Community Led Design**
Lead Contact: Sophia de Sousa
Chief Executive



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

Introducing a mechanism to measure and demonstrate resident engagement and support for large-scale change to their housing area as a condition for funding is an excellent idea, and we are pleased to see the Mayor using policy measures to implement one.

However, we do have some quite fundamental concerns with the proposed funding condition:

1. There is still minimal consensus, criteria or regulation on what constitutes good engagement. As a charity that has been supporting engagement in design and placemaking for over 15 years, we know that there are varying views on the value of engaging residents, and that the commitment to developing and implementing transparent and inclusive placemaking processes is inconsistent across the housing and development sectors.

Does GLA need to set some baseline criteria for engagement?

2. Having worked with communities and design professionals in local authorities, the social housing sector, development and design practices, we are aware of the considerable skills gap that still exists around community engagement in design and development. There is a strong need for capacity building around: setting engagement strategies; designing and delivering engagement activities, creating opportunities for community development and empowerment; and effectively connecting the engagement programme with decision-making.

It is likely that this regulation would encourage/oblige organisations and professionals to build that capacity, but this will take time, and high quality support and funding to achieve this is currently limited.

Clear guidance and firm expectations about what constitutes good engagement would help raise engagement standards and bring some consistency in approach across the sector.

3. Given this skills gap, it is quite possible that the outcome of some of these ballots will be negative. What happens then, and how consistent will GLA be in applying the condition if it is compromising progress against housing targets? Will schemes be permitted to do a second or multiple ballots to achieve consensus around proposed change for the future? If so, will they need to demonstrate another period of engagement and a shift in the proposed plans in order to hold another ballot?

Can GLA commit to ensuring that some schemes that have had a negative outcome at ballot don't slip through the net because new housing targets must be met?

4. Any ballot process risks legitimising a decision without adequate representation. The GLA must define a clear critical mass of representation, so that the ballot offers an accurate reflection of local views.

The GLA should consider defining a minimum percentage of the resident population to be represented through the ballot process, which should exceed 50%.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

It is encouraging to see the policy is considering scrutiny processes that prevent the partitioning of proposals to avoid the criteria. We would hope that the checks and balances are sufficiently rigorous.

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

Rigour should also be applied to assessing the offer document and ballot proposition that sets out the proposals. It is our experience that many current consultation documents are quite inaccessible to many residents, using jargon and illustrations that are not easily understood by all. When options appraisals are involved, it is essential to give equal and transparent information on all options, and not weigh information to the preferences of those setting out the options. This information should include information on the development process and associated impact of the options, and not just on the numbers and form of the built outcomes.

It might be an idea to have someone who is not experienced in design and regeneration contributing to the GLA review of this material.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Yes, it is essential that the ballot process happen at this early stage. Otherwise it risks becoming a perfunctory box-ticking exercise with little scope to affect decision-making in a meaningful way.

The level of engagement required to actually have a useful conversation with local people in order to agree a shared vision for change will however, take time and resources, that will mean investing at risk. The Glass-House is confident that that early investment would reduce risk in the later stages, and perhaps prevent untenable schemes from progressing further, and would hope that the GLA would not be discouraged by the potential for delays to meeting housing targets that this requirement may cause, given the skills gap and the culture that does not yet generally recognise the value of early investment at risk.

The GLA might consider how it can help encourage and support the investment required to improve capacity and deliver meaningful engagement at this stage, which would help improve the potential for a clear and ratified shared vision and for a generally more collaborative approach.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Again, scrutiny and commitment to applying clawback where plans deviate from those outlined by the ballot, will be essential to the success of this policy. The GLA should consider how to

build in a manageable mechanism for residents to raise concerns about the offer deviating from what was agreed through a ballot, and for an independent review process to be applied. We are pleased to see the commitment to no net loss of affordable housing within estate regeneration schemes, and believe that this requirement will contribute significantly to the potential for balloting to provide consensus for a proposed plan.

**Question 6: Do you agree with the proposed eligibility criteria for resident ballots?
Why/why not?**

We are extremely concerned with the exclusion of non-residential tenants, leaseholders and freeholders from the ballot process. The non-residential elements of a housing estate are a crucial part of their make-up and success, and often play an important role as a connector within the estate. If we are to avoid simply working to housing targets, if we want to create places that thrive, there needs to be a conversation that brings residential and non-residential interests and concerns together in a joint conversation about the future of that place.

Similarly, we have concerns about limiting the requirement for engagement to within the housing scheme boundary lines. The personal, social and economic connections that cross those boundaries are a crucial part of the estate's success in the future. Any development or regeneration scheme will have an enormous impact on the local area, both during the process of change and once the builders have left. Similarly, the local area will have an impact on the success of the housing scheme in terms of the social, economic and cultural offer to residents. Not supporting a dialogue that crosses the scheme boundaries is risky and a missed opportunity.

We believe that the engagement process, if not the ballot itself, must demonstrate an understanding of the local context, and that there is an open dialogue with those around the estate in question. How will the GLA ensure that this is the case, and what criteria will it impose on this wider conversation?

**Question 7: Do you agree that eligibility criteria should be the same for all schemes?
Why/why not?**

Yes, it is important to have clarity of expectations and consistency across the spectrum of schemes. Otherwise there is the risk of project teams choosing the best option for exceptions.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

A qualified independent body is a good idea, but it should bring together considerable expertise on electoral processes, placemaking and engagement. Otherwise it is not in the position to effectively assess the process.

As expressed in our response to question 1, we are extremely concerned by the lack of a threshold for participation for a valid balloting process. Declaring a 'yes' vote when there is a simple majority of those voting in favour of the estate regeneration proposal means that a tiny proportion of the residents could effectively legitimise proposals.

The GLA should consider defining a minimum percentage of the population to be represented through the ballot process, which should exceed 50%.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

See response for question 8

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No. Infrastructure schemes are of course challenging, as they require large-scale demolition and change, and communities are often nervous and reluctant to welcome them at the cost of local homes, amenities and local spaces.

However, a rigorous engagement process that can both help and ensure that the proposed infrastructure scheme will bring local as well as regional and/or national benefit would be a productive starting point for that large-scale change. Communities have the right to expect that they will not be the sacrificial lamb for the greater good, and a transparent and collaborative conversation early on could help reach a shared vision on mutually beneficial proposals.

The GLA should not exempt infrastructure schemes.

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

While in principle, we agree with this, we are concerned that there should be very clear criteria for what constitutes a safety issue, and that there is a rigorous assessment process in place to agree an exemption on those grounds.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Specialist supported housing is a case in which resident views, combined with those of associated family, carers and service providers, are critical. Particular housing needs require particular attention to detail in their design, and in how they sit within their local context, and excluding those involved for the conversation at an early stage risks placing those who live there and their carers at risk. Not benefitting from their considerable experiential and specialist knowledge at an early stage of development would be a missed opportunity.

While we understand that in some instances the demolition of such sites will bring with it replacement provision on other sites, that replacement provision should be part of an offer in a proposal for demolition. Both the demolition and replacement provision should be supported by a good and rigorous engagement and balloting process.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

The first and second conditions make practical sense and seem a sensible way to create clarity to the application of a policy that would require a shift in culture as well as practice.

Our key concern with the third condition, where a scheme that has already been through some kind of ballot process may be considered on a case-by-case basis, also seems a sensible approach. However, this will require rigour and clarity around criteria. Our greatest concern here is that the ballot may not be representative or demonstrate that a meaningful proportion of local people have been involved in the process.

Paul Robinson

From: [REDACTED]
Sent: 09 April 2018 21:58
To: Ballots Consultation
Subject: Response to Estates regeneration consultation

I support the responses to the consultation by the London Tenants Federation. We would like to add further comments about estate regeneration which the consultation in its particular framing do not capture.

There are no community led housing options proposed as a viable option for providing a percentage of homes within any regeneration scheme

As a way to mitigate the loss of social rented homes and major displacement (one of the main levels) is that residents should be funded and supported to form a community led housing options to build homes within the regenerated estate

The current definition of like to like of which there is none in practice, fails to provide a true cost accounting perspective. Those tenants who remain and become part of a HA see their costs go up and they move on as they cannot afford to live there. Hence the displacement continental but over a drawn out period. This displacement is hidden as no one is research the numbers of tenants that have left their estates.

Ballots represent one form of limited participation by which residents on estates can inform decision making, which is based on predetermined issues. Local Authorities should be encouraged to move beyond a ballot and develop task forces made up of key stakeholders and residents.

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Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration

Grant Thornton UK LLP's Response to the Mayor of London's Consultation Paper

10 April 2018



Proposed new funding condition to require resident ballots in estate regeneration

Comments on “Proposed new funding condition to require resident ballots in estate regeneration” consultation paper issued by the Mayor of London, February 2018

Introduction

The Greater London Authority (GLA) are consulting on:

- the Mayor’s proposed policy to apply a funding condition to encourage resident ballots in estate regeneration schemes involving the demolition of existing homes;
- how these ballots should work in practice; and
- transitional arrangements.

Responses are required by 5pm on 10 April 2018.

The Mayor proposes that the GLA applies a new condition on its Affordable Housing Grant requiring “evidence of a positive vote in a resident ballot before new allocations of grant are made to estate regeneration projects that involve the demolition of existing homes”.

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

It is clearly important to consult residents on proposed regeneration projects. There have been a number of examples of where residents’ objections have delayed projects which had been in development for a number of years, and in some cases where the Councils have reached the point of appointing a development partner. We recognise the importance of achieving engagement early on and developing the confidence for the Council and its prospective partners that the project has the support of the local community.

We note that there is a risk that ballots could lead to high abortive costs and longer lead in periods for projects, and there are a number of practical challenges in achieving a clear and lasting mandate for these types of projects, which we outline below. It is important that clarity is achieved particularly with regard to the timing and the scope of the proposed ballot.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

The guidance refers to the following criteria:

- a scheme that involves the construction of at least 150 homes of any tenure on an existing social housing estate; and
- if the social landlord proposes to demolish any affordable, leasehold homes or any freehold properties acquired under Right to Buy etc.

It appears to imply that a ballot will be triggered if only one home is proposed for demolition. We would therefore suggest a de minimus level to avoid a ballot being triggered where only a few homes are required to be demolished. This threshold should also apply to occupied homes only to avoid a ballot being triggered by the demolition of voids.

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

The scope of the ballot as set out in paragraphs 3.6 – 3.10 seems appropriate. However the challenge will be to provide sufficient detail for residents to make an informed decision, whilst accepting that the design and content of major regeneration projects can take many years to develop and may change over time. There is a risk that there will be argument further downstream on what exactly has been voted on and agreed.

To ensure residents have clarity on the “offer”, we would propose that ballots are required to set out a series of “**core principles**” which will not be changed (unless there is a subsequent re-ballot) and then set out the “approach” to regeneration which will be subject to further development. The ballot should be clear about how this “approach” may flex over time.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The guidance is not clear on the stage of the estate regeneration process at which a ballot should happen. It implies it is before the adoption of a masterplan but further clarity would be welcome on this. In our view it will be difficult to have a meaningful ballot without an outline masterplan in place, as there will not be sufficient clarity on the proposed new development, number and tenure mix of new homes, and proposed social infrastructure.

There is a risk that private sector may not devote resources to projects where the ballot outcome is uncertain and scheme principles subject to change. Therefore we would suggest that ballots should be in advance of substantive engagement with the private sector. This timing will enable projects to benefit from the greater confidence in delivery that a yes vote would provide.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

We would assume that ballots will take place on a “whole estate” basis and there will no scope for balloting on individual phases of an estate regeneration project, to ensure a comprehensive and holistic approach is adopted.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We would agree that social tenants, leaseholders and freeholders should be eligible to vote.

We note that their concerns will be very different and there must be adequate balance given to the information provided to allow an informed choice for each tenure, and that this must be seen to be delivered. Given the scope for challenge on the fairness of this, there is likely to be a need for an independent oversight of this comparable to the independent resident advisers appointed for stock transfer ballots.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes, there does not seem to any rationale to vary it by scheme.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Our experience of stock transfer ballots is that the Electoral Reform Services were engaged by local authorities and were important to maintaining confidence in the independence and reliability of the process, and so we would support this approach.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

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

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

We agree with the proposed exemptions.

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

We agree with the transitional arrangements as set out.

Contact for queries:

David Longbottom,
Associate Director, Government and Infrastructure Advisory

T [REDACTED]
E [REDACTED]



Mayor of London consultation:

Proposed new funding condition to require resident ballots in estate regeneration

Response to consultation

April 2018

1) Introduction

The Guinness Partnership is a 66,500 home housing association operating across England. Around 6,000 of those homes are in London. Our commitment to the provision of affordable housing in the capital goes back to our roots as one of the earliest housing associations in the capital.

Today, Guinness's objectives remain very similar. We exist to improve people's lives and create possibilities for them. We are committed to building as many homes as we can to help those in housing need.

We welcome the opportunity to respond to this consultation. We are currently regenerating six different estates across London, with each of those sites at different stages of the regeneration process.

Our responses below are based on our experience of working across those six sites.

2) Response to Consultation

Q1: Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?

Yes, we do.

We support the right of existing customers living on an estate to have a strong and binding say over their future.

Guinness already undertakes estate-wide consultation prior to any estate regeneration, and we listen carefully to what our customers tell us. For example, we have recently changed our approach to a regeneration scheme in Northwold, Hackney, an estate made up of around 580 homes. Instead of partial demolition and re-build, Guinness will build approximately 100 additional homes, predominantly through infill.

This decision was made following extensive feedback from our customers. While some did express a preference for demolition and re-provision, others were concerned by the disruption of a long programme. We sought to balance the views of our customers with a need to provide more affordable housing; Hackney has one of the larger waiting lists in the capital – around 12,400 households.¹

However the change from a plan to demolish and rebuild to one based on infill does mean fewer additional homes – around 200 fewer overall than could have been built.

While this relates to just one site in London, it suggests that there is potential for this proposal to mean fewer homes are built overall across a number of regeneration sites, as existing residents decide that they would prefer to avoid the disruption of a long regeneration scheme.

¹ London Datastore, Households on local authority waiting list, borough - <https://data.london.gov.uk/dataset/households-local-authority-waiting-list-borough>

And while on this site we are progressing with a plan to build an additional 100 homes, there is a risk that on some estates, where the early indicators are that there will be a lack of support for any estate regeneration, a landlord will decide not to pursue it, leading to no additional homes at all.

While that might be a good outcome for existing residents (although not those who actually want a new home), it is not a good outcome in terms of meeting the Mayor's 66,000 homes a year target, or helping to find a home for the nearly 250,000 households on local authority waiting lists across London.

Q2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Partially, and with a suggestion.

At our Northwold estate regeneration site in Hackney, we now plan to demolish just two homes (one leasehold, one social rent) in order to enable us to build 100 new additional homes through infill.

We understand that as we will not exceed the threshold set out in paragraph 3.2 of the consultation document of 150 new homes, Northwold would not be subject to a ballot.

Nevertheless, our experience at Northwold suggests consideration could be given to introducing a different threshold for triggering a ballot.

We know from the feedback we've received from our Northwold customers, that people on the estate are concerned about the level of disruption that will occur through any estate regeneration at all, including infill. Moreover, as we are now no longer demolishing (apart from two) people's existing homes, those housed on the estate, in the event of a ballot, would have little incentive to vote yes; they won't get a new home.

As such, we believe there is a case for exploring a minimum threshold of social rent homes being demolished, expressed as a percentage of total social rent homes, and where there will be a net increase in homes for social rent once the scheme is completed, below which a ballot would not be triggered.

For example, if 10% of social rent homes were to be demolished to make way for both more homes for social rent and an overall net increase in the total number of homes, there might be a case for not holding a ballot.

Q3: Do you agree with the proposed scope of resident ballots? Why/why not?

Yes, we do.

If customers are to make an informed decision, they need access to as much information as possible. Prior to any estate regeneration, we already provide details to existing customers matching the scope set out in the consultation document.²

² An example of this can be seen on the consultation website for the Northwold estate - <https://northwold.commonplace.is/>

Q4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Yes, we do.

We support a ballot taking place as early in the process as possible while still ensuring customers have sufficient time and information to make an informed decision in the ballot.

Early engagement and decision-making will ensure customers have more certainty over the timescale in which a decision will be made about the future of their homes and estate.

It will also ensure that where there is no support from customers for regeneration, costs are not incurred procuring development partners and other specialists.

Q5: Do you have any other comments on the threshold, scope and timing of resident ballots?

We have no further comments.

Q6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We agree with the proposed criteria. Any customer, regardless of their tenure and as long as they have been living on the estate for a year or more (and are on the local authority's housing register in the case of assured shorthold tenants), should have a say in the future of their home and neighbourhood.

While we support the principle and right of assured shorthold tenants to vote in a ballot, where they meet the criteria set out in paragraph 3.19, we have to consider the possibility that they would vote "no" to regeneration. Assured shorthold tenants do not have a right to return to the estate, and as they will not be promised security of tenure or a new home, there is no direct incentive to vote "yes".

When we build new homes for social or affordable rent, those homes are let according to the nominations agreements we hold with local authorities. It is the role of those authorities, not Guinness, to allocate those new homes according to their local lettings criteria.

Q7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

For the sake of transparency and consistency, we agree that eligibility criteria should be the same across all schemes.

Q8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

We agree with the proposal to use a qualified independent body to carry out and supervise the ballot.

We support the proposal that a simple majority for a "yes" vote is sufficient.

Q9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We have no further proposals.

Q10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme?

We agree with this proposed exemption. However, our agreement comes with an observation.

Housing is as vital a part of local infrastructure as transport. Without the provision of a range of housing for people with different needs and income levels, a local economy will not thrive. The justification for this exemption for infrastructure schemes, set out in 3.28 is that “it is important to recognise the crucial role that infrastructure schemes play in London’s economy and for a wider population.”

We believe the same is true of housing. For every pound invested in affordable housing, a further £1.42 is generated in the UK economy through indirect and induced multiplier impacts. In 2013, housing associations contributed a total of £6.5bn to UK Gross Value Added – 0.5% of UK Gross Domestic Product.³

Q11: Do you agree with the proposed exemption where the demolitions are required to address safety issues?

Yes, we do.

Q12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes, we do.

Q13: Do you have proposals for other potential exemptions to the proposed funding condition?

We believe a further exemption might be considered:

Where a scheme has already been submitted for Planning – not just where it has Planning Permission, and where the Planning Applicant can demonstrate meaningful resident consultation prior to the submission of a Planning Application.

Q14: Do you agree with the proposed transitional arrangements? Why/why not?

Yes we do.

End of response

For further information or clarification, please contact either:

- Alistair Smyth, Head of External Affairs – [REDACTED] or
- Jon Milburn, Group Development Director – [REDACTED]

³ *Broken Markets, Broken Dreams*, Homes Truths 2014/15, National Housing Federation

Paul Robinson

From: [REDACTED]
Sent: 27 March 2018 14:35
To: Ballots Consultation
Subject: Consultation Response

Hello GLA team

Please find my response submitted under Angela Koch, Director, ImaginePlaces LTD

Kindest regards, Angela Koch

+++++

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

Yes. But. An independent facilitation service is required to enable a positive and effective process.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes.

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

Detailed design work needs to be completed for the final and second vote so people know what they are voting for.

The vote should be first on the 'Vision' and then on the Detailed Planning Application content to ensure promises are delivered. It is critical to understand the level distrust between involved parties currently. Independence and transparency of the design facilitation and content sign-off and voting is critical in my view. The development of detailed process rules and guidance is a must to ensure all are clear on what is required of whom. An independent facilitation service is required to enable a positive and effective process.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

No. There should be two to allow for the development of certainty through the design process. A vote needs to be public support people in acting responsibly and show where majorities develop.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Yes. There should be two votes at the beginning and end. And people need to confirm attendance in a number of design workshops to gain/retain the right to vote.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

No. I think everybody on the estate and neighbouring streets on the edge of the estate should have a right to vote. And younger people as well. At least in an advisory from.

This does lead me to the point that perhaps a legally binding ballot is a very tricky proposition particularly if the surrounding population has no vote or the process was not carried out well. Clarity on process needs to be developed and detailed rules, regulations and guidance will be paramount to change the culture and poor levels of

trust. This is also very difficult in practical terms when one runs a design workshop where some people will have a right to vote and others do not because of not meeting the criteria.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

No. Set up an independent service.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Yes. Set up an independent facilitation and design service so that the design and consultation work is 'accepted' by all parties involved.

The stage between the ballot and the final output (what will and gets build) needs to be clarified , monitored and enforced if necessary. The lack of trust needs to be reduced and bridged in my view.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No. I think it is wrong to assume that people are always against large interventions or do not understand their possible role in making a good city/ a city better. And the fact that a large transport scheme or other infrastructure is planned for could be seen as a great opportunity too. An independent facilitation service is required to enable a positive and effective process.

This does lead me to the point that perhaps a legally binding ballot is a very tricky proposition particularly if the surrounding population has no vote or the process was not carried out well. Clarity on process needs to be developed and detailed rules, regulations and guidance will be paramount to change the culture and poor levels of trust. This is also very difficult in practical terms when one runs a design workshop where some people will have a right to vote and others do not because of not meeting the criteria.

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

Issue: LA's might be seen 'inventing' safety issues if it suits them.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Not sure.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Energy efficiency of homes is poor. Where a significant amount of more homes could be provided for local people in need. It is wrong in my view to support the privilege of living in a low rise for a few on low density public land at the cost of London families that cannot afford to live in decent accommodation.

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

Yes.

+++++

Angela for ImaginePlaces Ltd

+++ We are so delighted! We are a Finalist in RTPI's Awards for Planning Excellence 2017|Plan Making Practice for our work with Look!St Albans and St Albans Civic Centre Opportunity Sites (CCOS) Development Partnership on the St Albans Civic Centre Opportunity Sites Masterplan.



Here a little video clip from the St Albans Design Charrette:
<https://www.youtube.com/watch?v=Nt2LKlyXTIk> Visit www.lookstalbans.org/ccos.html
1 for more detail+++

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Paul Robinson

From: Colin Archer [REDACTED]
Sent: 03 April 2018 17:00
To: Ballots Consultation
Subject: Consultation on ballots in estate regeneration

Islington and Shoreditch Housing Associations comments are as follows.

Question 1

We are supportive of a threshold of circa 150 dwellings being involved before a ballot is required.

While we understand the need for ballots for proposals that will radically change the nature of an area. Requiring ballots for the demolition of single blocks etc will prove a significant disincentive for landlords to modernise their stock and in some cases increase the density on estates thereby addressing housing need.

Colin Archer
Director of Development and New Business

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Paul Robinson

From: Juniper Crescent [REDACTED] >
Sent: 03 April 2018 14:36
To: Ballots Consultation
Subject: Proposed New Funding Condition to Require Resident Ballots in Estate Regeneration

To Whom It May Concern,

Please see below The Juniper Crescent Tenants' and Residents' Association's response:

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

Yes

- Just as the Mayor's Draft London Housing Strategy has been subject to extensive discussion and consultation (to ensure those affected are consulted and involved), it is imperative that anyone directly affected or severely disrupted by plans for an estate regeneration has a right to vote on said plans.
- Such a requirement will not necessarily derail or block a planned regeneration scheme, but will encourage a developer or housing association to ensure affected residents are fully consulted and involved in the process.
- By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Partially

- We believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
- The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.

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

- The scope of the ballots seems appropriate.
- The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled.
- The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

- Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

- N/A

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

- We do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
- How will this be implemented in practice?
- We understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
- The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

- Yes - There should be uniformity on all schemes for fairness.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

- Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

- The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
- The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.
- The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

- Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.

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

- Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

- N/A

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

- N/A

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

- We do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

Kind regards,

The Juniper Crescent Tenants' and Residents' Association
(Representing 120 households in North London)
Juniper Crescent, London NW1

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CNTC

Charteris Neighbourhood Tenant Co-operative

Telephone [REDACTED]

Email charterisco-op@talktalkbusiness.net

1. BACKGROUND (of the consultation document)

Re section 1.2: While the Mayor suggests that there are multiple benefits offered by successful estate regeneration, the reality has been - for almost 20 years (since the introduction of decent homes work, tied to promotion of stock transfers) and particularly since 2011/12 with the introduction of affordable rent homes, been quite different. This has included:

- regeneration that has actually been about displacing social housing tenants and demolition of their homes to make way for development of luxury dwellings for much higher income households;
- a huge loss of existing social rented homes and lack of funding and policy requiring replacement with new social-rented homes;
- failures to engage social housing tenants in proposals for estate regeneration in a meaningful way, (i.e. much it being entailing vast sums of money spent on glossy materials to promote schemes by landlords and developers, but with a lack of solid information on the economic, social and environmental justification and impacts of demolition rather than refurbishment of social rented homes);
- lack of funding and support for social housing tenants and residents to determine what they would want – bottom up – in estate regeneration / improvement schemes;
- decades of pain for social housing tenants and residents on estates planned for ‘regeneration’ - of not knowing whether their homes will be demolished, impacting detrimentally on their health and well-being, and whether the inevitable result will be their displacement and breaking up of strong and supportive families and communities;
- piecemeal infill on estate, with little consultation with tenants and residents and failures to deliver what was originally agreed with residents in terms of tenure and numbers of new homes delivered;

Proposal - the Mayor must highlight the fact that in many instances regeneration has actually resulted in negative impact on the numbers of social rented homes in London,

displacement of low income households and breaking up strong and sustainable communities.

Re section 1.3 & 1.4.

Proposal

- the Mayor must define 'like for like'. This should comprise, at least, the same size, density, tenure, rents and service charges as existing;
- the Mayor's office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.

2. OBJECTIVES AND APPLICATION OF A FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS.

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

Agreed that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this inline with the requirement of ballots in respect stock transfers. We also feel that planning policy must also be strengthened. In addition:

Proposal: the London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that **in all estate regeneration proposals** that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurb compared to demolition and rebuild).

3. REQUIREMENT OF RESIDENT BALLOTS

General comment:

- It is clearly morally wrong that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition. While this consultation document goes some way to addressing this, the Mayor's current proposals, however, provide far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes.
- The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute **requirement**.
- The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.
- It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions and that residents may also be

provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.

3A. Threshold, timing and scope of ballots

- Clarification is required on what is meant by ‘a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration’
- Definition of what is meant by ‘strategic’ estate regeneration is also required.

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

No.

There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed.

There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots and making paragraph 3.5 impossible to deliver - particular given the Mayor’s focus on small sites in the draft London Plan.

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

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

Proposal: Re paragraph 3.6 this should additionally include:

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

Proposal: The following should be included in paragraph 3.7

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

Additional Proposal:

- There should be a requirement to show a significant engagement in a ballot (more than 50%).
- Ballots must be held prior to applications for planning permission are submitted.

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

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

3B. Eligibility requirement

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

Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration – highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually ‘tenant’, are included. This similarly should apply with regard to leaseholders and freeholders.

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

Our members’ discussion on this highlighted some of the practical difficulties around determining occupancy, particularly relating to increasing levels of quite transient private tenanted households living in buy-to let-flats and leaseholders who may never have lived on the estate (see proposal regarding question 8)

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

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

Yes.

3C. Implementing ballots

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

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

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

3D. Exemptions

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

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

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

No.

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

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

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

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

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

4. TRANSITIONAL ARRANGEMENTS

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

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

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

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

Sent by email: ballotsconsultation@london.gov.uk



Consultation on ballots in Estate Regeneration
Housing & Land Directorate
Greater London Authority
169 Union Street
London SE1 0LL

swan HOUSING
ASSOCIATION

10 April 2018

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Dear Sirs,

Response of Swan Housing Group to GLA Consultation on ballots in Estate Regeneration

As a registered provider with a good track record of working with the GLA and our Borough partners to deliver successful Estate Regenerations such as Bow Cross and Blackwall Reach, Swan is committed to ensuring residents are fully consulted in relation to plans which affect their homes.

We recognise that resident support for regeneration work creates a powerful mandate for change and that residents themselves need to be involved throughout the regeneration process.

With any such changes in policy, Swan's response is to take a pragmatic approach working with our partners to find the best way, notwithstanding any change, to continue to deliver more high-quality homes of all tenures to ensure we deliver effective services, enterprising solutions and exemplary homes and communities. If the proposals in the consultation paper are implemented following the consultation period, we will continue to seek GLA funding for estate regeneration work, applying ballots where required.

We would also endorse provisions within the draft new London Plan requiring no net loss of affordable housing within estate regeneration schemes and specifying that schemes deliver an uplift in affordable housing where possible. This is the approach that we take when considering any new scheme and clear direction here from the Mayor would help address the growing belief in some areas of politics, communities and the media, that "regeneration" does not bring positive change for residents and instead is delivering "gentrification".

However, we would like to take up the opportunity presented to provide feedback on several key areas of the consultation, based on our experience of delivering successful regeneration activity in the capital:



Swan Housing Association Limited is registered as an exempt charity under the Industrial and Provident Societies Act 1965 (Registered Number: 28496R) and with the Homes and Communities Agency (Registered Number: L4145). Registered office Pilgrim House, High Street, Billericay, Essex CM12 9XY

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

- The need to achieve a simple majority in support of a regeneration scheme does, we believe, have the potential to allow the interests of a few to decide the needs of many. Particularly in the context of densification of estates for example, where the those living in existing low rise, low density housing, are unlikely to vote for a regeneration which will increase density, even where this would provide more homes of all tenures and potentially 50% affordable homes in line with the Mayor's stated aim to meet the needs of the thousands of families not only on council waiting lists but also wishing to rent or own their own home in the capital.
- The need to achieve a successful ballot may also mean that the likelihood of achieving success at a ballot would influence decisions about delivering regeneration work rather than decisions being made based on both asset management needs and housing need. This could lead to a long-term decline in the quality of London's housing stock and a failure to deliver the densification needed to meet housing demand.
- It is our view that there are other ways to ensure residents are involved and engaged with regeneration which affects their homes as demonstrated by the successful regenerations we have delivered (such as Bow Cross) and the ongoing regenerations we are delivering (such as Blackwall Reach).

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

- The proposed criteria require a ballot where involves the construction of at least 150 homes regardless of tenure where the social landlord also plans to demolish any affordable or leasehold homes whose freehold it owns, and any freehold properties within the estate acquired under the Right to Buy, Right to Acquire, or Social HomeBuy.
- This threshold would mean that the schemes that are likely to make the most impact on delivering new homes and delivering placemaking change will require a vote.
- It is our view that the current proposals should be amended to include a level of proportionality i.e. for example a ballot being required if more than 20% of homes on an estate are being demolished. Without such a proportionality test, the proposals could have the effect of dividing the community where the regeneration affects a minority of residents but offers a much wider social benefit. Effectively, the interests of a few who are directly affected by the demolition would outweigh the many who would benefit. [REDACTED]
- As such, our suggestion would be that in such cases of limited strategic development, such as this, the introduction of an appropriate level of proportionality would ensure that wider social benefit could be achieved.
- When considering this suggestion, we should also not lose sight of the fact that the affected residents would retain the existing rights of consultation as exist through the planning process.

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

- If it is decided to proceed with ballots we agree that the scope is reasonable.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

- If ballots are required, we would propose that there should be flexibility for the Landlord to hold the ballot at the time that the Landlord believes is right based on the consultation it has carried out with the residents.
- If ballots are required, to meet the requirements for provision of information to residents a Landlord will have had to invest significant resources to be able to provide the level of information provided, totally at risk of the outcome of the ballot.
- This may lead to Landlord's being unwilling to invest resources in proposals for estate regenerations which are more likely to be controversial and where there is less confidence that a ballot would be secured in favour of the regeneration. Again, potentially leading to the most pressing (and potentially most effective in the context of provision of additional affordable homes) regenerations not being pursued, leaving London with less homes overall and a deteriorating housing stock.
- Notwithstanding our comments above, we would support the proposals that, once a successful ballot has been delivered for a regeneration scheme, no further votes are required to proceed with the masterplan etc provided the same is delivered in line with the "vision, priorities and objectives agreed by residents". This is essential to enable the regeneration to proceed, albeit with resident consultation throughout, which we would endorse along with the Mayor's view that any ballot is just a milestone in the consultation journey with residents affected.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

- We would recommend from our experience of stock transfer ballots that the procedures allow for a short ballot with no restrictions on the landlord communicating with residents during the ballot period. This is based on our experience where, during the "purdah" period of stock transfer ballots, the Landlord is effectively silenced and special interest groups, usually with views against the regeneration, then have an opportunity to spread misinformation.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

- Subject to our response to Question 1, we agree that secure tenants (including their resident family members on the Local Authority housing register) and resident leaseholders should be eligible to vote subject to our proposal for a proportionality test in our response to Question 2. We do not agree that those residents identified in paragraph 3.19 of the consultation document should be eligible – it is unlikely to be possible to prioritise the allocation of new homes in regeneration schemes for people in temporary accommodation or private rented housing and furthermore this policy may have unintended consequences where landlords could decide to hold decanted properties vacant rather than letting to homeless families in order to avoid a right to ballot arising.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

- Subject to our response to Question 1, we agree with the proposed eligibility criteria for resident ballots subject to our proposal for a proportionality test in our response to Question 2.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

- Subject to our response to Question 1, we agree that the vote should be supervised by an independent body and that a simple majority of those that vote should be required.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

- See our response to question 5 above.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

- We would suggest that the definition of “infrastructure scheme” should be wider. Rather than just confining to “transport” infrastructure, we would suggest that any scheme which involves the demolition of homes to facilitate the provision of strategic priorities for the wider public good should be exempt. As an example of this new educational or health facilities should be allowed pursuant to this exemption.

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

- We would suggest that this exemption should be expanded to include “health” as well as “safety” issues. This is to address situations where specifically health issues are relevant. An example might be where there was a significant condensation or water penetration issue which was economically unviable to address by way of repair works to sufficient meet the health needs of the residents. Such works should be exempt.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

- We would endorse this proposed exemption.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

- Fundamentally the proposals risk undermining the Landlord's ability to make sound decisions on the asset management of its stock. Where the costs of upkeep are likely to have a significant detrimental effect on the ability of the landlord to provide services to residents and an exemption should be provided.
- We would also suggest that where a landlord has already undertaken significant measures to facilitate a regeneration (e.g. decanting) there should be an exemption.

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

- Subject to our comments in Question 1 and the proportionality test in Question 2, we would endorse the need for transitional arrangements and indeed, would like to see a clear level of materiality to ensure that in the context of large schemes, which can and do evolve over time, the additional regeneration of a small number of additional homes, would not then trigger a requirement for a wider ballot.

If you wish to discuss further our response to this consultation please contact me on

[REDACTED]
Yours faithfully

A handwritten signature in dark ink, appearing to be 'G Pearce', written in a cursive style.

Geoff Pearce
Executive Director of Regeneration & Development
Swan Housing Association

Paul Robinson

From: [REDACTED]
Sent: 09 April 2018 22:49
To: Ballots Consultation
Subject: Estates Regeneration/Ballots Consultation

I support the responses to the consultation by the London Tenants Federation (see below). I would like to add further comments about estate regeneration which the consultation in its particular framing do not capture.

There are no community led housing options proposed as a viable option for providing a percentage of homes within any regeneration scheme. As a way to mitigate the loss of social rented homes and major displacement, residents should be funded and supported to form community led housing options to build homes within the regenerated estate.

The current definition of like to like of which there is none in practice, fails to provide a true cost accounting perspective. Those tenants who remain and become part of a housing association where their costs go up and are eventually are priced out as they cannot afford to live there. Hence the displacement continues but over a drawn out period. This displacement is hidden as no one is researching the numbers of tenants that have left their estates due to this.

Ballots represent one form of limited participation by which residents on estates can inform decision making, which is based on predetermined issues. Local Authorities should be encouraged to move beyond a ballot and develop task forces made up of key stakeholders and residents.

Regards

[REDACTED]
Founder Member
London Community Neighbourhood Co-operative

1. BACKGROUND (of the consultation document)

Re section 1.2: While the Mayor suggests that there are multiple benefits offered by successful estate regeneration, the reality has been - for almost 20 years (since the introduction of decent homes work, tied to promotion of stock transfers) and particularly since 2011/12 with the introduction of affordable rent homes, been quite different. This has included:

- regeneration that has actually been about displacing social housing tenants and demolition of their homes to make way for development of luxury dwellings for much higher income households;
- a huge loss of existing social rented homes and lack of funding and policy requiring replacement with new social-rented homes;
- failures to engage social housing tenants in proposals for estate regeneration in a meaningful way, (i.e. much it being entailing vast sums of money spent on glossy materials to promote schemes by landlords and developers, but with a lack of solid information on the economic, social and environmental justification and impacts of demolition rather than refurbishment of social rented homes);
- lack of funding and support for social housing tenants and resident to determine what they would want – bottom up – in estate regeneration / improvement schemes;

- decades of pain for social housing tenants and residents on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, impacting detrimentally on their health and well-being, and whether the inevitable result will be their displacement and breaking up of strong and supportive families and communities;
- piecemeal infill on estate, with little consultation with tenants and residents and failures to deliver what was originally agreed with residents in terms of tenure and numbers of new homes delivered;

Proposal - the Mayor must highlight the fact that in many instances regeneration has actually resulted in negative impact on the numbers of social rented homes in London, displacement of low income households and breaking up strong and sustainable communities.

Re section 1.3 & 1.4.

Proposal

- the Mayor must define 'like for like'. This should comprise, at least, the same size, density, tenure, rents and service charges as existing;
- the Mayor's office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.

2. OBJECTIVES AND APPLICATION OF A FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS.

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

Agreed that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this inline with the requirement of ballots in respect stock transfers. We also feel that planning policy must also be strengthened. In addition:

Proposal: the London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that **in all estate regeneration proposals** that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurb compared to demolition and rebuild).

3. REQUIREMENT OF RESIDENT BALLOTS

General comment:

- It is clearly morally wrong that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition. While this consultation document goes some way to addressing this, the Mayor's current proposals, however, provide far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes.
- The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute **requirement**.
- The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.
- It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions and that residents may also be provided with

resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.

3A. Threshold, timing and scope of ballots

- Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration'
- Definition of what is meant by 'strategic' estate regeneration is also required.

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

No.

There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed.

There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots and making paragraph 3.5 impossible to deliver - particular given the Mayor's focus on small sites in the draft London Plan.

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

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

Proposal: Re paragraph 3.6 this should additionally include:

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

Proposal: The following should be included in paragraph 3.7

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

Additional Proposal:

- There should be a requirement to show a significant engagement in a ballot (more than 50%).
- Ballots must be held prior to applications for planning permission are submitted.

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

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

3B. Eligibility requirement

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

Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration – highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually ‘tenant’, are included. This similarly should apply with regard to leaseholders and freeholders.

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

Our members’ discussion on this highlighted some of the practical difficulties around determining occupancy, particularly relating to increasing levels of quite transient private tenanted households living in buy-to let-flats and leaseholders who may never have lived on the estate (see proposal regarding question 8)

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

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

Yes.

3C. Implementing ballots

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

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

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

3D. Exemptions

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

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

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

No.

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

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

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

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

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

4. TRANSITIONAL ARRANGEMENTS

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

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

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

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

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London Tenants Federation

Tel: [REDACTED] Web address: www.londontenants.org Email: info@londontenants.org

Response to the London Mayor's consultation on estate regeneration ballots

INTRODUCTION:

London Tenants Federation (LTF) brings together borough- and London-wide federations and organisations of tenants (including leaseholders) of social housing providers. Our membership also includes the London Federation of Housing Co-operatives and the National Federation of Tenant Management Organisations. A number of our member organisations involve both council and housing association tenants and a few (a minority) also involve some private tenants.

LTF also has strong links with other community and voluntary sector organisations in London that also have an interest in housing, planning and community related issues

Our organisation's key focus is on engaging our member organisations in London-wide strategic housing and planning policy and facilitating the strongest possible consensus voice for social housing tenants in the capital. Ultimately, we are the largest democratic and accountable social housing tenants' organisation in London.

Many of our member organisations' own member tenants and resident's associations have experienced the pain of years, sometimes for more than a decade, of threats around demolition of their homes in what are being deemed to be 'estate regeneration'. Others are in the earlier stages of this process. Together this includes large estates in Barnet, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Lambeth, Newham, Southwark, Enfield and Kingston.

We have long argued against demolition of social rented homes, since we know that in few instances is demolition carried out because homes are structurally unsound and cannot be refurbished. This has become more important to us as funding to deliver new social-rented homes has not been available. But, this is not simply an issue of loss of valuable social rented homes; the long and drawn out processes of 'regeneration' / demolition schemes (some stretching out for a decade or more) also have huge detrimental impact on individuals' health and wellbeing and over time they destroy stable low-income / working-class communities. No other tenure or social class is vulnerable to having such destruction foisted upon them.

In 2014, we worked with Just Space to enable a range of tenants' groups to give evidence at one of two London Assembly Housing Committee meetings focused on a range of issues relating to demolition v refurbishment of social-rented homes.

We have worked with Just Space and UCL around producing a series of documents that provide solid technical advice and support to tenants relating to proposed demolition of their homes.

We published our '[Holding on to the homes we have now and why](#)', an information booklet for and by social housing tenants, to coincide with the end of the Mayor's consultation on his 'good practice guide on estate regeneration' detailing case studies on the reality of estate regeneration / demolition schemes.

We are currently involved with an ESRC project with funding awarded to Professor Loretta Lees, Leicester University, focused on monitoring of displacement of social housing tenants in regeneration schemes.

We have had project funding since 2012 that has enabled us to support (with Just Space) the residents of the Carpenters Estate in Newham to produce bottom-up plans, as alternatives to the top down plans (including demolition) put forward by LB Newham. This first involved supporting them to develop a Community Plan (through Antipode grant funding awarded to Professor Loretta Lees, at that time of Kings College London) and later a Neighbourhood Plan (through grant funding from Trust for London and later Locality). The latter has been deemed a good practice case, in the Mayor's Good Practice Guide on Estate regeneration.

Sadly, what this has not achieved is preventing LB Newham continuing, over a long gruelling period of time, to decant tenants from the estate, providing dubious and unsubstantiated financial information on the cost of potential refurbishment of homes to leaseholders, prevented the long years of stress and anxiety suffered by tenants, leaseholders and freeholders of this estate. An early ballot (as suggested in this response at an early options appraisal stage) and potentially a later ballot when proposals have changed (see response to Q4) would certainly have been beneficial here.

The length of time, however, that Mayor took to produce his final good practice guide and to consult on this document has been of huge concern to our member organisations especially those where demolitions will still go ahead with funding approved by the Mayor / GLA over this very long-time period. We have had no real explanation for the delay, so are left to assume that this simply provided time to approve more demolitions (without the messy interruption of tenants being able to make their views known in a meaningful way).

1. BACKGROUND (of the consultation document)

Re section 1.2: While the Mayor suggests that there are multiple benefits offered by successful estate regeneration, the reality has been - for almost 20 years (since the introduction of decent homes work, tied to promotion of stock transfers) and particularly since 2011/12 with the introduction of affordable rent homes, been quite different. This has included:

- regeneration that has actually been about displacing social housing tenants and demolition of their homes to make way for development of luxury dwellings for much higher income households;
- a huge loss of existing social rented homes and lack of funding and policy requiring replacement with new social-rented homes;
- failures to engage social housing tenants in proposals for estate regeneration in a meaningful way, (i.e. much it being entailing vast sums of money spent on glossy materials to promote schemes by landlords and developers, but with a lack of solid information on the economic, social and environmental justification and impacts of demolition rather than refurbishment of social rented homes);
- lack of funding and support for social housing tenants and residents to determine what they would want – bottom up – in estate regeneration / improvement schemes;
- decades of pain for social housing tenants and residents on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, impacting detrimentally on their health and well-being, and whether the inevitable result will

be their displacement and breaking up of strong and supportive families and communities;

- piecemeal infill on estate, with little consultation with tenants and residents and failures to deliver what was originally agreed with residents in terms of tenure and numbers of new homes delivered;

Proposal - the Mayor must highlight the fact that in many instances regeneration has actually resulted in negative impact on the numbers of social rented homes in London, displacement of low income households and breaking up strong and sustainable communities.

Re section 1.3 & 1.4.

Proposal

- the Mayor must define 'like for like'. This should comprise, at least, the same size, density, tenure, rents and service charges as existing;
- the Mayor's office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.

2. OBJECTIVES AND APPLICATION OF A FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS.

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

Agreed that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this inline with the requirement of ballots in respect stock transfers. We also feel that planning policy must also be strengthened. In addition:

Proposal: the London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that **in all estate regeneration proposals** refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurb compared to demolition and rebuild).

3. REQUIREMENT OF RESIDENT BALLOTS

General comment:

- It is clearly morally wrong that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition. While this consultation document goes some way to addressing this, the Mayor's current proposals, however, provide far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes.
- The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute **requirement**.
- The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.

- It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions and that residents may also be provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.

3A. Threshold, timing and scope of ballots

- Clarification is required on what is meant by ‘a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration’
- Definition of what is meant by ‘strategic’ estate regeneration is also required.

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

No.

There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed.

There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots and making paragraph 3.5 impossible to deliver - particular given the Mayor’s focus on small sites in the draft London Plan.

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

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

Proposal: Re paragraph 3.6 this should additionally include:

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

Proposal: The following should be included in paragraph 3.7

- Rent and service charge costs of any replacement social-rented homes

- Details of all relevant developers, housing associations and other stakeholders that may be involved in the estate regeneration.

Additional Proposal:

- There should be a requirement to show a significant engagement in a ballot (more than 50%).
- Ballots must be held prior to applications for planning permission are submitted.

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

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

3B. Eligibility requirement

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

Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration – highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually ‘tenant’, are included. This similarly should apply with regard to leaseholders and freeholders.

- social housing tenants **and household occupants** (including those with secure, assured, flexible or introductory tenancies) whether or not **named or listed** on the tenancy agreement (see proposal in response to question 8).

Our members’ discussion on this highlighted some of the practical difficulties around determining occupancy, particularly relating to increasing levels of quite transient private tenanted households living in buy-to let-flats and leaseholders who may never have lived on the estate (see proposal regarding question 8)

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

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

Yes.

3C. Implementing ballots

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

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

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

3D. Exemptions

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

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

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

No.

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

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

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

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

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

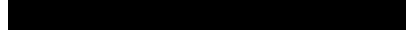
4. TRANSITIONAL ARRANGEMENTS

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

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

Proposal: It would be entirely reasonable, in instances where there is only outline planning permission and no more than six months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead. Again, all proposals that include demolition should require a ballot. Tenants should have the same and equal rights around processes for being balloted. Where ballots have taken place that do not meet full and agreed procedures, a ballot/further ballot should still be arranged.

Your sincerely


LTF Regional Delegates
For London Tenants Federation

Paul Robinson

From: [REDACTED]
Sent: 06 February 2018 12:55
To: Ballots Consultation
Subject: Response to consultation

Hello,

Q1.

Yes, I support the Mayor's proposal to introduce ballots as a funding condition. I think it would ensure Council's and developers undertake meaningful and sincere consultation with existing residents in mind. I agree that this may derail certain projects, but then projects like Elephant Park and Cressingham Gardens should perhaps not have gone/go ahead in their current shape.

Q2.

Yes I agree with the threshold for triggering a ballot. If no homes are demolished I do not think residents should have the power to derail schemes because of potential nimbyism, not when we need homes so desperately.

Q3.

Yes. My only concern is that if residents have not wanted to engage throughout the process but arrive to the ballot already having made their mind up of not wanting extra homes. There is little trust in the system at the moment which could be a risk with the ballot. While a ballot would increase trust in the system, it will be a long process and it could affect councils' ability to deliver homes.

Q4.

Yes I agree that it should be the culmination of engagement and negotiation, and that it is important engagement continues afterwards. If the consultation process has been taken seriously and residents have been truly engaging with the materials and proposals then it is only fair residents get a chance to truly have a say.

Q5.

No.

Q6.

Yes, I think it is paramount that leaseholders and freeholders should have to have lived in the property if they want to take part in the ballot.

Q7.

Yes, I don't see why not.

Q8.

Yes, but I am concerned about increased costs for Council's in contracting independent bodies. They are already so squeezed.

Q9.

Perhaps the GLA should contract the independent body?

Q10.

Yes, but only if there is still no net loss of **social** housing.

Q11.

Yes, again, residents need to be re-housed appropriately and quickly. It is disgraceful that we can't do better.

Q.12

I'm not entirely sure of what it means so no comment.

Q13.

No.

Q14.

Yes they sound reasonable. Although, I would love it if you could fix the Elephant Park and Nine Elms redevelopment retrospectively.

Great initiative! Happy to be more involved in these conversations!!

Kind regards,



Community and Engagement Coordinator



|| www.karakusevic-carson.com

Unit E03, The Biscuit Factory, 100 Clements Road, London SE16 4DG

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JUST SPACE RESPONSE TO THE MAYOR'S CONSULTATION ON ESTATE REGENERATION BALLOTS

9th April 2018

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

We agree that the GLA should require resident ballots for estate regeneration schemes where demolition is proposed, the results of which must be binding. The Mayor should make this a “funding condition”, but must also use his planning powers, regardless of whether there is GLA funding involved.

Sadiq Khan stated in his Manifesto when running for Mayor that he would:

“Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation, and that demolition is only permitted where it does not result in a loss of social housing, or where other all options have been exhausted, with full rights to return for displaced tenants and a fair deal for leaseholders.”¹

This election promise should be considered a Mayoral priority. The Mayor must be a Mayor for all residents who face the loss of their home and community through estate regeneration and the many adverse consequences that follow.

Paragraph 2.4 says that the “GLA has considered two potential ways to achieve this:

- Utilising the Mayor’s planning powers; and
- Applying a condition where GLA funding for affordable housing is sought.”

Paragraph 2.5 says that “Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them.”

We disagree. Good consultation is a legal requirement under planning legislation. Guiding principles for the form that this consultation should take, known as Gunning Principles, were set by the Supreme Court in the case *R v Brent London Borough Council, ex p Gunning*, (1985) 84 LGR 16. These legal principles are the following:

1. “Consultation must be at a time when proposals are still **at a formative stage**”;
2. “The proposer must give **sufficient reasons for any proposal** to permit of intelligent consideration and response”;
3. “**Adequate time** must be given for consideration and response”;
4. “The product of consultation must be conscientiously **taken into account** in finalising any statutory proposals.”²

In *Moseley, R (on the application of) v London Borough of Haringey* [2014] UKSC 56 (29 October 2014), two further considerations were added:

¹ http://www.sadiq.london/homes_for_londoners_manifesto

² *R v Brent London Borough Council, ex p Gunning*, (1985) 84 LGR 16, p. 189. Cited in *Moseley, R (on the application of) v London Borough of Haringey* [2014] UKSC 56 (29 October 2014). <http://www.bailii.org/uk/cases/UKSC/2014/56.html>. Just Space has already referred to these points in its response to the Draft Good Practice Guide on Estate Regeneration.

1. “the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting”;
2. “the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit.”³

It is a weakness that the Mayor has not put in place a formal framework for effective community engagement in London planning and Just Space has proposed a Mayoral Statement of Community Involvement (SCI) as a remedy for this.

If he so wished, the Mayor could also use his duties under the GLA Acts to promote Londoners health and equality of opportunity to support the mechanism of a residents ballot, which is an appropriate mechanism for achieving good consultation.

The Mayor can and should make use of the powers, duties and legal precedents cited above to stop estate regeneration schemes that do not run a residents ballot.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

We do not agree that the trigger for ballots be limited to schemes involving at least 150 new homes.

There should be the requirement of a ballot in all estate regeneration proposals that include demolition of social rented homes, regardless of the number of units. All tenants and residents must be provided with the same right to a ballot where demolition of their homes is proposed. This would include streets of terraced homes.

We are concerned that otherwise we will see a larger number of proposed schemes of less than 150 homes as a way of avoiding tenant ballots, particularly given the Mayor’s focus on small sites in the draft London Plan.

In paragraph 3.4 it is stated that the “Applications for GLA funding of estate regeneration schemes that fall below the strategic threshold will be considered in line with the approach taken for funding other affordable housing.” It is unclear what this is a reference to and whether the reference is being made here to the criteria on the Good Practice Guide for Estate Regeneration or the Draft New London Plan? i.e. like-to-like to mean the same as or better in terms of rent level or service charge, no net loss of social rented housing, etc.

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

We are in broad agreement, but wish to propose 2 amendments.

We have a concern that the offer document includes so much information that it could obscure the central issue of demolition of existing social rented homes. We therefore

³ *Moseley, R (on the application of) v London Borough of Haringey [2014] UKSC 56 (29 October 2014)*, citing the *Baker* case, p. 91. These two additional points are also mentioned in Just Space’s response to the Draft Good Practice Guide on Estate Regeneration.

propose that the front of the offer document must include a statement as to how many existing social rented homes are proposed for demolition and details about these homes.

In paragraph 3.8 it is stated that “The offer to residents should be informed by an open and transparent options appraisal process and residents should have a clear idea of the broad scale and outcomes of the project at the point the ballot takes place.” This implies a heavily top-down process. It leaves residents completely outside the substantive decision-making stages. Similarly, paragraph 3.10 states “a ballot would be the culmination of a period of consultation, engagement and negotiation between residents and their landlord”, but fails to make any requirements.

We propose that evidence is required that residents have been :-

- fully involved in the option appraisal process
- provided with independent support selected by residents
- provided with opportunities and resources to prepare their own option as part of the process

Further detail is provided in our answer to Question 5.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Paragraph 3.8 suggests the ballot might occur at the completion of the option appraisal process. If so, we are in agreement but we would like this to be spelt out more precisely.

The ballot should be sooner rather than later to reduce the anxiety and detrimental impact on health and well being caused by estate regeneration proposals that include demolition going on for many years, with the estate being run down and the number of vacant homes increasing within a climate of uncertainty.

There is concern around the level of change that can occur in regeneration proposals over long periods of time – sometimes over a decade or more. Where significant changes occur in levels of demolition of social rented homes, the number of replacement homes, tenure and rent and service charge costs which landlords are proposing there must be the opportunity for residents to call for a further ballot to ensure that the intention of 3.13 is upheld.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

A committee of residents should be involved in developing the proposals with the landlord through a co-design or co-production framework where engagement is carried out throughout the inception and development of options. Funding should be provided to support this involvement.

In paragraph 3.13 clawback of funding is considered if “a landlord’s offer deviates materially from that agreed in a ballot.” But it is not clear whether the Mayor can stop the developments that do not build what they promise in the ballot. This is why the Mayor should use his planning powers to stop those schemes that are not being delivered in accordance with these policies.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We propose amendments that would extend the eligibility criteria:

In paragraph 3.17 regarding the eligibility to vote, other household occupants who are partners, adult children or dependents should be also eligible to vote even if they are not named on the tenancy agreement and not on the Local Authority housing register.

The minimum voting age should be clarified. There is an opportunity for the Mayor to support more involvement for young people and so our suggestion for the age threshold would be 16.

There should be clarification as to whether there is a link between eligibility to vote and right to return. We propose that tenants who have already been decanted from an estate and have indicated that they wish to return should also be included on the ballot.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

We agree.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

We agree with the requirements in paragraph 3.25 and propose an amendment to paragraph 3.26, which is outlined in the answer to question 9.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The amendments proposed to paragraph 3.26 are as follows:

- To require a minimum percentage turn-out to guarantee a meaningful engagement, for example a 50% minimum turnout.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No. This exemption could become an opportunity to avoid ballots in estate regeneration and redevelopment schemes near infrastructure projects. This would mean that future schemes such as Crossrail 2 or tube extensions would make it easier to demolish and displace social housing residents which would be unjust.

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

No. The safety exemption can be misused by landlords to avoid balloting residents. Where there are important health and safety issues, full evidence of this must be provided to residents as part of the options appraisal and residents must be balloted.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

We do not agree.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

We do not agree with the transitional arrangement and propose the following amendments:

We oppose the point made in paragraph 4.4 and believe ballots should be applied where funding agreements have been made. The Mayor has approved funding, in some cases very recently, to many estates where demolition is proposed. Some of them were approved by the Mayor in December 2017 and January 2018, only one or two months before this consultation was initiated. One of them is Cressingham Gardens, Lambeth, where there has been strong opposition and there have been already two Judicial Reviews where the residents have taken the council to court.

The Mayor should require ballots in all developments that have already received funding and where a full planning application has not yet been determined. If they don't run a ballot, the funding should be withdrawn, and the development should be stopped by using the Mayor's statutory powers.

MAYORS CONSULTATION ON REGENERATION BALLOTS RESPONSE

General Points

Honesty and transparency are fundamental to regeneration proposals and should underpin proposals.

Where public assets are involved, be they land, property, parks, play-grounds, trees, developers should not be able to hide behind 'commercial confidentiality' and should operate an open book policy and be required to respond to Freedom of Information requests.

While accepting it is vital to build large numbers of good quality affordable homes to satisfy need in London, it is equally important that the health and wellbeing of those impacted by the construction of homes is afforded due consideration and steps to mediate any significant negative impact on existing communities are incorporated into regeneration schemes.

Too often over the past twenty years regeneration has been synonymous with increasing luxury accommodation while simultaneously causing a range of negative impacts to 'host' communities.

These include:

- Displacement of social housing tenants to 'make way' for luxury developments. While the colloquial term of 'social cleansing' is frowned upon too often the actuality is that existing communities are broken up and residents scattered to areas of lower value accommodation often significant distances from their locality causing a range of negative social pressures
- Anxiety in communities facing the 'threat' of regeneration and unknown consequences impacts seriously on health and well-being as can nearby construction over long periods
- The effect of an influx of wealthy in-comers causes creeping gentrification as businesses increasingly cater for more prosperous clients making it more difficult for local people to purchase food and clothing they can afford in the vicinity

- Of great concern is the failure to deliver what was originally agreed with residents in terms of tenure and the numbers of new social homes delivered.

Recommendation.

The Mayor must define 'like for like'. Currently this terms is misused and should in future comprise matching size, tenure, rents and service charges as currently enjoyed by those families being displaced.

Monitoring of actual delivery of schemes must take place to ensure that they deliver robustness and effectiveness of policy and procedure related to ballots is necessary to ensure transparency in the delivery of commitments around estate regeneration.

Q1. Do you agree that the GLA should make resident ballots a funding condition for estate regeneration?

Fully agree that meaningful ballots should be compulsory where demolition of homes is proposed.

Ballots should also be extended outside of the construction site to seek views of those residents who will be seriously impacted for long periods and where quality of life and social amenities are lost.

Q2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot?

No

There should be a ballot of tenants in all regeneration schemes involving demolition of homes regardless of the number of units. To withhold ballots from some people losing their homes to demolition would be constitute discrimination. All tenants must be treated equally and be provided with the same right of a ballot when home demolition on their estate is proposed.

Q3. Do you agree with the proposed scope of resident ballots?

Yes. There should be an initial simple yes/no ballot focused on whether there should be any demolition of existing social rented homes. Such a ballot should provide a route to a more collaborative approach for future proposals.

Recommendation

Para 3.6 should additionally include

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

Recommendation

Para 3.7 The following should be included:

- Rent and service charge costs of any replacement social-rented homes
- Details of all relevant developers, housing associations and other stakeholders that may be involved in the estate regeneration.
- There should be a requirement to show a significant engagement in a ballot (more than 50%).
- Ballots must be held prior to applications for planning permission are submitted.

Q4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happen?

- Prior to ballots being carried out a formal Options Appraisal Study should be carried out. It is essential that residents are provided with as much information as possible on what could be achieved without the loss of or demolition of social rented homes.
- The level of change that can occur during implementation of regeneration proposals over long periods of time - sometimes over a decade or more – is a significant cause for concern. To help ameliorate these understandable concerns there needs to be more certainty around: levels of loss of and/or demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding). Where any changes in these occur that there must be opportunities for further ballots. This might be for example occur where residents have agreed to an agreed level of demolition and replacement like for like – but when term of this are altered – for example higher levels of demolition, changes in terms around ‘like for like’ – tenure, rent and service charges. Residents should be able to call for or a further ballot in such circumstances (to ensure that the intention of 3.13 is upheld). Regarding 3.14 – As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of ‘like-for- like’ – requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.

Q6. Do you agree with eligibility criteria for resident ballots?

Para 3.17 The following change is suggested. Determining occupancy presents practical difficulties but it is imperative to allow all eligible occupants the chance to voice their views via a ballot. Eligibility should include all adult children, partners and possibly an elderly relative living in the home but not actually a tenant.

Para 3.17 (first bullet point) We suggest the following alternative wording highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually ‘tenant’, are included. This similarly should apply with regard to leaseholders and freeholders.

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

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

Q7. Do you agree that the eligibility criteria should be the same for all schemes?

Yes

Q8 Do you agree with the Mayor's proposed requirement for implementing ballots?

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

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

Q10 Do you agree with the proposed exemption where demolitions are require to deliver infrastructure schemes?

No. Clearly where established statutory provisions are in place this does not apply. In all other circumstances there should be no exemption for the requirement of ballots on this basis.

Q11. Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/Why not?

No.

Re paragraph 3.30. Health and safety issues are rightly of paramount importance. However, mediating H&S issues does not mean that demolition will necessarily be the best solution. It is likely that few buildings will be found to be structurally unsound. In other cases it may well be possible to remedy other health and safety issues through refurbishment rather than demolition of homes.

However, considerable concern has been expressed that residents are persuaded on the basis of stated huge cost requirements to remedy safety issues that demolition cannot be avoided. No solid evidence has been provided on either H&S grounds or costs to substantiate such claims. Full evidence for claims must be provided that clearly backs up arguments for demolition.

Q12. Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissions by a local authority?

No. All options should be considered with residents who should be able to make a decision around whether there is a better option than demolition.

Q 14. Do you agree with the proposed transitional arrangements? Why/Why not?

Because it can take an extended period of time following outline planning permission being granted before progressing to full planning permission submission the following should be agreed.

In instances where there is only outline planning permission and no more than six months has expired, there should be a pause in progressing to a full application and a resident ballot should still go ahead.

Again, all proposals that include demolition should require a ballot. All tenants should have equal rights around processes for being balloted. In instances where ballots have taken place and these do not meet full and agreed procedures, a further ballot should be arranged.

I submit this response to the Mayor's Consultation on Regeneration Ballots.

Who are we? CAMDEN TOWN DISTRICT MANAGEMENT COMMITTEE is one of five DMCs covering the borough of Camden. We are advisory bodies on Housing issues including policy.

Camden Town DMC is an umbrella group of registered tenants and residents organisation (currently 19) who work with LBC officer and members to improve the quality of life of residents through improved services. Our DMC covers mainly the two wards of Regents Park ward and St Pancras and Somers Town ward.

 Chair of Camden Town DMC and Chair of Ampthill Square TRA



Response:

Mayor of London's proposed new funding condition to require resident ballots in estate regeneration

3 April 2018

Summary of key points:

- Housing associations are committed to, and experts in resident engagement in estate regeneration. We therefore support the Mayor's Good Practice Guide to Estate Regeneration and support the proposal that large regeneration schemes which involve significant demolition of social homes should have to demonstrate the support of residents via a resident ballot, in order to access GLA funding.
- However the risk of accruing high abortive costs, should residents vote against a scheme, could prevent some schemes from starting even where they might have secured resident support. To reduce this risk we suggest that:
 - The scope of the resident ballot is restricted to the offer being made to existing residents and a commitment to ongoing engagement, with only optional inclusion of wider details about the scheme which may be difficult to commit to at an early stage.
 - GLA match funding is made available for early development of regeneration schemes up until the point of a resident ballot, and subtracted from subsequent GLA funding if the resident ballot is successful
 - A resident ballot should only be required where the number of homes to be demolished exceeds a percentage threshold of the total number of homes on an estate, with further discussion on the appropriate level to set this.
- We also make other recommendations on the transition arrangements and clawback of GLA funding.

Contact

Policy Officer,

1. Overview

We welcome the opportunity to respond to the Mayor of London's consultation on requiring resident ballots as a condition of receiving GLA funding for some estate regeneration schemes.

The National Housing Federation is the voice of affordable housing in England. In London, our members manage over 450,000 affordable homes, and started building 12,000 homes in 2017.

Regeneration of existing estates has the potential to provide better quality homes and communities for current estate residents and deliver tens of thousands of new homes in London over the next two decades. Some of our biggest members plan to deliver at least an additional 14,000 new homes for Londoners through 35 estate regeneration schemes up to 2040.

Commitment to resident engagement and support for resident ballots

Estate regeneration is intended to benefit existing residents as well as the wider community, and therefore the support of current residents is an important prerequisite for a successful regeneration scheme. Housing associations are committed to undertaking meaningful and ongoing resident engagement to ensure this support, and are acknowledged experts in doing so. We therefore support the principles outlined in the Mayor's recently published Good Practice Guide to Estate Regeneration.

Our members' experience and learning over many years has demonstrated the importance of: engaging early and then maintaining that commitment throughout lengthy schemes; ensuring that residents are able to provide detailed input and can see tangible changes as a result of their feedback; appointing a dedicated team to take responsibility for ongoing engagement; and making special efforts to ensure that all residents are able to take part. For example, Catalyst's redevelopment of the Wornington Green estate showed how resident support can be crucial to successful regeneration. A strong Residents Steering Group supported the scheme and allayed residents' concerns. There was a full range of pre and post planning engagement with a wide range of residents. They informed the design of new homes, and were part of the selection process for the construction partner. Catalyst funded a Community Investment Coordinator to lead on community consultation. As a result the scheme, with resident involvement at its heart, won the Mayors Housing Design award 2015.

Some schemes led by housing associations already include resident ballots. For example, Southern Housing Group's regeneration of the Market Estate in Islington included a resident ballot which showed that more than 80% were in favour. And where a ballot isn't used, residents' views and support is routinely tracked. For example, A2Dominion's intensive engagement with residents as part of their Stanwell New Start scheme meant that initial resistance was transformed into support ratings of 90%.

As not-for-profit, independent organisations, housing associations undertake the difficult, costly and long-term work of estate regeneration where they believe it will benefit an estate's residents, as well as the wider community. Therefore, although there are challenges associated with the implementation of resident ballots which we outline below, **we support the proposal that access to GLA funding for large regeneration schemes which involve significant demolition of social homes should be dependent on a positive vote in a resident ballot**, as an indicator of resident support for a scheme.

Impact of resident ballots: financial risk and timing

A resident ballot helps ensure resident engagement is central to the development of regeneration plans, where demolition will cause significant disruption to people's lives. However, it only provides a snapshot of resident sentiment at a point in time, when regeneration schemes can last years or decades.

This means the timing of the ballot is important. Hold a vote too early and there will be insufficient detail to allow residents to make an informed decision. But the later a vote is held, the more money will have been invested in getting to that point, and the higher the abortive costs if residents vote against the scheme and it is scrapped. On larger schemes the costs incurred in reaching a point where a substantive offer can be made to residents could reach £1m.

Therefore even a small risk that a resident ballot might reject the scheme could dissuade landlords from investing upfront in its development. This includes schemes which would have delivered substantive benefits and secured resident support.

Recommendations

In order to reduce the risk landlords face in starting to develop schemes, and therefore increase the number of successful regeneration projects, we recommend:

- The scope of the ballot is restricted to the housing offer being made to existing residents, and commitments to ongoing consultation and engagement. The broader elements which fall under the 'vision, priorities and objectives' – number of new homes, tenure mix, demolition and infrastructure – should be the subject of extensive and ongoing consultation but not form a mandatory part of the resident ballot. This would mean a ballot could be held before some of the more detailed specifications have been developed, and with scope for them to change as the scheme evolves without invalidating the ballot. Landlords might voluntarily choose to include details such as these in an offer where they can, in order to ensure residents' support.
- Landlords and/or the local authority are able to bid to the GLA for match funding to help bring a scheme to the point of a resident ballot. This funding could be spent on planning and consultancy fees but not physical works. If successful, this would be subtracted from subsequent GLA funding for the overall scheme.
- A resident ballot is only required if the number of homes set to be demolished accounts for more than a set percentage of the total number of homes on an estate. We are aware that the G15 are proposing this threshold be set at 33%. We do not propose a specific figure, but support the principle behind it and suggest further analysis of previous and planned regeneration schemes as the basis for arriving at a figure which supports the policy objective.

In addition, in our answers to the questions below, we recommend that:

- Clawback of GLA funding is not pursued if deviations from a proposal agreed in a ballot can be shown to be unavoidable, unforeseeable when the ballot took place, and undertaken with full resident consultation and engagement
- Consideration should be given to exempting schemes which have already incurred costs at the time this consultation was launched. This should include schemes which have not yet secured

planning permission, including for subsequent phases of a multiple-phase scheme. We suggest these could be treated on a case-by-case basis, with the GLA beginning by working with landlords to identify the number and nature of such schemes underway.

2. Responses to questions

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

Yes. We support the principle that resident engagement is vital to any successful regeneration scheme, which is why it sits at the heart of housing associations' approach to regeneration. However, as the consultation recognises, a resident ballot should only be one component of a much broader, ongoing, and in-depth engagement with residents before, during and after a scheme takes place.

2.2 Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

We agree that this should apply to strategic estate regeneration schemes – those involving the construction of at least 150 homes - which also involve the demolition of homes owned, or previously owned, by a social landlord. However we do not believe the single unit threshold for demolition is appropriate. In the extreme, a scheme involving the demolition of one unoccupied social home on a large estate to deliver hundreds of new social homes could be abandoned because of the risk in carrying out a resident ballot of the entire estate.

Instead, we suggest that a resident ballot should only be mandatory when the number of social homes demolished accounts for more than a set percentage of the total number of social homes on an estate. This would ensure that resident ballots are only used when demolition – and the severe disruption this causes to existing residents – is a significant component of the scheme. We are aware that the G15 have proposed this figure be set at 33%. We do not recommend any specific threshold but support the principle behind it. We suggest some analysis of previous and planned regeneration schemes is undertaken to understand the likely implications of setting the threshold at different levels.

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

We agree that a Yes/No ballot requiring a simple majority provides the simplest mechanism for providing an indication of residents' support for a scheme at a particular moment in time. There is an argument that presenting a set of options would allow for a more nuanced debate, but on balance we think the complexity would make it harder to demonstrate overall resident support for any specific proposal.

We recommend that as a minimum the offer document should be required to set out the housing offer to all residents on an estate during and after the regeneration scheme. We recommend that details about the vision for the scheme – including tenure mix, number of new homes, demolitions and infrastructure - should be the subject of ongoing consultation and engagement, and optional for inclusion in the offer document to the extent the landlord feels able to commit at the time the ballot takes place.

This would enable the ballot to take place on a set of specific commitments to residents which can be made early on in a scheme's development, while maintaining the ability to flex wider details of the scheme – in consultation with residents – as it progresses.

2.4 Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

A disadvantage of a resident ballot is that it only provides a snapshot of resident sentiment at a point in time, when regeneration schemes can last years or decades and be subject to considerable, necessary change. The earlier a ballot takes place the harder it is to commit to specific details of a scheme. But the further into the process the ballot takes place, the greater the risk of wasted resource should residents vote against the proposal.

On balance, we agree that a resident ballot should take place relatively early in the development of a regeneration scheme in order to promote resident engagement from the very start, and reduce the risk of wasted expenditure. This should take place before any substantive physical works have begun, and before GLA funding is secured. Beyond this it should be left to the discretion of the landlord as to exactly when the ballot takes place, based on how quickly they can present a concrete proposal to residents.

The ballot could be considered a gateway in the development of a project: the point at which residents have a formal say on the offer being made to them. This is the basis for our recommendation to restrict the mandatory scope of the ballot to the direct offer being made to residents, with other details around the wider vision for the estate being at the discretion of the landlord (see response to question 3).

2.5 Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

We recognise the need for the GLA to be able to claw back funding if a scheme deviates materially from the one agreed by residents in a ballot, in order to ensure ballots are conducted in good faith, their outcomes are honoured, and trust with residents is maintained.

However the earlier in a process the ballot takes place, the more uncertainty there is over funding and finance (including GLA grant). Changes in anticipated funding could have a significant impact on the outcome of a lengthy scheme, particularly if delivered in multiple stages.

Our recommendation to restrict the scope of the ballot (see response to question 3) would reduce the likelihood that schemes went on to deviate from what was agreed.

Instead, or additionally, we suggest that alongside a clearer definition of what constitutes a ‘material deviation’, the GLA should agree not to clawback GLA funding if the landlord can demonstrate to the GLA’s satisfaction that:

1. the original ballot was conducted in good faith and the financial assumptions underpinning it could have been considered reasonable at the time
2. the changes to the scheme were unavoidable due to changes in the funding environment (for example the withdrawal or failure to secure public grant, or a significant change in the wider housing market), **and**
3. the landlord can demonstrate how residents have been kept fully informed and engaged since the original ballot, and as proposals have changed, and have had the opportunity to input their views throughout

2.6 Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Yes we agree with the principle that the ballot should include all those who live on the estate who are likely to be affected by the process. Therefore we agree that all the groups outlined in the proposal should be eligible to vote.

While we agree in principle with the inclusion of estate residents who have also been on the local authority’s housing register for at least one year, we understand there may be administrative difficulties in accessing this data for housing associations, and would urge the GLA to explore this further.

2.7 Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. In the interests of simplicity the eligibility criteria should be the same for all schemes.

2.8 Question 8: Do you agree with the Mayor’s proposed requirements for implementing ballots? Why/why not?

Yes we agree that ballots should be implemented by a qualified independent body. We agree that a simple majority voting in favour of the proposal should be considered a ‘yes’ vote.

2.9 Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No

2.10 Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes.

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

Yes. We agree that the safety of residents must be a landlord's first priority and that where demolition is the only option to resolve safety issues it should not be subject to a resident ballot. We also agree that this should be decided on a case-by-case basis in consultation with the GLA.

The final funding condition should make clear the situation for schemes where some of the proposed demolition is necessary for safety reasons while some is not. We suggest that again this should be considered on a case-by-case basis, where the exemption from a ballot is conditional on a landlord showing that the demolition of safe homes is an essential part of a scheme which is necessary for the demolition of unsafe homes.

2.12 Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes. This should also apply where it is being decommissioned by a housing association.

2.13 Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

We suggest that the GLA should retain the ability to waive the need for a resident ballot in exceptional circumstances where conducting a ballot would not meet the stated aims of the policy, and subject to proof of ongoing engagement and consultation. For example, if occupancy rates are extremely low, such that a small number of remaining residents have disproportionate influence over a regeneration scheme which would involve the demolition of large numbers of unoccupied homes.

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

We welcome the three proposed transitional arrangements. They significantly reduce the possibility that costs already incurred by landlords will be wasted if a residents ballot is unsuccessful.

In addition, there will be some schemes which have not yet achieved planning permission but have incurred considerable costs. This will include subsequent phases of multi-phase schemes which are already in progress where subsequent phases have not yet been granted planning permission. We suggest that the GLA should consider waiving the requirement for residents ballots on these schemes. A first stage could be to liaise with landlords over the number and nature of these schemes,

which may be fairly low, in order to determine the best course of action in each case. The National Housing Federation would be happy to support that process.

In all cases the landlord would be encouraged to undertake a resident ballot in line with the Mayor's Best Practice Guide to Estate Regeneration.

Paul Robinson

From: [REDACTED]
Sent: 03 April 2018 16:58
To: Ballots Consultation
Subject: Consultation on ballots in Estate Regeneration

Follow Up Flag: Follow up
Flag Status: Flagged

Consultation on ballots in Estate Regeneration

Response from [REDACTED]

General comment: The term ‘regeneration’ should not be used, as it implies that change is always for the better. This is very far from being the case, and the introduction of ballots is a small step towards a more nuanced and realistic assessment.

The key issues are the demolition of people’s homes, and the proposed remaking of localities and communities.

I recommend that the term Estate Redevelopment is used instead.

Consultation questions:

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

Yes. The Mayor should also use planning powers to enforce the expectation of resident decision by yes/no ballot.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

No. The criterion should be the number of homes to be demolished. Ballots should be used where five or more dwellings are to be demolished. This would provide a right to ballot where landlords attach small numbers of houses to existing demolition plans. Eg eight houses at Cranwood in Haringey.

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

Any demolition scheme affecting residential dwellings.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

It is essential that the ballot should take place when there is a clear proposal including masterplan and firm numbers of replacement dwellings by tenure.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

We have seen too many cases where after a decision to demolish, the numbers of dwellings on a site have been more than doubled without proper explanation (eg High Road West from 1200 to 2500) and where no tenure breakdown of the so-called affordable category has been provided (eg Northumberland Park). The tenure breakdown should include separate totals for the numbers of council, private registered provider, and leasehold for returning resident leaseholders, etc, with rent level, service charge data, and tenancy/lease terms.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Not entirely. The key principle should be that all resident adults have the right to vote, and no-one else. Residents must have a right to vote and rehousing rights if they are secure or assured tenants with an outright or a suspended possession order against them, as long as they are actually resident at the time of ballot or rehousing.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes. No landlord variation is to be permitted.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

The result should be independently counted. There should also be additional requirements:

1. **There must be no landlord chasing of votes by targeting those who have not voted, as sometimes occurs in stock transfer ballots, for instance in supported housing schemes.**
2. **The result must be publicly announced as soon as counting is complete.**

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

As above.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No. These residents should have the same rights as others. A local example is where 297 housing association dwellings are set for demolition at high level in Wood Green town centre above a shopping centre and a car park. These are successful communities that work, these are people's homes, any redevelopment plans must meet the needs of the people regarding right to return, reprovion, compensation, space standards, tenancy terms and accountable landlord, and no rent or service charges increases; and the resident should have the right to decide by ballot, in line with the general principle of the introduction of ballots where homes are to be demolished.

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

No. Residents should have the right to decide by ballot. Safety is not a cut and dried matter to be decided by management, otherwise we can have spurious, or exaggerated safety issues used to avoid ballots in some circumstances; or reasonable alternatives may not have been properly considered. . After Grenfell, we heard calls to demolish all council tower blocks on spurious grounds, when the alternative to invest and make safe has not been properly addressed. Let the residents decide.

Question 12: **Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not? Yes – supported housing tenants should have the same rights as general needs tenants.**

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

There should be no exemptions, and planning powers should also be used to enforce the expectation that there is a right to a yes/no ballot.

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

No. The ballots should apply to all schemes where decant and demolition have not yet been completed.

This embraces the 34 schemes recently signed off by the Mayor in advance of this consultation being concluded, and also schemes where no decant and demolition has been completed eg the Aylesbury. The principle of ballots before demolition is one which should be recognised as an enhancement of democracy and should be extended generously where the basic situation applies, ie residents facing demolition of their homes.

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[Redacted signature]

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Our response to the GLA's proposed new funding condition to require resident ballots in estate regeneration

Places for People

March 2018

Places for People

Places for People is one of the largest property management, development and regeneration companies in the UK. We currently own or manage more than 185,000 homes and provide services to over 500,000 people. We have assets of more than £3.6 billion. Our vision is to create aspirational homes and inspirational places. We have a long track record of successful development and a solid reputation for delivering large-scale developments in towns and cities. We built more than 1,500 new homes last year and have plans to build 18,000 more over the coming years. Our approach goes much further than simply building homes. We look at what an area needs to be able to thrive - whether it is new schools, shops, leisure facilities, job opportunities, and access to learning and training or specialist support services. In September 2016 we were named Residential Company of the year.

We welcome the opportunity to provide our views and evidence to support the GLA's consultation on the proposed new funding condition to require resident ballots in estate regeneration.

Any queries with regards to our representation should be addressed to:

David Cowans
Group Chief Executive
Places for People
80 Cheapside
London
EC2V 6EE



Proposed new funding condition to require resident ballots in estate regeneration: consultation response

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

We understand the need to ensure existing residents are fully supportive of regeneration plans both before they commence and during their delivery. Significant damage can be done to relations between residents, the local authority and the development company if deep and meaningful consultation and engagement is not at the heart of significant new regeneration proposals.

In principle, we support the Mayor's proposal of implementing resident ballots in estate regeneration schemes which involve the demolition and replacement of homes, and making this a GLA funding condition. However, consideration should be given to how funding conditions will affect and influence the actions of the local authority. For example, where there are significant elements of property acquisition (which may be partly funded / cashflowed by the GLA) that may have started before a ballot is implemented, this may restrict the potential of a local authority to proactively proceed with estate regeneration proposals. Indeed, this may be the desired outcome, but considering this impact ahead of any funding condition requirement would still be advisable. However, we strongly believe that residents should be involved in the whole process of the regeneration of their estate and we agree that making resident ballots a GLA funding condition could be a positive way of doing this.

It is vital however that the mayor is flexible on the ways to deliver this. The method being consulted on represents a fixed framework and risks preventing positive estate regeneration if flexibility is prohibited. We discuss this further in the specific questions below.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

We agree with the proposed criteria whereby a ballot would be triggered if there are plans to demolish any affordable or leasehold homes and any freehold properties within the estate acquired under the Right to Buy, Right to Acquire, or Social HomeBuy. We also agree that a development scheme that triggers the ballot should be for at least 150 homes regardless of tenure, albeit we would anticipate these homes being a part of the same estate (and not spread across multiple estates). Any proposals do need to be cognisant of the potential for revised plans which may emerge as regeneration proposals develop. For example, decant, phasing and construction considerations, not to mention ground conditions, third party land interests and wider development may require changes to the scheme, which may affect demolition proposals.

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

We think that the proposed scope of resident ballots is reasonable. It is vital that residents are provided with all the necessary information that they require in order to make an informed decision as to the future of their estate. The proposal for this to be set out in a single accessible offer document is an adequate way of doing this. We agree this should cover the details of the estate regeneration proposal from the estimated numbers and tenure of the homes, to the provision of green spaces and health facilities. Many of the details outlined in the scope of the ballot are likely to be relatively indicative at the point of ballot and may be subject to change further along in the process so it is vital that the proposals give local authorities and developers flexibility on the stage at which the ballot can be carried out. This also supports the need for the continuation of resident consultation after the point of ballot.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

We agree that it is important for the ballot to be the culmination of a period of consultation, engagement and negotiation between residents and their landlord, in order for residents to have all the necessary information and adequate time to understand the scope and detail of the proposal, therefore enabling them to make the most informed decision possible as to the regeneration of their estate. If local authorities and developers are given time to engage with residents on the proposed development, detailing the changes and benefits it will bring as well as explaining why it will improve their neighbourhood, then ultimately this positive engagement should come with a positive outcome to the ballot.

However, the ballot taking place so early in the process runs the risk of discouraging potential schemes due to the costs and time associated with the resident's consultation and the risk of a potential unfavourable outcome of the ballot. Drawing from our answer to the previous question, we would therefore encourage the Mayor to allow maximum flexibility on the stage at which the proposed funding condition is implemented.

It is crucial that residents are kept informed and engaged throughout the development process even post balloting, so that any changes that were not foreseen and outlined in the original ballot can be discussed and supported by residents.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

No.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We think that the proposed eligibility criteria for the residents to take part in the ballot is reasonable. It is important that the residents who have a say in the regeneration

scheme should be those who are directly affected, and are not short term residents such as students. We agree with the criteria which insists that residents taking part must have either lived in their property or have been on the local authority's housing register for at least one year prior to the ballot, as this ensures the voters genuinely have a stake in the outcome of the regeneration whilst supporting the intent of the policy; to strengthen the rights of social tenants and resident leaseholders and freeholders, as well as those seeking to access social housing.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

We think that focusing on social, leasehold and freehold residents is a sound basis for the eligibility criteria, as discussed in our answer to question 6. However, we would suggest that an assessment of the local resident population and demographics may be appropriate for individual schemes. This will help inform the eligibility criteria. Such an approach could take its cue from Equality Impact Assessments, which are regularly used by public bodies, helping to ensure that all stakeholders are considered fairly and with balance.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

We agree that the best way to implement the ballot would be through a qualified independent body, such as the Electoral Reform Services, contacted by the landlord. An independent body would demonstrate impartiality to residents. Though, issues could arise where there is more than one landlord managing the estate which may then call for a case by case review. It may be useful to require the prevalent landlord to communicate and consult with any other landlords on the affect estate, for example with a threshold for levels of consultation and / or agreement. We agree with the proposal that a 'yes' vote would come from a simple majority of those voting, however the GLA should think carefully about the strength of this vote and the clarity of the mandate this provides. Consideration should be given to the weighting and credibility of any vote based on turnout, and percentage outcomes.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

We agree with the proposed exemption that would apply where the demolitions are required to deliver an infrastructure scheme. We agree with the Mayors proposal to grant the exemption on a case by case basis if the landlord can demonstrate that the

demolitions are required to facilitate a scheme linked to major infrastructure developments as this allows flexibility in the procedure.

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

We think that the exemption for schemes whereby the demolitions are required to address safety issues is sensible. There should not be barriers which inhibit the demolition of homes if their safety issues cannot be resolved by other means. We agree with the Mayor that these exemptions should be applied out on a case by case basis.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

We agree with the exemption for specialist or supported housing schemes that are being decommissioned by a local authority. If a scheme is not in a fit condition which adequately meets the needs of the residents it provides for, then the local authority should have the flexibility to decommission and demolish these homes as necessary in order to replace them with a more appropriate form of specialist provision. In these circumstances it would not be beneficial to any party for there to be additional stages which could slow the process of being able to deliver the improved scheme.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

We think that the proposed transitional arrangements are reasonable and provide sufficient room for implementation. We agree that the funding condition should not be applied retrospectively or to those proposals which already have full or outline planning permission.

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

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

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

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

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

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

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

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

- Council estate regeneration in London has displaced large numbers of council tenants and leaseholders to make way for the development of luxury dwellings for much higher income households (see displacement maps for Heygate Estate: <https://justspace.org.uk/2014/06/19/staying-put-an-anti-gentrification-handbook-for-council-estates-in-london/> and for the Aylesbury Estate in Professor Loretta Lees' evidence to the 2018 Aylesbury Public inquiry, attached, also available at <http://aylesbury-estate.persona-pi.com/2018-inquiry-docs> document no. OBJ/ALAG/W6/1 Prof Loretta Lees: Proof.
- Since 1997 **54,263 units** have either been demolished or are slated for demolition on council estates in London. If we take the London Housing Plan's average number of households per unit 2.5 (fig 2.1) *a conservative estimate* is that **135,658 council tenants and leaseholders have been/are being displaced**. The estimates in media reports have been 50,000, the reality is substantially higher! We attach the database that we have collated as part of the above mentioned ESRC project we are working on. The database is a collation of all council estate renewal schemes *of more than 100 units* in London since 1997.
- The displacement of council tenants and leaseholders has had detrimental impacts: economic, social and cultural. Decades of pain have been endured on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, the reality of displacement and the breaking up of strong and supportive communities, having a detrimental impact on public health and well-being. See attached interviews presented as evidence at the second Aylesbury Public Inquiry. The Mayor must pay attention to, and highlight the evidence on, the detrimental impacts of estate regeneration.

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

In this proposal there remains a failure to engage social housing tenants in proposals for estate regeneration in a meaningful way. A ballot is 'false choice urbanism' – between regeneration or decline. The provision of full and detailed evidence-based data must be required in each scheme to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished. There is a lack of funding and support for council tenants and leaseholders to determine what THEY

might want – bottom up – estate regeneration / improvement schemes. It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions on estate regeneration schemes and that residents are provided with resources to make the case for retention and refurbishment of existing homes to provide bottom up alternatives.

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

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

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

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

OUR RESPONSES TO YOUR SPECIFIC QUESTIONS:

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

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

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

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

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

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

Proposal: Re paragraph 3.6 this should additionally include:

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

Proposal: The following should be included in paragraph 3.7

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

Additional Proposal:

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

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

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

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

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

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

This would reasonably follow criteria used in ballots relating proposals to establish TMOs / co-operatives and for TMO continuation ballots.

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

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

Yes.

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

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

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

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

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

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

No.

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

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

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

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

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

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

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

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

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

3/04/18 Professor Loretta Lees (key contact: 

Those undersigning this feedback:

ESRC Project:

Professor Loretta Lees (University of Leicester): PI

Professor Phil Hubbard (KCL) CoI

Dr. Nick Tate (University of Leicester) CoI

ESR Project Stakeholders:

Just Space; London Tenants Federation; Cambridge House.

Attachments:

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

Proposed new funding condition to require resident ballots in estate regeneration: Consultation Response

Response from: London First, Middlesex House, 34-42 Cleveland Street, W1T 4JE

Date submitted: 3 April 2018

Contact: Mairéad Carroll, Programme Director, Housing, [REDACTED]

London First

1. London First is a business membership organisation with the mission to make London the best place in the world for business. We work with the support of the capital's major businesses in key sectors such as housing, property, retail, finance, transport, infrastructure, professional services, ICT and education.
2. London First welcomes the opportunity to respond to the Mayor's consultation paper 'Proposed new funding condition to require resident ballots in estate regeneration'. This response only addresses issues in the consultation that are relevant to our agenda. London needs to build at least 65,000 homes a year. To meet this target, the Mayor needs to use a range of measures to increase supply. Estate regeneration can not only transform existing communities, but it can also add to the much-needed supply of new homes across the capital.

Summary of key issues

- Where redevelopment of an estate is identified as the best option for both residents and the wider community, effective community engagement is essential for delivering new homes. Our report on estate regeneration, '[More and better homes for London](#)', published in 2017 sets out a number of case studies, from local authorities, housing associations, and private developers highlighting positive resident and community engagement practice. While there are key themes about how to successfully undertake resident and community involvement, a bespoke approach, taking into account local need, generally yields the best results for all involved.
- The introduction of ballots is a one size fits all approach to consultation that does not take into consideration the requirements of individual estate residents and communities. Any decision relating to the use of ballots should rest with local authorities who are best placed to understand the specific concerns and interests of their local communities.
- If ballots are introduced, the Mayor should commit to an independent review of the use of ballots to understand their impact and effectiveness.
- If ballots are introduced, the trigger threshold should be proportionate to the scale of change that is being proposed to the estate. The current threshold of just one home being demolished on sites that have 150 or more homes is disproportionate.
- Estate regeneration can be a complex process. To engage effectively with residents and the local community it can require significant upfront costs to ensure that people are given the information required to understand the regeneration proposals. We would like the GLA to support local authorities or Reregistered Social Landlords (RSL) should they face abortive costs.

- Where there is an increase in the numbers of affordable homes being built in an estate, it is not just residents who live on the estate who are affected by this. In these cases, the ballot should be open to those on the housing waiting list.
- Ballots should not be used where full or outline planning permission has been granted, where contracts have been signed for GLA funding, where a ballot has already taken place or where a phased approach to regeneration has already begun.

Consultation response

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

1.1 Estate regeneration can be one way of transforming areas in need of investment while increasing housing supply. Effective resident engagement is essential to delivering estate regeneration and our report ['Estate Regeneration: More and better homes for London'](#), published in 2017, sets out a number of case studies, from local authorities, housing associations, and private developers highlighting positive resident and community engagement practice.

1.2 We do not agree with the approach to ballots outlined in the consultation. Ballots are one way of engaging with residents and up until now they have been at the discretion of the local authority or RSL. The planning system already provides an effective process for engaging with local communities about potential development in their area, although there is of course always room for improvement.

1.3 The introduction of ballots as outlined in the consultation could potentially drive away much needed investment in those estates in London that particularly need it. It may lead to the prioritisation of redevelopment not based on need, but wider political concerns, and could ultimately reduce the appetite to undertake such development in what are, typically complex and long-term schemes, as areas outside of the capital do not have the same requirement.

1.4 Any decision relating to ballots should rest with local authorities who are best placed to understand the specific concerns and interests of their local communities. Local authorities should then be able to balance the use of ballots and other methods of engaging with existing residents and the wider local community with broader considerations such as: the economic and social benefits that estate regeneration may bring, for example jobs and training opportunities; benefits of an increase in the supply of homes, including affordable housing; and improvements to the health and wellbeing of residents living on the estate and in the wider community.

1.5 However, if ballots are introduced in line with the consultation proposals, making them a condition of funding from the Mayor is the most appropriate route. Furthermore, the Mayor should commit to an independent review of the use of ballots after a sufficient period of time to understand their impact and effectiveness.

2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

2.1 If ballots are to be introduced the trigger threshold should be proportionate to the scale of change that is being proposed to the estate. The current threshold of just one home being demolished on sites that have 150 or more homes is disproportionate. A more nuanced

approach is required that considers the existing number of homes, the number of homes that will be demolished and the number of homes to be constructed.

2.2 As the consultation document links ballots to GLA funding, it is not appropriate to link the threshold to the Mayor's threshold for determining planning applications. Such a link could cause confusion over what lies with the funding guidance and what lies with the planning process.

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

3.1 Regenerating large estates can take a long time, sometimes anywhere between 10 to 20 years. A ballot can only gauge a moment in time and does not reflect that over the period of regeneration, the people living on the estate will change, local priorities will change, and the economic environment can change dramatically. All these changes could significantly impact on the viability of a scheme. Consequently, proposals made to residents need to be flexible enough to withstand a range of external factors so that should changes be required, those who are leading the development are able to respond to these.

3.2 In order to provide residents with enough information to decide, extensive consultation is required beforehand. Plans and drawings will need to be provided so that residents have a clear understanding of the proposals. To do this will require significant upfront costs to ensure that residents are given the appropriate quality and depth of information they need to understand the proposal. This may require the GLA to offer financial support to local authorities or RSLs to undertake such work, beyond that which is being used to support the physical construction.

4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

4.1 If ballots are to be introduced, then the timing suggested in the consultation should be used as a guide but with scope for local flexibility if the local authority and landlord (where these are different entities) agree about this. There are likely to also be several partners involved in a scheme, who may or may not be able to deliver the proposals agreed as part of the offer made to residents before the ballot, which is another reason to allow for some locally determined flexibility in the timing of a ballot if all parties agree.

4.2 In addition, consideration needs to be given to the ongoing viability of a scheme. Flexibility is required to ensure that when partners are brought onboard they can work collaboratively with residents, the local authority, and the RSL (where relevant) to deliver the best possible outcomes.

5. Do you have any other comments on the threshold, scope and timing of resident ballots?

5.1 We have no additional comments.

6. Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

6.1 Estate regeneration doesn't only impact existing residents of the estate. Where an increase in the number of homes is being proposed, this can have broader positive impacts on the wider community, particularly if there is also an increase in affordable housing provision. The consultation defines eligible voters as follows:

- social tenants (including those with secure, assured, flexible or introductory tenancies) named on the tenancy agreement;
- resident leaseholders and freeholders who have been living in their properties for at least one year prior to the ballot and are named on the lease or freehold; or
- any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.

6.2 In addition to those on the housing waiting list on the estate, where there is an increase in affordable housing – even by one home – a system should be put in place to allow people not living on the estate, but who are on the local authority housing waiting list, to participate in the ballot.

7. Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

7.1 See response to question 6.

8. Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

8.1 We agree that ballots need to be handled independently to ensure the integrity of the process and that they should be overseen by an independent body.

9. Do you have proposals for other potential Mayoral requirements for implementing ballots?

9.1 We have no additional proposals.

10. Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

10.1 It is unclear from the consultation document what would classify as an infrastructure scheme. Where infrastructure includes roads, rail (such as Crossrail), and schools there can be a number additional benefits such as an increased supply of affordable homes, along with social and economic regeneration that can transform communities. Ballots should not be required in these circumstances.

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

11.1 There must be exemptions where demolitions are required for health and safety issues. The health and safety of residents, those who need to access the estate (for example for repairs or home care), and the wider community must be put first. Health and safety considerations should also include buildings that do not meet decent homes standards, are no longer compliant with current building regulations, or do not meet lifetime homes standards.

11.2 In addition, thought must be given to those buildings which may not need to be demolished immediately but will require it at a later point, for example in the next five years.

12. Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

12.1 We agree with the proposals set out in paragraph 3.31.

13. Do you have proposals for other potential exemptions to the proposed funding condition?

13.1 We have no additional proposals for potential exemptions.

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

14.1 We welcome the approach to not applying ballots to where the proposed demolitions have full or outline planning permission but believe that this should not be extended as set out in paragraph 4.3.

14.2 Retrospectively applying ballots has several risks which could impact on a scheme's long-term viability, especially if it creates uncertainty for lenders, potentially resulting in additional phases not being built out. Therefore, ballots should not be used at all if 'planning permission is varied, amended or renewed to include demolitions that were not part of the existing planning permission.'

14.3 To provide clarity, in terms of transitional arrangements, ballots should not be used in the following circumstances:

- when full or outline planning permission has been granted, even if there is a variation, amendment or renewal of planning permission;
- where there is a named project in the funding contract which has been already been signed for GLA funding;
- a ballot has already taken place; or
- a phased approach to regeneration has already begun.

Proposed new funding condition to require resident ballots in estate regeneration – Home Group Response

Objectives and application of a funding condition to require resident ballots

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

Yes - we agree that resident approval should be given in a ballot if schemes are requesting GLA funding. We're keen to reiterate that in line with the draft proposal, this should be submitted only as a part of the grant request and strictly outside of the planning permission process.

Home Group firmly believes that demonstrating customer engagement and responding to residents' voice is a critical part of the regeneration process, especially where that involves demolition.

We are proud to have commissioned London School of Economics (LSE) Housing and Communities team to carry out research following a regeneration project completed in Rayners Lane. The LSE team found "The Home Group methods of regeneration...has produced very significant benefits" and that the "social model used by Home Group...should be adopted in many more local authorities". This independent research concluded that "the benefits...and the investment Home Group is making are significant and highly valued by residents".

Requirements for resident ballots

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes - we agree that this criteria gives those most affected by significant disruption the opportunity to have a say over plans and feed in their views on regeneration of their communities.

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

Yes - as detailed above, Home Group has demonstrated a commitment to ongoing and wide ranging customer engagement in regeneration projects. LSE reported that Home Group had worked closely with the community throughout the whole regeneration period from 2003 - 2015, this engagement went from original proposals through to successful delivery of new homes.

Customer input was pivotal to us delivering a scheme that worked and has delivered benefits that have been "highly valued by residents".

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

While Home Group agrees a ballot should be held early enough that customers are given a legitimate opportunity to contribute their views, we would suggest the current proposal may prove somewhat premature.

Plans often evolve with input from both the landlord and the procured development partner; this is once there is greater clarity of costs and capabilities from all parties involved. We would be concerned that without a partnership in place, a full and accurate vision could not be put to a customer ballot.

We are keen to ensure that customer engagement is a long-term activity, covering the entire regeneration process and would suggest landlords should be able to demonstrate ongoing proactive engagement at all stages. Nevertheless, the final ballot ought to be scheduled at a time that allows the customer to have full view of the design, number, scale of demolition, tenure mix, and infrastructure plans.

The current proposal that a ballot takes place ahead of procurement of a development partner may undermine the landlord's abilities to deliver on the defined scope. Furthermore it risks undermining the Mayors ambition to deliver a significant uplift in the number of homes for Londoners as without a development partner in place landlords may opt for a less ambitious scheme to limit risks.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

None

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Yes – we feel the proposed criteria captures all residents most directly affected by any regeneration potentially involving demolition works.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes - in our view, oversight of a ballot ought to be fully independent. We would add that as highlighted in the draft proposals, regeneration is already a complex and costly process.

In order to avoid mounting costs in relation to the contracting of a ballot adjudicator, there is scope to provide clarity on who exactly can perform this role and to publish a pricing framework.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

None

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes – we recognise infrastructure schemes are critical to building long-lasting communities and that the established statutory provisions currently in place address any disruption caused by these schemes.

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

Yes – we entirely agree that resident safety should be a primary concern for councils and registered providers. It is vital landlords are able to respond effectively to issues compromising the safety of residents.

We would suggest publication of further detail on how each case would be reviewed and considered, and which departments or independent bodies would be involved in such a decision.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes – given the challenges in meeting housing needs within a range of customer groups, it makes sense to meet this with additional flexibility.

Again, we would suggest some further guidance on how this process would work in practice.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

We would add that despite exemption from ballot, any regeneration scheme involving the demolition of homes should be required to demonstrate active engagement and communication with the communities affected.

Transitional arrangements

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

Yes – the proposed transitional arrangements are fair in that they provide scope for delivery of projects currently in train and in receipt of planning permission whilst also detailing expectations for future schemes where plans are still in the early stages of development.

Critically, any transitional arrangements should ensure that customers are given a voice and opportunity to shape any future regeneration plans.

Mayor of London's proposed new funding condition to require resident ballots in estate regeneration	Comments
The consultation is open until 5pm on Tuesday 3 April 2018. By email: ballotsconsultation@london.gov.uk or by post: Consultation on ballots in estate regeneration, Housing & Land Directorate, Greater London Authority, 169 Union Street, London SE1 0LL	
Question 1: Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?	PTE is committed to genuine community engagement, exemplified by 40 years' practice of estate regeneration and our contribution to the collaborative publication <i>Altered Estates: how to reconcile competing interests in estate regeneration</i>. We believe that regular and transparent tests of opinion based on a clear offer to residents are an essential and integral part of the process. Sometimes a formal ballot may be the appropriate way to test opinion, but not always. We are not convinced by this proposal for mandatory ballots, having seen how ballots can be effectively 'highjacked' by aggressive single interest groups which do not represent the views of the quiet majority of residents. Newham Residents Charter, which seems to have broad support and not impede regeneration, offers an alternative approach. A commitment to a Charter would play a crucial role in shaping a viable development with resident support.
Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?	If there are to be ballots, then there does need to be a size threshold, and 150 homes is appropriate. However, the GLA needs to be mindful of the unintended consequence that infill or loss of open space could be favoured as options involving construction of less than 150 homes, with no demolition, to avoid this trigger. This is not necessarily the best outcome for the estate.
Question 3: Do you agree with the proposed scope of resident ballots? Why/why not?	We agree with item 3.6 that residents need to understand their offer from the landlord. Items 3.7, 3.8 and 3.9 are open to interpretation. We agree that consultation and engagement need to take place throughout the process. We suggest that if there is to be a formal ballot it should be based on the rehousing offer to tenants and leaseholders and the extent of demolition, and should not require extensive spatial proposals. This is because: - Early consultation and ballot on the demolition and rehousing strategy could avoid time and money wasted on extensive design and consultation work and raised expectations. We

	often observe the frustration of communities when years of discussion fail to produce change. - Spatial masterplanning and housing design should usually be progressed in collaboration with a delivery partner. However, the Mayor's proposal requires a ballot before selection of a partner. - The spatial masterplan and detailed design of the regeneration proposal will be controlled through the democratic planning process and should not be subject to a separate process of direct referendum which excludes many interested parties.
Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?	The stage is not clearly defined – noting in 3.10 that it would 'generally take place' before procurement of a development partner or masterplan adoption. Please refer to our response to question 3.
Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?	Again, please see our response to question 3. Realistically if a scheme was to evolve as proposed through exemplary consultation before holding a ballot, then it would need to be at the end of RIBA Stage 2/early Stage 3 to have the robustness that is described: key guarantees to tenants and leaseholders, numbers, design principles, layout, character, infrastructure etc. This would require a large landlord investment, with a substantial amount of risk, potentially more than the available funding itself.
Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?	All estate residents and businesses should be involved in the consultation process. If there is to be a ballot then all residents, as described in 3.17, should have the vote, but it is easy to see that voting preference will be led by the specifics of a particular resident's situation, regardless of exemplary consultation and engagement. Why do affected business operations not have voting rights – should the council be providing offers to them also?
Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?	If there is a ballot, then yes it needs to be consistent. The definition of the estate boundary needs to be clarified. Will a large estate with a smaller area of regeneration that triggers a vote mean that all residents of the wider estate are eligible to vote? The critical issue is that residents are listened to from the outset, supported, engaged with and that their housing offers are transparent and robust.
Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?	There is no reference to turn out. Experience has demonstrated that extensive consultation can create consultation fatigue, and those people who are satisfied with the process and proposals often cease to attend events, workshops, meetings after

	several months. Objecting residents tend to continue attending and lobbying meetings. Is a ballot going to create true representation, or is it going to be a reflection of the most effective lobbying groups, regardless of an exemplary consultation process and a best practice resident offer?
Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?	Comments included with points above
Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?	More definition is required as to what constitutes a major infrastructure scheme.
Question 11: Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/why not?	No comment.
Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?	Clarity required on when a situation arises that there is supported housing and general needs housing being affected within same estate regeneration. A needs audit would be required to demonstrate that the specialist or supported housing was no longer fit for purpose, and if such replacement typologies are to be included in the development.
Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?	To avoid some of the disadvantages of ballots outlined in our responses above, we suggest that the Mayor considers an exemption for schemes which include an exemplary rehousing offer, to be established in the context of the new London Plan. Clarity is required on what happens when a landlord progresses on the basis of no funding and no ballot for an outline application, then seeks funding later with detailed applications.
Question 14: Do you agree with the proposed transitional arrangements? Why/why not?	Consultation on this ends on 3 April 2018, but there has been no date listed as to when the change would be made to the GLA's Affordable Housing Capital Funding Guide.

RESPONSE TO THE CONSULTATION PAPER: PROPOSED NEW FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS IN ESTATE REGENERATION

Dr Pablo Sendra
[REDACTED]

Dr Daniel Fitzpatrick
[REDACTED]

Bartlett School of Planning, University College London in collaboration with Just Space

9th April 2018

Context of respondents

Dr Pablo Sendra is Lecturer in Planning and Urban Design at the Bartlett School of Planning, University College London. His research focuses on social housing regeneration and collaborative planning and urban design processes. Currently, Dr Pablo Sendra is Principal Investigator of the research project “Community-led social housing regeneration: between the formal and the informal”.

Dr Daniel Fitzpatrick recently completed a PhD at the Bartlett School of Planning on mutual housing developments and is Researcher on the above-mentioned project on community-led social housing regeneration.

Dr Pablo Sendra and Dr Daniel Fitzpatrick, in collaboration with the London-wide network of activists and community organisations - Just Space - are currently developing the aforementioned research project “Community-led social housing regeneration” (<http://communityled.london>), which is funded through a British Academy / Leverhulme Small Grant. The project first analyses the strengths and limitations of the existing planning framework and tools for community engagement in regeneration processes. Secondly, it explores which strategies community groups are using to oppose social housing demolition and propose alternative community-led plans.

The project uses an action-research methodology; it works closely with community organisations and produces outputs that can support community-led initiatives. As part of this project, we are collaborating with Just Space in elaborating responses to consultation documents. Previously, we have contributed Just Space response to the Draft Housing Strategy (December 2017) and currently we are contributing to the consultation on ballots (April 2018). For the avoidance of doubt, this response is different from Just Space’s response. While it may have many points in common, it differs in others.

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

We agree that the GLA should require resident ballots for estate regeneration or redevelopment schemes. However, it is not enough to make it a “funding condition”. The Mayor should use its planning powers to stop any estate regeneration or redevelopment scheme that does not run

a resident ballot or does not achieve a positive vote on the ballot, regardless of whether there is GLA funding involved. Given that estate regeneration is a very important issue, as Sadiq Khan expressed in his Manifesto when running for Mayor, this should be considered a Mayoral priority.

Sadiq Khan stated in his Manifesto when running for Mayor that he would:

“Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation, and that demolition is only permitted where it does not result in a loss of social housing, or where other all options have been exhausted, with full rights to return for displaced tenants and a fair deal for leaseholders.”¹

This election promise says “require”. This requirement should extend to any social housing regeneration or redevelopment scheme where demolition of social housing is being proposed, not just to those receiving GLA funding.

We welcome that there is a section that explains in detail how to apply the policy. This is something that should be done for every policy on social housing estate regeneration outlined on the Good Practice Guide for Estate Regeneration (February 2018), the Draft Housing Strategy (September 2017), and the Draft New London Plan (December 2017). However, we do not agree on how this policy is being applied:

Paragraph 2.4 says that the “GLA has considered two potential ways to achieve this:

- Utilising the Mayor’s planning powers; and
- Applying a condition where GLA funding for affordable housing is sought.”

However, according to paragraphs 2.5 and 2.6, this proposal is only using the second way to achieve this: through conditioning GLA funding to resident ballots but not utilising the Mayor’s planning powers to require ballots. As stated above, giving the importance of estate regeneration, the Mayor should use its planning powers to stop those developments that do not run a ballot with a positive outcome.

Paragraph 2.5 says that “Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them.” However, there are legal precedents, known as Gunning Principles, which came out of the case *R v Brent London Borough Council, ex p Gunning*, (1985) 84 LGR 16, that have set the legal principles for meaningful consultation. These principles are the following:

1. “Consultation must be at a time when proposals are still **at a formative stage**”;
2. “The proposer must give **sufficient reasons for any proposal** to permit of intelligent consideration and response”;
3. “**Adequate time** must be given for consideration and response”;
4. “The product of consultation must be conscientiously **taken into account** in finalising any statutory proposals.”²

¹ http://www.sadiq.london/homes_for_londoners_manifesto

² *R v Brent London Borough Council, ex p Gunning*, (1985) 84 LGR 16, p. 189. Cited in *Moseley, R (on the application of) v London Borough of Haringey* [2014] UKSC 56 (29 October 2014).

Recently, on *Moseley, R (on the application of) v London Borough of Haringey* [2014] UKSC 56 (29 October 2014), two further considerations were added:

1. “the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting”;
2. “the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit.”³

Given these legal precedents, the Mayor should use his planning powers to stop estate regeneration and redevelopment schemes that do not run a resident ballot with positive outcome.

It is also not clear what happens when the result of the ballot is a no. There are precedents, such as the Aylesbury Estate, where residents voted against demolition and stock transfer, and revised proposal of the local authority (London Borough of Southwark) still included demolition and stock transfer⁴ (see Appendix 1, extract of article by Sendra, 2018). When the result of the ballot is no, the landlord should work *together* with residents in agreeing on a revised proposal, with substantial changes that respond to the resident’s demands, and run a new ballot once they have agreed on a revised proposal with the residents.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

We do not agree and propose the following amendments:

Paragraphs 3.2 and 3.3 state that there should be trigger for ballot based on threshold of amount of homes constructed based on the definition of strategic estate regeneration schemes, which is 150 homes. Therefore, a scheme that demolishes 100 homes and builds 149 would receive funding with the current policy and would not fall under purview of a compulsory ballot. Demolition Watch’s petition says that “The minimum number of homes demolished to trigger a ballot should be 10 homes”⁵ and we endorse this. For one thing, the evidence is that the demolition of existing homes causes more disruption than construction of new ones.

In paragraph 3.4 it is stated that the “Applications for GLA funding of estate regeneration schemes that fall below the strategic threshold will be considered in line with the approach taken for funding other affordable housing.” It is unclear what this is a reference to and whether

<http://www.bailii.org/uk/cases/UKSC/2014/56.html>. Just Space has already referred to these points in its response to the Draft Good Practice Guide on Estate Regeneration.

³ *Moseley, R (on the application of) v London Borough of Haringey* [2014] UKSC 56 (29 October 2014), citing the *Baker* case, p. 91. These two additional points are also mentioned in Just Space’s response to the Draft Good Practice Guide on Estate Regeneration.

⁴ London Borough of Southwark (2005). The Aylesbury Estate: Revised Strategy. <http://moderngov.southwark.gov.uk/Data/Executive/20050927/Agenda/Item%2007%20-%20The%20AylesburyEstate%20Revised%20Strategy%20-%20Report.pdf>. Accessed 30 May 2017.

⁵ <https://www.change.org/p/sadiq-khan-ensure-votes-for-residents-on-estates-facing-regeneration>

the reference is being made here to the criteria on the Good Practice Guide for Estate Regeneration, Draft New London Plan and Draft Housing Strategy? i.e. like-to-like, no net loss of social housing, etc.

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

We have the following reservations about the proposed scope of the ballot and propose amendments:

In paragraph 3.6. it is stated that the ballot should include the “broad vision, priorities, and objectives for estate regeneration” etc. Included in this list should also be the details on the homes to be demolished and how the demolition and rehousing process will be carried out. Furthermore, if residents chose to endorse a development, the development should be more specific.

In paragraph 3.8 it is stated that “The offer to residents should be informed by an open and transparent options appraisal process and residents should have a clear idea of the broad scale and outcomes of the project at the point the ballot takes place.” This remains a vague statement and implies a heavily top-down process. It leaves residents completely outside the substantive decision-making stages in the process.

In paragraphs 3.10 and 3.11 it is stated that there should not be a further ballot about the “development partner”. We do not endorse this and believe that all evidence points towards the need for another ballot at this stage or alternatively the development partner should be included as part of the ballot. The premise is that residents should be able to decide about any change on their landlord. Otherwise residents will be giving again a blank cheque to the council to partner with a private developer of the council’s choice. The estate regeneration proposed would end up being a “stock transfer”, in which case there would be a requirement of a ballot for stock transfer⁶.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

The main issue we have here is that ballot should happen *after* a comprehensive engagement process, not before which we think would be too early. In the same way that a Neighbourhood Plan goes to referendum once the Neighbourhood Forum has developed a plan, has agreed to it, and it has gone through the different examinations, an equivalent process should be followed in estate regeneration. Otherwise, the risk of the ballot could mean the residents are signing a “blank cheque” to the landlord. Therefore, to have the ballot at the Options Appraisal stage would be appropriate.

A problem with an early ballot would be if there are substantial changes to the scheme, not only design-wise but also in financial or legal terms. Regeneration schemes in the past have taken sometimes a decade or longer, and therefore there would need to be certainty at the time

⁶ DCLG/HCA/MoL 2016 Housing Transfer Manual

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/329907/140704_Manual_2014_Final_2_.pdf

of ballot around levels of loss and demolition of social-rented homes, number of replacement homes, tenure, rent and service charges.

Residents should also have the choice to be able to call for a further ballot when there are changes to the scheme and to ensure that the intention of para.3.13 is upheld.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

A committee of residents should be involved in developing the proposals with the landlord through a co-design or co-production framework where engagement is carried out throughout the inception and development of proposals stages. Furthermore, there is little information on the “period of consultation, engagement and negotiation between residents and their landlord” (para. 3.10). The consultation, engagement and negotiations should also extend to reaching an agreement with the neighbours through a committee or community-led decision-making body on the questions of the ballots. Funding should therefore be provided for a community group to organise and form a decision-making body on the scheme.

In paragraph 3.13 clawback of funding is considered if “a landlord’s offer deviates materially from that agreed in a ballot.” But it is not clear whether the Mayor can stop the developments that do not build what they promise in the ballot. Therefore, there is a need for a London Social Housing Commission or Commissioner that responds to residents, as suggested in the Just Space response to the Mayor’s Draft Housing Strategy⁷. The role of the London Social Housing Commission or Commissioner would be as a watchdog to follow the process of these developments, especially in contentious cases which could require clawback.

Paragraph 3.14 needs clarification. The application of the policies proposed should include the power to stop the development and GLA funding in the event they are not being met. The proposed London Social Housing Commission or Commissioner should follow up whether these policies are being met throughout the delivery of the project and the Mayor should use its planning powers to stop those schemes that are not being delivered in accordance with these policies.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

We proposed amendments that would extend the eligibility criteria:

In paragraph 3.17 regarding the eligibility to vote, dependants and resident family members of those eligible to vote should be also eligible to vote even if they are not on the Local Authority housing register. The minimum voting age should be clarified. Our suggestions would be 16.

There should be a count on the total of the ballot and a count breakdown by types of tenancy, which can provide more information on how the redevelopment/regeneration may affect the

⁷ <https://justspacelondon.files.wordpress.com/2017/12/js-response-to-housing-strategy-2017.pdf>

different types of tenure. The total votes of yes/no should be the one that decides whether to stop or go ahead with the development.

There should be clarification as to whether there is a link between eligibility to vote and right to return.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

We agree.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

We agree with the requirements in paragraph 3.25 and propose amendments to paragraph 3.26, which will be outlined in the answer to question 9.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

The amendments proposed to paragraph 3.26 are as follows:

- To require a majority of over 50% for a vote to be valid.
- To require a minimum percentage turn-out to guarantee a meaningful engagement, for example a 25% minimum turnout.
- It is not clear what happens when there is no result. See the problems that arose in Aylesbury Estate, where residents rejected stock transfer and demolition in a ballot and yet the counter-proposal of the council was still stock transfer and demolition (see Appendix 1).
- Results to be broken down by tenancies so the landlord has more information.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

We agree if there is a London Social Housing Commissioner or a form of a London Social Housing Commission (as we have proposed and discussed earlier in this document and in Just Space response to the Draft Housing Strategy) that responds to the interest of the residents and makes sure that demolition is the only option to deliver a key infrastructure scheme. It is very important to avoid that this exemption becomes an opportunity to avoid ballots in estate regeneration and redevelopment schemes near infrastructure projects. This would mean that future schemes such as Crossrail 2 would make easier to demolish and displace social housing residents without adequate and appropriate provision of options for the residents.

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

We believe that these cases should be scrutinized and therefore we propose amendments. In paragraph 3.30 there should be a requirement that an independent expert carries out an evaluation to determine that homes are not safe, commissioned by the London Social Housing Commission or Commissioner or, while this body is appointed, by the GLA, not by the landlord. The safety exemption can be misused by landlords to avoid balloting residents.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

We do not agree. In paragraph 3.31 the exemption proposed can be misused by landlords. Landlords can try to deliver this type of housing by infill or by demolishing no more than 10 homes. Otherwise, this should also be balloted.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No further proposals.

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

We do not agree with the transitional arrangement and propose the following amendments:

We oppose the point made in paragraph 4.4 and ballot should be applied retrospectively. The Mayor has approved funding in some cases very recently to many estates that where demolition is proposed⁸ (Appendix 2). Some of them were approved by the Mayor in December 2017 and January 2018, only one or two months before this consultation was initiated. One of them is the case of Cressingham Gardens, Lambeth, where there has been strong opposition and there have been already two Judicial Reviews where the residents have taken the council to court. The Mayor should require ballots to all developments that have already received funding. If they don't run a ballot, the funding should be withdrawn, and the development should be stopped by using the Mayor's statutory power. Therefore, funding would then be removed, clawed back AND the scheme stopped for those that do not run ballot or where the result of the ballot is no.

⁸ [https://www.london.gov.uk/sites/default/files/mgla060218-2820 - foi_attachment.pdf](https://www.london.gov.uk/sites/default/files/mgla060218-2820_-_foi_attachment.pdf)

Appendix 1:

Extract from Sendra, P. (2018). 'Community-led social housing regeneration: from government-led programmes to community initiatives'. In J. Clark, N. Wise (Eds.), [*Urban Renewal, Community and Participation: Theory, Policy and Practice*](#). Berlin: Springer

"NDC Partnerships worked differently in each of the 39 areas and it is necessary and the involvement of the residents in the regeneration had different outputs. As the final report suggests, the involvement of residents has a very positive effect on how they feel about the regeneration scheme (Batty et al. 2010). The response of residents to the scheme also depends on whether the regeneration considers refurbishment or demolition. In the case of Aylesbury Estate NDC, the original NDC plan was the stock transfer from the council to a 'community-based housing association' and the demolition and redevelopment of the estate—based on how the council describes it in its report 'The Aylesbury Estate: Revised Strategy' (see LBS 2005). This would secure additional £400m from the stock transfer in addition to the £52m funding from the government. The residents rejected with a large majority this stock transfer and redevelopment scheme in a ballot, where 73% of the residents voted against it and 73% turnout. In the council report to revise the strategy for the Aylesbury Estate (LBS 2005), several factors that caused residents to vote against the redevelopment were identified. These included perceptions that the campaign for redevelopment was weak, that the residents organised a campaign against the scheme, and that residents were concerned that the stock transfer would result in higher rents and service charges. Despite the result of the resident ballot, the council's revised strategy still consisted of a demolition and redevelopment approach (LBS 2005). The report showed figures indicating the costs of refurbishment, presenting this option as non-viable and explaining that the only viable option is demolition and redevelopment." (Sendra 2018).

Appendix 2:

Estate regeneration schemes in London with full or outline planning permission and/or named in a GLA funding contract (as at 9 March 2018)

https://www.london.gov.uk/sites/default/files/mgla060218-2820_-_foi_attachment.pdf

FOI - Estate regeneration schemes in London (March 2018)

Transitional arrangements for the Mayor's final Best Practice Guide to Estate Regeneration propose that the requirement for ballots will not be retrospective, so it will not apply to schemes where the GLA already has a contract to allocate grant to a registered provider (RP). But it doesn't list which schemes already have such contracts. Could you provide a list – with the names of schemes, RP, and borough?

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information/foi-disclosure-log/foi-estate-regeneration-schemes-london>

This consultation closes at 5pm on Tuesday 3 April 2018. Replies should be sent to:

By email: ballotsconsultation@london.gov.uk

By post: Consultation on ballots in Estate Regeneration

Housing & Land Directorate

Greater London Authority

169 Union Street

London SE1 0LL

Dear Sir/Madam

Please see below the response on behalf of Poplar Harca to the consultation paper regarding ballots on Estate Regeneration.

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

We agree that resident ballots as a funding condition for estate regeneration schemes is sound but to ensure that schemes of size (over 150) units are not stopped or delayed by the opinion of a very small number of residents we would advocate that in addition to the 150 trigger in terms of numbers of new units, there is also a minimum threshold of number of units to be demolished. As current drafted a ballot would be required where only limited demolition is being proposed as part of a regeneration proposal.

An example of this is where for example a block a bedsit properties currently exist and by their demolition this would allow significant new construction within an estate. We would therefore propose that there is a minimum number set for demolition as part of the proposals

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes but with the following reservations

As with the reply to Q1, in general we concur with the criteria to trigger the ballot but would advocate that a minimum criteria is set for numbers of properties to be demolished in addition to the 150 trigger of units to be built.

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

Yes but with the following comment.

The word "estimated" should be inserted prior to the words proposed tenure mix. The reason for this is that the final mix will be in general driven by the scheme viability. It is though accepted that's exiting targets set by the mayor and boroughs are taken into account.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Yes but with reservations surrounding 3.10 in the consultation document. We feel that it is beneficial for a development partner to be procured prior to ballot to assist the organisation in developing the proposals prior to ballot in order to achieve the benefit of their expertise in developing the proposals and adding value to the proposals. That said we would expect residents groups to be involved in the procurement process of the partner

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Paras 3.10 – 3.12 refer to an ongoing consultation and engagement process, which is welcomed. As mentioned above Para 3.11 specifically refers to the point that a further ballot would not be required in the procurement process for a developer partner. It would be more robust if the good practice of involving resident's representatives in procurement processes either for companies supporting the delivery of the scheme or a developer partner was referenced in the guidance.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Partly. We consider there are the following areas where we do not agree with the proposed criteria:

1. We do not agree with the view that people resident on the estate who have been registered on the Housing register for a year should have a vote. While it is understood that this is an endeavour to secure the views of people that may benefit from a regeneration scheme, this approach has the following flaws:
 - This approach could give those people a justifiable view that they should secure some benefit from the scheme which may result in local authorities or RP's prioritising them for housing over and above other parties that are also registered for housing in order to secure their vote.
 - LA/RP's might choose not to short life empty properties to groups that would be eligible to register on the Housing Register or even choose to leave properties vacant to avoid creating 'eligible individuals.' This means that people who could usefully occupy suitable premises will not be given this opportunity.
 - Confirmation that residents registered from a premises are in occupation.

An alternative option to the suggested approach is that the criteria for resident to have a vote is extended from 12 months to say 3 years. This will ensure that the opinions are sought from residents who have had a long term interest in the estate and provide comfort for the landlord that using the properties for temporary use in a long term regeneration scheme is still viable. Without this extension of time an unintended consequence of the proposals could be that properties are intentionally left vacant prior to any ballot by landlords.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

No. Some schemes have a much broader impact upon the local area than just housing matters. For example district shopping centres which traditionally have a relatively low level of housing. As the ballot specifically excludes commercial leaseholders and there has been no consideration of how to seek the views of the users of the district centre then a perfectly viable regeneration scheme could be rejected in a ballot of a relatively small component of the local community to the considerable detriment of the existing commercial leaseholders as well as the users of the district centre.

Question 8: Do you agree with the Mayors proposed requirements for implementing Ballots?

Yes we agree

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We don't have any further proposals.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes. Because of the benefit that infrastructure schemes bring in terms of improved transport employment etc. then a ballot should not be allowed to override this. However, please see response on Q7 as it may be appropriate to consider other categories of regeneration scheme that should be given exemptions for equally valid reasons. We feel that the definition in any guidance is crucial to avoid confusion and current guidance is open to interpretation and needs clarification

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

Yes. Safety has to override all other considerations.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes. Some sheltered and supported housing schemes may no longer be fit for purpose, no longer have a need for this type of accommodation or are no longer adequately funded. As such, although careful and detailed consultation and engagement needs to take place, a ballot is not appropriate.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Yes. See response to Q7 and Q10. Consideration should also be given where the property type is no longer acceptable such as studio properties

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

WI agree with the proposed transitional arrangements but think that these need to be extended. Possible categories that could be given consideration include:

- Setting a threshold of remaining tenants from the original estate occupation which, if below this threshold should exempt the scheme from a ballot.
- Where there is already a contract to deliver housing in place with the GAL regardless of planning position.
- Clarification on who would be balloted where a scheme is amended. All residents that remain within the red line or only residents effected by any further demolition. Currently the guidance is unclear.

Yours Sincerely

Chris Clarke

Project Director Poplar Harca



LONDONASSEMBLY Housing Committee

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29 March 2018

Sadiq Khan
Mayor of London
City Hall
The Queen's Walk
London
SE1 2AA

Dear Sadiq

Consultation response: Residents ballots for estate regeneration

The Assembly's Housing Committee has reviewed your consultation document on requiring resident ballots for estate regeneration and has held a meeting with staff from GLA Housing and Land to discuss it. We wish to make the following points by way of response to the consultation.

Q1: It may be helpful to define the term 'demolition', or at least to clarify that a ballot would apply where estate residents would be unable to return to their current home, even if the building remains standing (for example where a change of use applies).

Q2 (Para 3.2): We are not clear on the relevance of the 150-home threshold and would ask you to consider the merits of a lower threshold to include more estates.

Q6 (Para 3.17): We are concerned that eligibility to vote in a given estate ballot is only open to adults in social homes who are named on the tenancy agreement. Many boroughs have changed their policies regarding eligibility for inclusion on the local housing register, so that the adult children of named tenants, who may have lived on the estate all their lives, no longer qualify to join it. We do not think it right that these residents should be barred from voting, given that they legitimately form part of the established estate community.

Q10 (Para 3.29): We support an exemption where demolitions are required to facilitate major infrastructure. However, the wording needs to be tightened up. In particular, it needs to be clear on the meaning of a scheme "linked to major infrastructure improvements." Defining the proximity or significance of a given regeneration scheme to a major infrastructure programme, for example, would help to minimise uncertainty over whether or not an estate could be deemed to be "linked," and therefore whether a ballot should apply.

LONDONASSEMBLY Housing Committee

Q11 (Para 3.30): Similarly, the exemption on grounds of safety should be clarified to specify how any concerns regarding safety are validated. For example, how far into the future might these safety concerns look and what evidence will be admissible to corroborate them? Assertions that estates are unsafe may be contested and need to be rigorously justified to ensure their validity.

Q14 (Para 4.4): When the new funding condition comes into force, it would be helpful if the Mayor published a list of estates which are already in contract for funding. This would make clear which schemes will not be subject to the ballot condition.

I trust these points will be helpful in finalising your proposals and look forward to seeing the revised proposals shortly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sian Berry', with a stylized flourish at the end.

Sian Berry AM
Chair, London Assembly Housing Committee

Proposed new funding condition to require resident ballots in estate regeneration

Response from The Riverside Group Ltd

1. About Riverside

- 1.1.** Riverside is one of the largest providers of affordable housing in the country, owning nearly 53,000 units of stock, and serving over 100,000 customers. Its purpose is to provide a range of homes and wider support services for people who cannot fully meet their needs through the private housing market. Riverside is made up of a number of organisations led by a charitable HA (The Riverside Group Ltd or TRGL), which owns, manages and develops affordable homes across England.
- 1.2.** Riverside currently operates across 28 London boroughs, with a mix of general needs, supported, and housing for older people. We are currently working with customers to shape multi-million pound improvements on six of our estates in the capital.
- 1.3.** We welcome the opportunity to respond to this important consultation, and in drafting our response we have consulted with colleagues in our development, policy and regeneration teams, as well as consulting a number of our involved tenants.

2. Executive summary

- 2.1.** Riverside wholeheartedly believes in putting our residents at the very heart of our regeneration proposals. We are committed to the principles of resident engagement as set out in The Mayor's Good Practice Guide to Estate Regeneration, which outlines many ways to ensure tenants and residents have their say. Ballots undoubtedly have a legitimate place within a broader estate regeneration consultation process, however, we do not believe that they should be a condition of funding, except in very specific circumstances.
- 2.2.** The main points we address in our response are as follows:
 - Binding ballots should only be mandatory (as a condition of funding) within specific circumstances, where regeneration proposals are such that current tenants are required to move away from their estate, and/or the terms of their tenancies change.
 - For other regeneration schemes where current tenants enjoy a high level of protection and where there is support through GLA funding, it should be a condition of funding that there is full compliance with The Mayor's Good Practice Guide to Estate Regeneration, with the developer ensuring there is full transparency of the outcome of any consultation and the way in which this has influenced any decisions.

- For a ballot to be required there should be a trigger of 150 new homes being developed AND a minimum of 50 homes being demolished currently occupied by those eligible to vote.
- Transitional arrangements should be extended so that a ballot is not required where the GLA has been notified that recycled capital grant is to be utilised to fund a regeneration project at the time that the capital funding guide is amended.

3. Responses to set consultation questions

3.1. Objectives

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

In striving for meaningful consultation and engagement, Riverside supports the principles set out in The Mayor's Good Practice Guide to Estate Regeneration (GPG). It should be a condition of funding for all GLA funded regeneration schemes that landlords/developers adhere to the guide, and set out a clear plan which demonstrates how its principles will be achieved, providing updates to GLA on request.

We believe that a "yes/ no" ballot should only be an additional condition of funding where the rights of current tenants are significantly threatened, and where one or more of the following is proposed:

- existing social tenants (with security of tenure), resident leaseholders and freeholders are required to leave the estate permanently (i.e. where there is no right of return proposed)
- for existing social tenants, there is a change to the terms of their tenancies or the way in which rents are set
- there is a net loss of affordable homes – as measured in floorspace

This will reinforce compliance with the GPG, and act as an additional deterrent to regeneration proposals which seek to significantly disadvantage existing tenants and residents.

We believe there are disadvantages to requiring mandatory ballots for the majority of larger scale regeneration schemes. These include:

- A failure to balance the interests of a range of stakeholders, which a broader based consultation process can do. This includes adjacent communities not

¹ Riverside welcomes an inferred commitment that funding will be provided for Regeneration schemes, as the AHP 16-21 is silent on grant support for regeneration projects. Lack of grant pushes many regeneration proposals to maximise income from market sale to cross-subsidise affordable provision. Grant subsidy at a level that helps compensate for the cost of affordable housing will reduce the need to maximise market sale, which leads to affordable provision being squeezed.

undergoing regeneration but with a legitimate interest in the future of the wider neighbourhood, and those seeking housing locally but not living on the estate (often represented by councillors).

- Ballots only providing a ‘snapshot’ of opinion at a moment in time, given that regeneration programmes can be long and complex; many things in an area can change following a vote and large-scale regeneration may take many years to complete.
- The possibility of stalling the development of new housing and ultimately preventing regeneration in an area for the foreseeable future as a result of a marginal “no” vote, even where there is wider support for a scheme.
- Ballots becoming the focus for misleading campaigning, and having the potential to become divisive.

However we do believe that ballots or polls can play a valuable part in community engagement processes associated with regeneration schemes. If used as a tool within a wider, more deliberative process, ballots/ polls can be undertaken at different stages of the regeneration process and used to ask a wider range of questions than would be possible through a ‘binary’ binding process. Agents of regeneration should be encouraged to embrace this form of opinion testing as part of their decision making, whilst also drawing upon other evidence gathered through a wider consultation strategy which aims to build consensus.

3.2. Threshold, timing and scope

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/ why not?

Whilst we support the proposed threshold for a ballot (in the circumstances described above) based on the scale of the regeneration proposal (i.e. at least 150 new homes to be built), we believe that this should only be applied where a minimum of 50 homes occupied by those eligible to vote are affected by demolition. This would add an extra criterion based on the scale of displacement, and would ensure that very small numbers of residents would not have a disproportionate influence on the regeneration of a much wider area.

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

Yes. Where a ballot is required, it should be based on the broad vision and principles of the regeneration proposals **and** the specific housing offer for the residents affected. This should be tested through two separate questions – one specifically relating to the vision and physical proposals, and the second relating to the offer to residents including the right to return, tenancy terms etc. Whilst we propose that support for both questions would need to be demonstrated, in the event of a ‘no’ vote for one or both questions, the landlord/developer would be able to determine which element of the proposal was not acceptable to voting residents. The landlord would then be able to come forward with new proposals to be tested at a second ballot based on one or both questions.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/ why not?

We support proposals for an early ballot, in the circumstances described in our answer to question 1. This will establish support for the principles of regeneration from the outset, minimising uncertainty and reducing the prospect of abortive costs. However it should be acknowledged that the earlier a ballot is held, the fewer details are available on which tenants and residents can base an informed choice. Residents could be being asked to vote on plans that, for some of the largest regeneration programmes, may be implemented over a decade or more, and where there is a high likelihood of change. Requiring repeat ballots where proposals evolve, or indeed the prospect of the GLA clawing back funding as proposed in the consultation, would introduce significant levels of risk and uncertainty which could curb legitimate regeneration ambition.

This is why we are proposing that mandatory ballots are only required in a narrow set of circumstances where existing tenant rights are prejudiced. For most schemes the main funding condition should be for significant and sustained engagement throughout the whole development process in compliance with the Good Practice Guide.

If the proposal to introduce ballots is introduced, GLA should recognise that considerable costs are likely to be incurred before a ballot can be held, even if relatively early on in the process. In our experience, on larger regeneration schemes these costs could be as much as £1m per scheme. To ensure that the requirement to ballot does not become a deterrent to regeneration, we propose that any abortive costs – including scheme design, ballot preparations, and resident consultation – should be shared between the developer and GLA in the case of an unsuccessful ballot. In the event of a successful ballot, these expenses can be rolled into the overall scheme costs at no expense to the GLA or the local authority.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Where a ballot is required, we strongly support the proposal for residents to vote on a specific offer document. The offer document should explain in detail the proposed phasing of the scheme, the design standards and quality of new accommodation.

3.3. Eligibility**Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/ why not?**

We broadly agree with the proposed eligibility criteria, although it will be difficult for housing associations to include those living in the affected properties who are on the housing register, as associations do not have routine access to this information.

Under data protection legislation, it is our understanding that this type of data could not be shared by the local authority without some form of explicit consent, and we suggest all local authorities should seek consent to share basic information with a registered provider in the event of a regeneration proposal requiring a ballot, at the point that a housing application is made.

In addition we believe that there should only be one vote per eligible household – that is one representative of the tenant, freeholder or leaseholder occupying the property, except where there is a separate household occupying the same dwelling which has been on the housing register for more than a year, in which case there should be a second vote.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/ why not?

If ballots are to become a mandatory funding condition they should be as administratively simple as possible and consistent across all schemes. They need to be seen to be fair and consistently applied, as disenfranchising people could result in campaigns against regeneration which might not have occurred had residents had a vote.

3.4. Implementing ballots

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes. They should be implemented by a qualified, independent body.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We are committed to the principles of resident engagement as set out in the Mayor's Good Practice Guide, which outlines many ways to ensure tenants have their say as an alternative to a ballot.

3.5. Exemptions

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/ why not?

Yes.

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

Yes.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/ why not?

Yes, however, it is not always the local authority that decommissions a specialist or supported housing scheme. In the case of schemes operated by housing associations, they may be decommissioned where services are no longer funded by a range of public bodies, or where the design is such that the scheme no longer meets modern standards. To reflect this, the wording should be amended to read: “....where a specialist or supported housing scheme is being decommissioned by a local authority or registered provider”.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

Yes, however we believe the second transitional arrangement (designed to avoid retrospection) should also apply where GLA has been notified that recycled capital grant is being used in accordance with the capital funding guide, at the date when the guide is changed. This would create an equivalent position to those schemes specifically named in a funding agreement, but where planning permission has not been obtained.

4. Further clarification sought

There are a number of areas where we are seeking further clarification:

- 4.1.** Part 3.2 of the consultation document states a ballot is required on all regeneration schemes that propose the construction of 150 new units, irrespective of tenure. However, in briefing sessions, GLA staff have stated a ballot is required for any scheme where the demolition of any social housing is anticipated.
- 4.2.** Furthermore, clarification should be provided on whether a ballot is required if the proposed scheme is of less than 150 units, but of a height of 10 storeys or more.
- 4.3.** Part 3.13 of the consultation document states; “the new funding condition will allow for the GLA to clawback funding if it considers that a landlord’s offer deviates materially from that agreed in a ballot”. We request a clear definition of ‘material deviation’ is provided. As currently drafted, this will introduce an unacceptable level of risk and uncertainty for developers.

Tom Copley AM | LONDONASSEMBLYLABOUR
Working hard for Londoners

Sadiq Khan
Mayor of London
City Hall
The Queen's Walk
London, SE1 2AA

City Hall
Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

10 April 2018

Dear Sadiq,

Re: Response to the consultation on estate regeneration ballots

In our Labour Group response to the Mayor's Draft Good Practice Guide to estate regeneration I noted that when it comes to Estate Regeneration, the voices and support of residents were vital to the success of any scheme, and that ballots offer the most effective way to assess a scheme's legitimacy. Nothing can establish the popular legitimacy of such a scheme in any competing way so I very much welcome the inclusion of ballots in the final version of the Draft Good Practice Guide.

In our response I highlighted the difficulty in establishing firm guidance on the issue, and urged the Mayor not to abandon ballots but further develop potential protocols for their implementation in the longer term. I also asked the Mayor to work with London's community groups and other partners over the coming years, developing a protocol that could be respected and observed by all stakeholders.

I very much welcome the fact that the Mayor has listened to my concerns, those of the London Assembly as a whole and the concerns of so many Londoners and community groups in issuing this Guidance.

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

Yes

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Yes

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

Yes, however, we feel the guidance should encourage landlords and developers to provide independent capacity building and advocacy support, including independent tenant and leaseholder advisors (ITLAs) to residents well in advance of the ballot as set out in *Better Homes for Local People – The Mayor's Good Practice Guide to Estate Regeneration*.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

As noted in my response to the consultation on the Draft Good Practice Guide to Estate Regeneration, determining the right moment to ballot residents is fraught with difficulty. From

hearing evidence there does not seem to be one clear point across all schemes where all the information available was fully dependable. However, I believe the proposed stage in this guidance is the best possible solution. The point in paragraph 3.12 that the ballot should be a milestone in a process of resident consultation, engagement and negotiation and not the end of it is well made. We are particularly pleased to see the proposition in paragraph 3.13 that the GLA would claw-back funding if it considers the landlord's offer to have materially deviated from the agreement in the ballot. However, I would like to see some outline of the mechanism by which the GLA would monitor the landlord's adherence to or deviation from the ballot.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

No.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

It is my strong view that those balloted should be the actual residents who live in the homes that are proposed for demolition. I therefore welcome the fact that the proposed eligibility criteria is restricted to residents only. However, we know that more and more Londoners are becoming private tenants as the cost of home-ownership continues to grow. Some private tenants will only have lived on an estate for a few months but many will have lived there for a number of years, may be raising their families there, and be totally embedded in the community. Therefore I believe all private tenants who have been resident in their home for more than 12 months should have a right to vote on what becomes of their homes and neighbourhood.

Although your consultation document correctly notes the "limited statutory obligations towards private tenants affected by estate regeneration", I believe local authorities should be encouraged to do more than the statutory minimum. For example, this could include providing homes through your London Living Rent scheme for private tenants who are existing residents on the regenerated estate.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Yes.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes, but please see my response to question 4.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

No.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Yes, however, the guidance here must be strict and we are concerned regarding the interpretation of the wording in paragraph 3.29 “or on a case-by-case basis where the landlord can demonstrate the demolitions are required to facilitate a scheme linked to a major infrastructure project” In my view the demolitions must be an actual requirement of the ability of the infrastructure scheme to proceed, not exempted on a tenuous ‘linking’ to a major infrastructure project.

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

Yes, however, guidance must be provided as to what is meant by a ‘safety issue’ and what the threshold is. I believe exemptions should be very limited, for example where there is structural damage to housing stock which is an urgent threat to residents’ safety.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Yes.

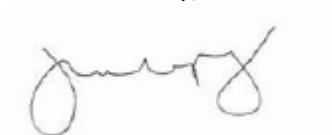
Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No.

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

Yes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Copley', written in a cursive style.

Tom Copley AM
LONDONWIDE ASSEMBLY MEMBER

Paul Robinson

From: Action Group <skycityaction@gmail.com>
Sent: 08 April 2018 16:09
To: Ballots Consultation
Subject: Estate Regeneration Consultation

Dear Mayor

We would like to introduce ourselves. We are the Sky City Action Group. We are tenants of MHT (a Housing Association and social landlord) and live on top of Wood Green Shopping City Mall in North London. We set up our group in response to Haringey's Area Action Plan (AAP) which proposes the demolition of our homes in their regeneration plans. We have put in our detailed objections to them by their deadline; the consultation period for their amended draft plan was very rushed.

We support the balloting of all tenants because our homes are at risk of demolition with no guarantees in writing. The plan proposes "affordable" housing but no where does the plan talk about social housing.

Tenants need to have a say in their future especially when the loss of their homes is threatened.

We believe that refurbishment should be the first option and this has not been considered at all by the plan.

Good homes should not be demolished. All tenants must have a final say in their future via votes and a ballot on any regeneration/demolition plan. Social housing and the terms including social rent and tenure must be guaranteed and legally binding. A right of return to where the tenant wants to live must be binding and enforceable. Social housing in the area tenants wish to live must be built first so no one is made homeless.

We agree in the principle of balloting tenants as this will enable tenants to engage and focus and the Council to take notice.

There have been many regen projects around London most notably Heygate and now Cressingham Gardens where the social tenants are or have been dismissed. It is essential that Councils hear tenants voices because it has been shown that they have acted like bulls in china shops when ignoring tenants concerns.

We submit that as a minimum no social housing should be demolished and instead refurbished; the lack of social housing in London is acute and the fact that demolition of the current stock without replacing it with more social housing defeats the idea of "affordable" housing for the majority of social housing tenants.

Sky City tenants do not want demolition when alternatives are available such as refurbishment. We strongly believe that no social housing should be demolished especially our homes ; it is an iconic building having won awards for its design.

In conclusion, we as Sky City Action Group support the balloting of all tenants giving us a say and a voice in our future; in our homes.

We take this opportunity to thank you for consideration of our response to your consultation.

Yours sincerely

Sky City Action Group

Paul Robinson

From: Southwark DCH <southwarkdch@gmail.com>
Sent: 01 April 2018 15:36
To: Ballots Consultation
Cc: [REDACTED]
Subject: Southwark Defend Council Housing response on Mayor's Proposed new funding condition to require resident ballots in estate regeneration

Southwark Defend Council Housing response on Mayor's Proposed new funding condition to require resident ballots in estate regeneration Consultation Paper 2017

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf>

Southwark Defend Council Housing supports the inclusion of the requirement to ballot before demolition of estates. However, the proposed conditions before a ballot shall be allowed to take place are not supported as they will lead to the exclusion of too many estate residents from a voice in the future of their homes.

- o The minimum number of homes demolished to trigger a ballot should be 10 homes.
- o The decommissioning of supported housing must also be balloted.
- o The ballot should be after a concrete proposal has been produced. Information should include full details of number, rents and tenure of homes to be lost and number, tenure and rents of homes to be constructed as well as any additional service charges and details of the right to return.
- o Whether there is a ballot should affect Planning approval. The Mayor should use his planning powers to give "very significant weight" to ballot results as well as his funding powers. There is no reason to exclude estates where Mayoral funding is not required.
- o All residents over 16 should have a vote.
- o The 34 estates excluded by virtue of funding decisions already taken should be included and allowed a ballot. We believe these decisions were rushed through to specifically disallow residents from having a say. We are particularly concerned that the Aylesbury Estate funding decision was made in October 2017 and the Elmington Estate decision was made in January 2018 during the period when the Mayor would have been fully aware that he was about to introduce a new balloting policy.
- o If there is an infrastructure project such as new tube stations on the Old Kent Road, this should not be used as an excuse to disallow ballots. Only the physical land take of the tube stations should be excluded from the balloting process. An estate that is near to the station where demolition is proposed to make the funding for the tube stack up should not be excluding from balloting.

[REDACTED]
Chair, Southwark Defend Council Housing

The Brixton Society

Understanding the Past, Looking to the Future

Reg'd. Charity No.1058103, Registered with the London Forum of Amenity Societies

Website: www.brixtonsociety.org.uk

Consultation of ballots in Estate Regeneration
Housing and Land Directorate
The Greater London Authority
169 Union Street
London SE1 0LL

Please reply to:



20th March 2018

Dear Sirs

The Mayor of London's Consultation Paper: Proposed new funding condition to require resident ballots in estate regeneration: Response from the Brixton Society

1. Introduction

The Brixton Society was established in 1975 as the amenity society covering the wider Brixton area. We are registered with the London Forum of Amenity Societies. We regularly comment on local plans, policy changes and individual planning applications, and try to promote good practice in our area.

The area we cover includes the Cressingham Gardens Estate, an estate which is the subject of a locally-controversial regeneration proposal by Lambeth Council involving the demolition of all of the existing 300 homes, and which would, therefore, appear to fall within the scope of the GLA's new funding condition if this is approved.

2. Our response to the Consultation Paper

We believe that residents who stand to lose their homes as a result of estate regeneration proposals should have the right to a ballot before schemes are progressed and for this reason we welcome the Mayor of London's proposal to require residents ballots as a condition for GLA funding.

However, we are concerned that Section 4 which deals with Transitional Arrangements is being interpreted by some local authorities as granting exemption for the majority of existing pipeline schemes, and the effect of this would be to dilute the impact of the proposed change in London.

This is the case in our own local authority area, where Lambeth Council has issued a press release claiming that, as they have already secured funding from the GLA under the Affordable Homes programme, they would not be required to ballot tenants on the Cressingham Gardens and other estates in the borough.

As currently drafted, the proposals in Section 4 do not appear to us to support Lambeth's claim, since their Cressingham Gardens proposals do not in fact satisfy either of the two requirements proposed in Section 4 of the consultation document, since

a) planning permission has not been granted - the consultants working for Lambeth on the Cressingham Gardens Masterplan informed representatives of the Society in December 2017 that they did not anticipate an application for planning permission until winter 2018/19.

and

b) the Council has not yet entered into a legal agreement with the GLA to deliver Cressingham Gardens or any of the other schemes covered by the GLA's Affordable Homes programme (information provided by the GLA in October 2017 in response to an FOI request).

However, to minimise any ambiguity as to which schemes will be exempt from the ballot requirement. In our response to Question 14 (below) we suggest amendments to the proposals for Transitional Arrangements.

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

Yes, we agree with the Mayor that regeneration projects which involve the demolition of significant numbers of homes should only proceed on the basis of support from those affected and that the most effective way to achieve this would be for a resident ballot to be required as a condition of GLA funding.

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

Agree partially. We agree that the funding condition should be applied to estate regeneration schemes utilising GLA funding and which involve the demolition of social housing. However, we believe that the proposed trigger should be defined in terms of the number of homes to be demolished, rather than the number to be created, and that trigger point (construction of 150 homes) is too low. We would propose instead that the ballot requirement applies to all schemes which involve the **demolition of 75 or more existing homes.**

Question 3: Do you agree with the proposed scope of resident ballots

Yes, we agree that the ballot should be a simple yes/no vote on the landlord's offer to residents

Question 4: Do you agree with the proposed stage in an estate regeneration process when ballots would happen?

Partially.

We agree that in the case of new regeneration schemes ballots should take place at the end of the initial consultation process and before the procurement of a development partner or the adoption of a masterplan. This would avoid the possibility that local councils incur abortive costs, including consultant's fees, in the case of schemes which fail to secure support from residents in the ballot.

However, in the case of pipeline schemes where development partners or consultants have already been appointed, we would propose that a resident ballot is carried out before the submission of the planning application.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

No

Question 6: Do you agree with the proposed eligibility requirements for resident ballots?

We agree that ballots should be open to all existing social tenants and resident leaseholders and freeholders.

If the ballot is to be extended to other residents it is important that the information which is provided to residents in advance of the ballot includes clear information about how they would be affected by the regeneration scheme if it were to go ahead. We note that the Residents Guarantee published by Lambeth Council only provides information about how their proposals would impact on secure tenants and on leaseholders and freeholders, and is silent about the impact of their proposals on the significant number of households in council properties on the Cressingham Gardens and other Lambeth estates with non-secure temporary tenancies.

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

Yes

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

Yes, we agree that a qualified independent body, such as the Electoral Reform Society, should supervise the ballot.

Question 9: Do proposals for other potential Mayorial requirements for implementing ballots?

Yes, the ballot should be a confidential ballot and the identity of individuals voting for and against the proposal should not be disclosed to the landlord.

Questions 10, 11 and 12: Do you agree with the proposed exemptions where the demolitions are required to deliver an infrastructure scheme, where the demolitions are required to address safety issues or where a specialist or supported housing scheme is being decommissioned?

Yes

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

No

Question 14: Do you agree with the proposed transitional arrangements?

No. We agree that, in order to protect the GLA from any potential legal challenge, transitional arrangements are required in cases where the GLA has already entered into a legally-binding funding agreement with a local council or registered landlord.

However, the proposals are loosely worded and there is a risk that exemption may be claimed for large numbers of pipeline schemes in London where GLA funding has been agreed in principle but where there is not yet a legal agreement between the GLA and the council or registered provider. The effect of this would be to dilute impact of the proposed change.

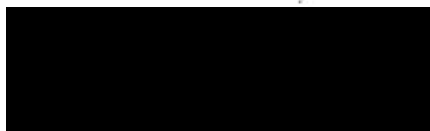
To avoid this, we propose that ballots are required for all schemes except where BOTH the following criteria are met

- the GLA has already entered into a legally binding agreement with a council or social landlord to provide funding for a scheme with identified milestones and unit numbers

AND

- the scheme has secured outline or full planning permission including a specified number of affordable homes

Yours faithfully



On behalf of the Brixton Society

Proposed new funding condition to require resident ballots in estate regeneration

Trust for London Response

April 2018

About the respondent

Trust for London is an independent charitable foundation, founded in 1891. Our mission is to tackle poverty and inequality in London. We achieve this by funding a wide range of charitable activity including groups working on the ground, advocacy and policy work. Annually we make grants of over £8m per annum. Our response draws on the work we have funded, notably London Tenants Federation, Create Streets, the Town and Country Planning Association, and our commitment to a more equal London.

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

Yes, this seems a pragmatic approach to strengthening the engagement of residents in large estate regeneration schemes.

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Overall, no: the scope of the ballot requirement should be wider. The proposed criteria align pragmatically with the Mayor's legal responsibilities for planning. However, the funding condition in favour of ballots should apply wherever Mayoral funding is sought for estate regeneration. Contentious regenerations include those resulting in smaller numbers of new homes, or where businesses or community amenities (such as car parking or green space) are demolished rather than homes. In such cases, ballots can help to ensure that resident engagement is conducted in meaningful ways.

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

No. As a minimum we would add the following:

- The size of properties (even where these are expected to stay the same, residents will want this information)
- Expected changes to rent / service charges

Other things that residents may have strong views about, and about which information should be included, are:

- Residents' involvement in designing plans, and what has changed as a result
- Significant loss of / changes to local businesses and local employment opportunities
- Significant changes to transport infrastructure (e.g. bus routes moving, loss of car parking)
- Changes to light / being overlooked / creation of wind corridors
- Safety features

These aspects imply that a ballot should take place later in the process, as these features often are agreed together with a developer and architect.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

No.

We have discussed this with our grantee, Create Streets. On the basis of their expertise in engaging residents in estate regeneration in ongoing ways, we emphasise that ballots must be only one stage in an ongoing process of resident engagement. Ballots should be timed in such a way as to enable residents to meaningfully engage with and influence plans for development, while also ensuring there is ongoing accountability for delivery of commitments made to residents.

On balance, we believe ballots should happen later in the process, based on a residents' charter (or similar) agreed early on. This is, we believe, the best way of achieving the above goals.

We appreciate that GLA funding may well be agreed early in the process to enable schemes to get underway, and this may be pragmatically driving the proposed timing of ballots. We suggest that, rather than the 'clawback' mentioned in Point 3.13, funding could be awarded 'in principle' or in tranches, with later tranches being conditional on a successful ballot.

This may increase the risk of such developments. The impact of the policy should be monitored, to ensure it does not detrimentally impact investment.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

We recognise that, sometimes during the course of development and planning discussions, significant changes can take place. If this leads to material changes to the offer balloted by residents (e.g. changes of a set percentage or +/-10 in the amount of homes at equivalent cost for returning households), as outlined in Point 3.13, there should be another ballot, as the residents' consent no longer applies.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Broadly, yes, with the following suggested modifications:

- It should be clarified who within the household has the right to vote. We support the proposal suggested by London Tenants' Federation (LTF), that adult occupants listed on the tenancy agreement should have a right to vote.
- We also support LTF's proposal that those who have been decanted from an estate but indicated a desire to return should have a right to a vote.

In the guidance on ballots, while we understand that, pragmatically, private rented sector tenants may not have a right to a vote, we are keen that reference is made to their presence on the estate, and their involvement in consultation. This is present in the Good Practice Guide; we are keen that the focus on ballots does not mean that their role is now neglected.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why/why not?

Overall, no.

The guidance should include a 'norm'. However the variability of such schemes may make it appropriate in some cases to include a broader range of people within the scope of the ballot. For example, some schemes (e.g. the redevelopment of a market), it may be important to include

businesses; for others (e.g. in-fill development of green space), the development may mean a significant loss of amenity for non-residents.

Hence the rules should include a minimum franchise, and guidance on avoiding inappropriate 'dilution' of the franchise, while permitting wider eligibility where relevant to a regeneration scheme.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Yes, we agree with the proposals - a simple majority seems pragmatic.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

We recommend that the Mayor explore setting a norm for a minimum turnout in ballots, e.g. applications receiving Mayoral funding would be expected to have the positive support of at least 20% of eligible residents. (Implying either a large turnout in a contentious ballot, or a smaller turnout in a relatively uncontroversial one). We appreciate that turnout in ballots is difficult to achieve. However there are well established methods to engage people, and the present situation where hundreds of homes are demolished on the basis of consultation of tens of people is not acceptable. A turnout threshold would also help to prevent a highly engaged 'anti' minority from over-ruling the wishes of residents.

If a ballot was not successful in attracting sufficient turnout, the default would be a re-run of the ballot (rather than the scheme not going ahead). The cost of doing this would create an incentive for landlords to seek to ensure high turnout the first time.

Question 10: Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?

No comment.

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

No.

While we accept that safety issues may create urgency around regeneration, the current exemption wording is too broad. Many estates, due to their age, imperfect maintenance histories, and recently recognised issues in building control, may have safety issues that could be used to avoid a ballot. Any exemption should be linked to an externally recognised standards or threshold, e.g. presenting Category 1 HHS hazards, or evaluated by the Fire Brigade as presenting significant fire risk.

Residents have arguably the greatest stake of anyone in safety; it should not therefore be so hard to formulate a scheme that will gain their buy-in and pass a ballot.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

No comment.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Overall exemptions should be kept to a minimum, to avoid creating loopholes. Where there is existing legislation that covers the area of work, there should be a clear case for adding to or expanding any exemptions.

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

Yes. It is not appropriate to require landlords to re-run ballots, even where these have been poorly run, where this was not a requirement at the time. It's a reasonable principle that the state should not normally act retroactively.

Contact:

Susie Dye, Grants Manager



Walworth East Area Housing Forum response on Mayor's Proposed new funding condition to require resident ballots in estate regeneration Consultation Paper 2017

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf>

Walworth East Area Housing Forum supports the inclusion of the requirement to ballot before demolition of estates. However, the proposed conditions before a ballot shall be allowed to take place are not supported as they will lead to the exclusion of too many estate residents from a voice in the future of their homes.

- o The minimum number of homes demolished to trigger a ballot should be 10 homes.
- o The decommissioning of supported housing must also be balloted.
- o The ballot should be after a concrete proposal has been produced. Information should include full details of number, rents and tenure of homes to be lost and number, tenure and rents of homes to be constructed as well as any additional service charges and details of the right to return.
- o Whether there is a ballot should affect Planning approval. The Mayor should use his planning powers to give "very significant weight" to ballot results as well as his funding powers. There is no reason to exclude estates where Mayoral funding is not required.
- o All residents over 16 should have a vote.
- o The 34 estates excluded by virtue of funding decisions already taken should be included and allowed a ballot. We believe these decisions were rushed through to specifically disallow residents from having a say. We are particularly concerned that the Aylesbury Estate funding decision was made in October 2017 and the Elmington Estate decision was made in January 2018 during the period when the Mayor would have been fully aware that he was about to introduce a new balloting policy.
- o If there is an infrastructure project such as new tube stations on the Old Kent Road, this should not be used as an excuse to disallow ballots. Only the physical land take of the tube stations should be excluded from the balloting process. An estate that is near to the station where demolition is proposed to make the funding for the tube stack up should not be excluding from balloting.



Chair, Walworth East Area Housing Forum



RESPONSE TO 'PROPOSED NEW FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS IN ESTATE REGENERATION' CONSULTATION PAPER

SECTION 2

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

Our answer: Yes. We thank the Mayor for taking on board our response to his consultation and taking this constructive action. Overall, this is a step in the right direction for helping to prevent other communities from having to go through what we have been through since our estates were included for demolition as part of the Earl's Court Masterplan.

Further comments on Section 2 of the consultation paper:

Para 2.5

- We recognise that there is no legal basis in planning to require that a ballot be held and the results be considered binding. However, whether a resident ballot is held and/or the results accepted could and should be seen as a 'material consideration' in coming to a planning decision. This should be set out in the new London Plan. As the Consultation Paper itself recognises (in para 3.14), the ballot requirement needs to be closely linked to the Planning policies.
- The Mayor's office must, in the interests of transparency, require/provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness of the policy and procedures around ballots.

SECTION 3

Question 2: Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?

Our answer: No.

Reasons:

Paras 3.1 to 3.4

- The requirement for a ballot should be triggered by all schemes which involve demolishing inhabited homes and not be limited to apply to 'strategic' estate regeneration schemes (ie. Schemes which involve constructing 150+ homes). If the GLA are to fund the demolition of residents' homes, those residents must be balloted. Perhaps a minimum number of ten homes to be demolished would be a practical trigger for requiring a ballot.

Further comments:

- The meaning of the word 'demolition' needs to be clarified to ensure that ballots apply to situations where the external façade of a building remains the same but individual homes within the building are permanently lost, eg. the partition wall between two flats is knocked down to create one larger flat or a larger flat is divided up to create two separate flats.

- We are pleased to see in Paragraph 3.5 that the Mayor will carefully scrutinise funding applications to ensure that applicants are not partitioning their applications in such a way as to avoid the requirement for ballots.
- Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration'

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

Our answer: Subject to additions and clarifications, yes.

Reasons:

Paras 3.6 – 3.9

- "The ballot would be a yes/no vote on a landlord's offer to residents" – this sentence could be misinterpreted. It should be changed to "The ballot would be a yes/no vote on whether or not demolition of the specified homes may proceed under the terms and conditions set out in the landlord's offer to residents."
- The provision of full and detailed evidence-based data must be required in each scheme to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished. This should be provided in a consistent manner, perhaps according to a template issued as guidance by the Mayor.
- The required information to be provided to residents in the 'landlord's offer' prior to a ballot (as set out in paragraphs 3.6 and 3.7) is not adequate to ensure residents are able to take a fully informed decision as to the impact of demolition on their lives and communities. Please see below an amended list of the information that landlords must provide (additions are made in red):
 - o The broad vision, priorities, and objectives for the estate regeneration
 - o Full and transparent evidence-based rationale for why demolition is being proposed rather than other options, such as refurbishment, infill and building additional storeys above existing blocks.
 - o Alternative proposals – on refurbishment and on any grass roots resident led proposals
 - o Open book financial appraisals of all the feasible options.
 - o Details of the full right to return or remain for social tenants living in homes that are to be demolished, including guarantees as to the full housing cost of replacement homes (where full housing cost includes rent, service charge, parking charges and council tax)¹ and guarantee of secure tenancy in replacement home
 - o Details of the offer for leaseholders and freeholders of homes that are to be demolished, including guarantees as to the full housing costs and eligibility criteria of options to move into one of the new replacement homes (where full housing cost includes any rent payable, service charge, parking charges and council tax)
 - o Commitments relating to ongoing open and transparent consultation and engagement
 - o The design principles of the proposed regeneration

¹ According to the Section 106 agreement for the first phase of replacement homes for residents of the West Kensington and Gibbs Green estates who may have to move to make way for the Earl's Court Masterplan, the service charge could be £2,500 to £3,500 per year on top of rent. This is a significant increase on the levels currently paid by residents in flats and maisonettes, and residents in the houses do not currently pay any service charge. Even were rents to remain the same, this increase in service charge could cause many to eventually lose their tenancies.

- o The estimated overall number of new homes
 - o The estimated scale of demolition **including a list of the addresses of all the properties which would be demolished.**
 - o The future tenure mix **and bedroom size mix**
 - o Proposed associated social infrastructure (such as green spaces, health, or educational facilities).
 - o **A proposed phasing plan for demolition or a clear set of standards that the proposed phasing plan must meet (where a phasing plan will be necessary)**
 - o **Realistic estimates as to the timescale of the demolition process and a risk assessment of potential causes of delay and guarantees as to how these will be avoided or addressed if they arise**
 - o **Guarantees as to how resident comfort and security will be looked after whilst they remain in their homes awaiting demolition or are living on a building site². This should include:**
 - **Commitments as to major and cyclical works spending as well as to spending on regular maintenance and repairs so long as any properties awaiting demolition are still inhabited**
 - **A risk assessment conducted with the local policing team which identifies 'meanwhile areas of risk' (ie. Walkways which will no longer be subject to casual surveillance once a block or street has been emptied of its inhabitants) and other security issues which may arise during the demolition process (such as theft and arson of empty properties) and commitments as to measures which will be taken to promote resident safety and security in the meantime.**
 - **Commitments as to how residents will be protected from noise, dust and other nuisances caused by demolition.**
 - **Commitments as to how the staff responsible for the development will continuously update other relevant organisations and departments within the landlord to avoid residents hearing rumours or out of date information from staff and other service providers as to the nature and progress of the scheme.**
- Paragraph 3.9 states that "The GLA will encourage social landlords to provide as much detail in their proposals to residents as possible." The word "encourage" should be changed to "require".

Further comments:

- Ballots must be held prior to applications for planning permission being submitted.

Question 4: Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?

Answer: Yes, subject to amendments.

Reasons:

Paragraph 3.10

² According to Professor Anne Power, Head of Housing and Communities at the London School of Economics, the cost of demolishing an occupied estate includes "An increase in crime and vandalism while properties remain empty. There is also a risk of arson, theft of piping, wiring and radiators from those empty flats, causing more police action and higher security costs. It is in such conditions that on a Southwark estate, long targeted for demolition, that Damilola Taylor was murdered". The blog can be read here: <http://blogs.lse.ac.uk/politicsandpolicy/sink-estates-demolition/>

Please consider the changes set out in red: “A ballot **must only take place after a thorough and transparent** period of consultation and negotiation between residents and their landlord.”

- Please also consider adding this paragraph: “Residents must have been involved from the outset in developing and assessing options for the future of the estates, including options for refurbishment, infill and building additional storeys on top of blocks. Throughout this process, residents must have had access (and been made aware of it) to an independent tenants and leaseholder advisor who is accountable to the residents via a democratically accountable body such as a tenants and residents association or a neighbourhood forum.”
- The development partner chosen may have a significant impact on the direction of the scheme and the outcomes for the residents affected. Ideally residents will be involved in selecting the development partner. This could happen if the proposed development partner is put to residents as part of the ballot, or there could be guarantees as to further transparent engagement with residents to ensure they have a meaningful say in the final choice of a development partner.
- Whilst it may not be possible to provide information as to the ‘precise specification of the works’ prior to the ballot taking place, residents must have access to as much information as possible and in particular they must have access to the list of required information set out in answer to question 3 above.
- Alongside guidance for landlords, there should be standard guidance made available to residents at least three months prior to a ballot setting out a list of information they should demand to know prior to the ballot to help them make a fully informed decision. Residents must be made aware prior to a ballot of all the ways in which the scheme is subject to change and any risks for them associated with those changes.

Paragraph 3.13

- We are pleased to see the proposal to clawback funds where a landlord is not honour [REDACTED] the offer made to residents at the time of the ballot. This must apply to all the funding committed to that scheme.
- The Mayor’s funding conditions should require that the landlord’s pre-ballot offer to residents is later inserted into any Section 106 planning agreement for demolition to provide additional reassurance to residents that the commitments therein will be honoured.

Question 5: Do you have any other comments on the threshold, scope and timing of resident ballots?

Answer: Yes.

Paragraph 3.14

- Please make the following change highlighted in red: “Replacement of affordable homes ~~should~~ **must** be on a like-for-like basis, meaning that homes at social rent levels that are demolished ~~should~~ **must** be replaced by homes with rents based on that which has been lost.”
- Please add the following: “**The Mayor’s office will calculate whether there has been or will be a net loss of social housing by taking the achieved or projected number of social housing units produced and comparing that to the number of social housing units there were in the demolished premises prior to the ballot.**” We request that this be added to prevent landlords or development partners from massaging the figures. Demolition schemes are time consuming and it is common for landlords, once a demolition scheme is in the pipework, to replace exiting ‘secure’ tenants with

'temporary' tenants who may be paying higher rents. If landlords and development partners are permitted to calculate the 'net loss' figure using the number of social rented homes left just before demolition takes place then there will be further demolition schemes which do effectively produce a net loss of social rented housing.

Question 6: Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?

Answer: Yes.

Question 7: Do you agree that eligibility criteria should be the same for all schemes? Why? Why not?

Answer: Yes.

Question 8: Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?

Answer: Yes with minor amendments.

Paragraph 3.25

- Amend the first sentence: "~~The Mayor believes that~~ a qualified independent body, such as the Electoral Reform Services, contracted by the landlord, ~~should~~ **must** ~~supervise~~ **undertake** the ballot."
- The ballot must be undertaken by a qualified independent body to promote trust in the process.

Question 9: Do you have proposals for other potential Mayoral requirements for implementing ballots?

Answer: No.

Question 10: Do you agree with the proposed exemptions where the demolitions are required to deliver an infrastructure scheme? Why/why not?

Answer: Yes with amendments.

Reasons:

- Please add the following to Paragraph 3.28: "**For each address earmarked for demolition, the landlord must convincingly show that its demolition is essential to allow the relevant major infrastructure project to go ahead. A ballot will be required for all addresses whose demolition is not considered essential to permit the major infrastructure project to go ahead.**" This is to avoid landlords using the opportunity of a nearby major infrastructure project to push through unnecessary demolitions of their stock which may not be wanted.
- Please delete the following in Paragraph 3.29: "or on a case by case basis where the landlord can demonstrate that the demolitions are required to facilitate a scheme linked to major infrastructure improvements." This could allow landlords to push through unnecessary and unwanted demolition schemes by linking them to neighbouring major infrastructure projects.
- The Mayor should attach to his funding conditions strict requirements as to the rehousing offer and compensation made to estate residents forced to move in instances such as this. In particular social tenants must be offered replacement accommodation which is suitable to their needs with the same or equivalent housing costs (including rent and service charge) as they had previously.

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

Answer: No.

Reasons:

- Delete the second bullet point in Paragraph 3.27 and change it to “where the proposed demolitions are in response to independently provided evidence that the relevant buildings are structurally unsound”
- Please delete Paragraph 3.30. ‘Safety issues’ is too vague for the following reasons:
- Landlords must of course meet and hopefully exceed their duties with regard to health and safety legislation. Where a qualified person or body finds that a property or building is not safe to live in the tenant(s) must be immediately found close by alternative accommodation to live in until the matter is satisfactorily resolved at no extra cost to the tenant. But in most instances demolition will not necessarily be the fastest or best solution.
- Aside from rare cases where a building is structurally unsound, in very few instances will it be impossible to remedy health and safety issues through refurbishment rather than demolition of homes.
- In all instances full evidence should be provided and (except in the case of a building being structurally unsound) all feasible options (including refurbishments) must be considered for remedying the problems and residents must be balloted.

Question 12: Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?

Answer: Yes.

Question 13: Do you have proposals for other potential exemptions to the proposed funding condition?

Answer: No.

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

Answer: No.

Reasons:

Paragraph 4.3

- Please make the following changes to this paragraph (insertions in red): “First, the funding condition would not apply where the proposed demolitions already have full ~~or outline~~ planning permission. However, where an existing planning permission is varied, amended, or renewed ~~to include demolitions that were not part of the existing planning permission,~~ a ballot will be required ~~should the total number of new homes be 150 or more~~ **regardless of whether demolition had been included within the previous planning permission.**”

For more information about our organisation and our campaign please go to <https://westkengibbsgreen.wordpress.com/>

28 March 2018

Consultation responses – Members of the public

Questions:

1. Do you agree that the GLA should make resident ballots a funding condition for estate regeneration schemes?
 2. Do you agree with the proposed criteria that would trigger the requirement for a resident ballot? Why/why not?
 3. Do you agree with the proposed scope of resident ballots? Why/why not?
 4. Do you agree with the proposed stage in an estate regeneration process at which ballots should happen? Why/why not?
 5. Do you have any other comments on the threshold, scope and timing of resident ballots?
 6. Do you agree with the proposed eligibility criteria for resident ballots? Why/why not?
 7. Do you agree that eligibility criteria should be the same for all schemes? Why/why not?
 8. Do you agree with the Mayor's proposed requirements for implementing ballots? Why/why not?
 9. Do you have proposals for other potential Mayoral requirements for implementing ballots?
 10. Do you agree with the proposed exemption where the demolitions are required to deliver an infrastructure scheme? Why/why not?
 11. Do you agree with the proposed exemption where the demolitions are required to address safety issues? Why/why not?
 12. Do you agree with the proposed exemption where a specialist or supported housing scheme is being decommissioned by a local authority? Why/why not?
 13. Do you have proposals for other potential exemptions to the proposed funding condition?
 14. Do you agree with the proposed transitional arrangements? Why/why not?
-

Responses:

1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
2. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage. I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
3. The scope of the ballots seems appropriate. The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
5. N/A
6. The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
7. Yes - there should be uniformity on all schemes for fairness
8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
9. The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot. The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point. The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).

10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
 11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot
 12. N/A
 13. N/A
 14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.
-

1. YES - ALWAYS REGARDLESS OF SIZE: It is the right thing to do - these are people's homes and not council assets to be sold off without consequence just for profit! Proposal: the London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that in all estate regeneration proposals that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurb compared to demolition and rebuild). e.g. - 16 Reginald Road residents have their homes under threat of demolition now. The building (AKA Reginald House is structurally sound, has had a new roof, new wiring and boilers, but it has deliberately been left out of the Decent Homes schedule by Lewisham Council and looks scruffy and run down as no money has been spent on its upkeep - money that has been paid by the Residents/Leaseholders via service charges for the last 4 years! These homes are of a good size (Maisonettes on two levels) and the lower level have front and back gardens - the alternative homes under the 're-development plans' are one level, smaller, and the ground floor residents and two leaseholders will not have their own gardens. There has been no meaningful engagement with the residents and the Council - the majority of residents (15 out of 16) have repeatedly said they want to stay in their homes, and not have their homes demolished, and that their homes just need refurbishment.
2. NO. There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed. There should be no evasion of a person's human right to their home by any underhand means - such as establishing the size of site this applies to. If the Mayor is truly aiming for equality for ALL LONDONERS then the balloting policy should apply to ALL regardless of the size of the site or the current number of social homes within the 'estate' or community. NO WRIGGLE ROOM!
3. Yes - support for there being a yes/no ballot - first and foremost focused on whether there should be any demolition of existing social-rented homes within the regeneration proposals. This would then clear the route to more positive collaboration between tenants, residents and social landlords around possible / potential regeneration, without unnecessary demolition of existing social rented homes. Proposal: Re paragraph 3.6 this should additionally include:
 - A summary of full and detailed independent analysis of the social, economic and environmental impacts of any demolition of existing homes, compared to refurbishment, which should be carried out as part of early discussions with residents.
 - Alternative proposals - on refurbishment and on any grass roots resident led proposals;
 - Evidence that residents feel that they have been provided with sufficient information on these issues to make a solid yes/no decision.
 - Evidence that independent support for residents (selected by residents) has been provided.
 - Evidence that residents have been provided with the opportunities and funding to prepare their own regeneration proposals within the scope of funding available.
 - Proposal: The following should be included in paragraph 3.7
 - Rent and service charge costs of any replacement social-rented homes
 - Details of all relevant developers, housing associations and other stakeholders that may be involved in the estate regeneration.
 - Additional Proposal:
 - There should be a requirement to show a significant engagement in a ballot in order for plans to go ahead (at least 50%).
 - Ballots must be held prior to applications for planning permission are submitted.
4. It is essential that residents are provided with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out. There is concern around the level of change that can occur in regeneration proposals over long periods of time - sometimes over a decade or more. There either needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding) or where changes in any of these occur that there must be

People are very angry about what's happening, Mr Khan. Now would be a really good time to start listening. I hope you will.

Our houses are not just buildings, they mean much more than that. They are our lives, our families, our social ties, our kin, our community. Please give ballots to all residents affected by estate regeneration. Don't deny us the right to stand up for the communities that we have spent our lives building.

I would like to register my support for the proposal that residents should be balloted on plans that involve potential demolition of homes during estates regeneration. I have friends who live in Central Hill, Crystal Palace, which is slated for demolition and they feel they have not been sufficiently consulted on the process. A ballot would ensure everyone can make their voice heard.

1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
 2. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage. I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
 3. The scope of the ballots seems appropriate. The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
 4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
 5. N/A
 6. The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
 7. Yes - there should be uniformity on all schemes for fairness
 8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
 9. The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot. The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point. The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
 10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
 11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
 12. -
 13. N/A
 14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.
-

1. Yes - however need to consider criteria for a second vote, which you would want to avoid but need to think of some criteria so that these are known by those involved.

2. No: I think it should be based on the homes affected rather than the new homes. 100 homes affected through demolition or 200 by 'major' (needs defined) refurbishment. If a mixed refurbishment / demolition scheme, needs a formula to help decide. Reason? The point of a ballot is the effect on people who live there. It also needs to make clear that one cannot break down housing projects into smaller phases artificially to avoid a ballot. Private homes, if integral to the scheme, need to be counted in.
3. a) Yes, but needs to include a commitment to a written strategy and implementation plan for ongoing open and transparent consultation and engagement. 'Commitments relating to' is not strong enough and will annoy residents. b) Content scope in ballot: needs to include the following: Broad principles of height, and massing, and overall design/urban design principles. This must include open spaces/ hard and soft landscape - not detailed though. Financial basis for the new homes/ tenure split. These could be included under 'broad principles' above.
4. Agree
5. No, except need to be careful in respect of pressure groups that can steer the vote. This needs sufficient resources on the ground and PR
6. Need to consider how long people have lived there. It will be difficult to exclude people living there in private tenancies, if they have not put themselves on the housing waiting list or have not been on it for one year. On the estate I worked on we let them vote, if I recall correctly but they did not qualify for a Right to Return. There is also the issue of the age of voters. Will you give a vote to a 5 year old? child? You will need proof of them living there, use electoral role and give to those who are eligible to vote. The system needs to be very robust.
7. This needs to be the same for each scheme to build trust in the system.
8. I agree with a simple yes vote. Use independent scrutineer but manage the brief closely. Do not assume that they are the expert!
9. 9./10/11/12/13. Agree with proposals

I wish to respond to the consultation on balloting estates. My views are expressed below but I wish to first identify that my particular interest is in Lambeth council's activity on rejecting or failure to consult on residents' wishes (Cressingham Gardens, Central Hill & Fenwick Estates) – a situation which has caused expense, legal time and ill-feeling. Council estates that are already earmarked for demolition should not be exempted from being given a ballot. London mayor, Sadiq Khan signed off 34 estate demolitions in late 2017 whilst agreeing that estates should be balloted first. It is unfair for residents to be denied this right to have a say on the future of their homes. Lambeth Council is likely to ask the GLA to confirm a blanket exemption for schemes already in the pipeline. The GLA should make it clear that the ballot proposal will apply to all schemes except where the GLA has entered into a legal agreement to provide the money and could face legal action if it doesn't. This could be ensured by asking for the proposals to be amended to say that ballots will be required for all schemes except where BOTH the following criteria are met:

- a) the GLA has already entered into a legally binding agreement with a council to provide funding for a scheme AND
 - b) the scheme has secured outline or full planning permission including a specified number of affordable homes.'
- Lambeth Council has not entered into a legally binding agreement for funding from the GLA for the estate demolitions so, crucially the Mayor can give residents a ballot or have them face the option of homes being demolished on the estates already earmarked.

BACKGROUND (of the consultation document) Re section 1.2: While the Mayor suggests that there are multiple benefits offered by successful estate regeneration, the reality has been - for almost 20 years (since the introduction of decent homes work, tied to promotion of stock transfers) and particularly since 2011/12 with the introduction of affordable rent homes, been quite different. This has included:

- regeneration that has actually been about displacing social housing tenants and demolition of their homes to make way for development of luxury dwellings for much higher income households;
- a huge loss of existing social rented homes and lack of funding and policy requiring replacement with new social-rented homes; failures to engage social housing tenants in proposals for estate regeneration in a meaningful way, (i.e. much it being entailing vast sums of money spent on glossy materials to promote schemes by landlords and developers, but with a lack of solid information on the economic, social and environmental justification and impacts of demolition rather than refurbishment of social rented homes);
- lack of funding and support for social housing tenants and resident to determine what they would want – bottom up - in estate regeneration / improvement schemes; decades of pain for social housing tenants and residents on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, impacting detrimentally on their health and well-being, and whether the inevitable result will be their displacement and breaking up of strong and supportive families and communities; piecemeal infill on estate, with little consultation with tenants and residents and failures to deliver what was originally agreed with residents in terms of tenure and numbers of new homes delivered;

Proposal - the Mayor must highlight the fact that in many instances regeneration has actually resulted in negative impact on the numbers of social rented homes in London, displacement of low income households and breaking up strong and sustainable communities.

Re section 1.3 & 1.4. Proposal the Mayor must define 'like for like'. This should comprise, at least, the same size, density, tenure, rents and service charges as existing; the Mayor's office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.

OBJECTIVES AND APPLICATION OF A FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS.

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

REQUIREMENT OF RESIDENT BALLOTS

General comment:

- It is clearly morally wrong that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition. While this consultation document goes some way to addressing this, the Mayor's current proposals, however, provide far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes.
 - The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute requirement.
 - The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.
 - It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions and that residents may also be provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.
 - **Threshold, timing and scope of ballots;**
 - Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration'
 - Definition of what is meant by 'strategic' estate regeneration is also required.
2. No. There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed. There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots and making paragraph 3.5 impossible to deliver - particular given the Mayor's focus on small sites in the draft London Plan.
 3. Yes - we support there being a yes/no ballot - first and foremost focused on whether there should be any demolition of existing social-rented homes within the regeneration proposals. This would then clear a route to more positive collaboration between tenants, residents and social landlords around possible / potential regeneration, without unnecessary demolition of existing social rented homes muddying the waters.
Proposal: Re paragraph 3.6 this should additionally include: A summary of full and detailed independent analysis of the social, economic and environmental impacts of any demolition of existing homes, compared to refurbishment, which should be carried out as part of early discussions with residents - at an early options appraisal stage. Alternative proposals - on refurbishment and any proposals for grass roots resident-led schemes; Evidence that residents feel that they have been provided with sufficient information on issues to make a solid yes/no decision on demolition or no demolition at the options appraisal stage. Evidence that independent support for residents (selected by residents) has been provided. Evidence that residents have been provided with opportunities and funding to prepare their own regeneration proposals within the scope of funding available.
Proposal: The following should be included in paragraph 3.7 Rent and service charge costs of any replacement social-rented homes Details of all relevant developers, housing associations and other stakeholders that may be involved in the estate regeneration. Additional **Proposal:** There should be a requirement to show a significant engagement in a ballot (more than 50%). Ballots must be held prior to applications for planning permission are submitted.
 4. As detailed above, it is essential that residents are provided with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out.

Again, we suggest this occur at an options appraisal stage. There is concern around the level of change that can occur in regeneration proposals over long periods of time - sometimes over a decade or more. There needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding). Where any changes in these occur that there must be opportunities for further ballots. This might be for example occur where residents have agreed to an agreed level of demolition and replacement like for like - but when term of this are altered -for example higher levels of demolition, changes in terms around 'like for like' - tenure, rent and service charges. Residents should be able to call for or a further ballot in such circumstances (to ensure that the intention of 3.13 is upheld). Regarding 3.14 - As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of 'like-for-like' - requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.

5. -
6. **Proposal** - re paragraph 3.17 (first bullet point) we suggest an alteration - highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually 'tenant', are included. This similarly should apply with regard to leaseholders and freeholders. - social housing tenants and household occupants (including those with secure, assured, flexible or introductory tenancies) named or listed on the tenancy agreement. Our members' discussion on this highlighted some of the practical difficulties around determining occupancy, particularly relating to increasing levels of quite transient private tenanted households living in buy-to let-flats and leaseholders who may never have lived on the estate (see proposal regarding question 8)
Proposal - In addition, any tenants who have already been decanted from estate where regeneration is planned and have indicated that they do wish to return to the estate should also be included in the ballot.
7. Yes.
8. Agree that a qualified independent body such as the Electoral Reform Services should be contracted to carry out the ballot.
Proposal: Social landlord should ensure information held on tenants and occupants must be updated and accurate prior to any ballot taking place.
9. -
10. No. Clearly, in instances where there are already established statutory provisions in place. However, in other circumstances there should be no exemption for the requirement of ballots on this basis
11. No. Re paragraph 3.30. Of course, health and safety issues must be an absolute priority, but this does not mean that demolition will necessarily be the best solution. In almost no instances will buildings be structurally unsound and, in few instances, will it not be possible to remedy other health and safety issues through refurbishment rather than demolition of homes. There are concerns that demolitions have occurred and/or residents have been persuaded to accept being decanted on the basis of the huge cost required to remedy safety issues (such as on the Carpenters Estate) but where there has been absolutely no solid evidence provided of either the health and safety issues nor the costings. In all instances full evidence should be provided and except in the case of a building being structurally unsound. All options (including refurbishments) must be considered for remedying problems and residents must be balloted.
12. No. Again, all options around making alterations and refurbishing homes should be considered and residents should be able to make the decision around whether this is a better option than demolition.
13. -
14. Regarding 4.3, it can take a very long time following an outline planning permission being granted to submit a full planning application.
Proposal: It would be entirely reasonable, in instances where there is only outline planning permission and no more than six months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead.
Again, all proposals that include demolition should require a ballot. Tenants should have the same and equal rights around processes for being balloted. Where ballots have taken place that do not meet full and agreed procedures, a ballot/further ballot should still be arranged.

Ballots are a terrible idea that gives those who already enjoy secure housing an effective veto on efficient use of PUBLIC land that is supposed to be used for the greater benefit of society.

To be honest, I'm surprised if giving existing tenants a veto on the use of public land wouldn't be open to being legally challenged.

If the GLA wants to be seen as taking the housing crisis seriously, it must not pander to the forces of NIMBYism and would be better trying to empower those who have most to gain out of estate regenerations and supply more generally. How about giving those on the waiting list a greater say?

I am a resident in Haringay. Although I am not a resident in any of the areas proposed for demolition my husband's carers are and they are very unhappy about the lack of consultation. What troubles them is the breaking-up of support networks and the total lack of any information about where existing tenants will go during demolitions. I very much support the Mayor's plans which should embody full details of the situation of tenants between demolition and new-build and the percentage of truly affordable rented property

Although not a London Tenant, I fully support the need for Estate Regeneration Ballots.

I am a Housing Association Tenant in [REDACTED] - is a target for demolition (of course it's called regeneration as that sounds so much more positive than demolition).

Tenants are treated with utter contempt, invited to meaningless Consultations, where our comments, written on post-it notes are stuck on photographs which show as where we live, because as Social Housing Tenants, we are perceived, as deadbeats, drunks, druggies or drop-out..... and therefore have no idea where we live!

Our rents and services charges are increased (in the case of service charges 22%, and we are the lucky ones some residents (in London) have suffered massive increases. Council taxes have increased - do we, the residents even have a voice?

We are not listened to. We cannot get answers from the people who are causing all the mayhem. We are accused of scaremongering. We are seen as trouble makers. Does any of that bother us? It does, because although we are vociferous our voices are drowned out by the 'clink, clink' of the profits being made.

Demolition should be about 'need' not 'greed' - land is being grabbed from the people with the least clout - Television is excellent at depicting Benefits Porn, there could be a plethora of Demolition Porn - because this is exactly what it is.

The weak, the vulnerable, the voiceless, all moved out by demolition, that no one asked them about - they do have an opinion - but no one is interested in hearing what they think.

[REDACTED] Lambeth which is subject to regeneration. I feel that housing should be considered sacrosanct and people should not be asked/forced to leave their homes unless all other options have genuinely been exhausted or the homes are unfit for habitation. In Lambeth the council argue they cannot afford to make the necessary repairs to bring the homes up to required standard. Since the homes have only fallen below standard because the council have not consistently maintained them, this is a circular argument which should result in the council being investigated for mismanagement rather than in thousands of people having to give up their homes.

Therefore I would argue that the reasons councils give for instigating estate regeneration should be scrutinised more closely and residents' ballots are a vital part of this. No one knows better than the residents whether the homes are fit to live in. So I am in favour of residents ballots. If they say no, the council will have to obtain land elsewhere to build additional social housing.

I am very pleased that the Mayor responded positively to an overwhelming desire for estate residents (over 95% of respondents) to be given a binding ballot on any demolition plans for their homes as part of regeneration. However, there are major and controversial exceptions to holding ballots proposed – infrastructure, safety aspects as well as aspects which may be discriminatory. I am particularly concerned as to how councils interpret the exceptions with regard to infrastructure and health and safety.

The Mayor's draft Good Practice Guide to Estate Regeneration (published December 2016) was disappointing. The consultation ended in March 2017, with 95 per cent of respondents – including me – asking for ballots for residents, even though this was not one of the proposals and was not asked about in any of the consultation questions.

The final improved draft of the Mayor's Good Practice Guide was published in February 2018 and includes the new funding condition requiring a positive result in a ballot of residents on estates in order to qualify for the Mayor's

affordable housing grants. This will go some way to meet the Mayor's manifesto commitment to: "Require that estate regeneration only takes place where there is resident support, based on full and transparent consultation."

However, I am concerned about the number of exceptions proposed and feel strongly that ballots should also be part of planning policy. They should be held in all cases of estate demolition in order to ensure resident engagement is done properly, and to inform planning decisions by the Mayor and other authorities. The results of a ballot – supporting or opposing a proposal – should be given very significant weight in these decisions.

My responses to the Mayor's questions in the consultation document

<https://www.london.gov.uk/sites/default/files/consultation-on-a-new-funding-condition-requiring-resident-ballots-in-estate-regeneration-schemes.pdf> are written below.

1. Yes, I strongly support the proposal to hold ballots as a condition of funding but it should be applied as widely as possible, using all the powers the Mayor holds, including planning powers. The use of ballots in all estate regeneration plans had overwhelming backing in the consultation carried out on the Mayor's draft Good Practice Guide: 1,977 of the 2,076 responses received by the GLA mentioned ballots, with 1,973 of these supporting their mandatory use, and only 4 responses opposing this. Londoners support ballots too – an independent opinion survey of London residents through YouGov. found that 64 per cent of a representative sample support this principle, with only 13 per cent opposed. I agree with what Sian Berry says in this matter:

"The principle of a ballot should therefore be applied as widely as possible, using all the powers the Mayor holds. However, in the consultation document, the Mayor proposes only to use his funding powers, and says in section 2.5: "Planning decisions are a quasi-judicial process and there is no legal basis to require either holding a ballot or the results of a resident ballot to be binding on them.

This seriously downplays the powers of the Mayor to set planning requirements and make recommendations for processes during planning. In the draft new London Plan the Mayor is seeking to introduce a wide range of processes that must take place when new plans for areas of London are being made.⁶ These include the use of design panels and the development of new local design codes for small sites (policies D2 and H2), a policy to require transparency in viability assessments where a threshold percentage of affordable housing is not proposed by developers (policy H6), and the introduction of a new Urban Greening Factor assessment method (policy G5).

In planning, almost no issue can be made a fully binding requirement, as it can be for devolved funding decisions. But a process for holding ballots could be made part of planning policy in London, with very significant weight given to the results.

Another issue that needs clarification within the guidance is what constitutes 'demolition'. There are examples of schemes where the overall fabric of the building is planned to be maintained, but with homes remodeled into different unit sizes that mean most or all residents have to move permanently away from the building. These schemes should also be subject to ballots."

The most practical definition of demolition is one that defines the process when it requires the permanent departure of a resident from their home.

2. Any funding decision, even for small estates, should be dependent on the support of residents being established, and ballots should be used for all suitable schemes. I suggest this should be where 10 or more homes are involved (this mirrors the planning for affordable homes criterion). The consultation proposes ballots for schemes that would, in planning, be referable to the Mayor for a decision, i.e. schemes that involve the construction of at least 150 homes, regardless of tenure. This is inconsistent with the Mayor's proposal only to use his funding powers to enforce these rules. All schemes involving the demolition of a minimum of 10 homes should be subject to a ballot. The Mayor can enforce these directly where these schemes are applying for funding, whatever their size. In planning, ballots should be required to be held under the same terms, and their results given very significant weight in planning decisions, regardless of the authority taking the decision – see question 1 response above.
3. I support any measures taken to prevent schemes being split in order to fall below the ballot threshold. However, I am not convinced that ballots should only be held on a single 'offer' from landlords and believe that in many cases several options may be more appropriately put to residents and voted on with a preference system. The level of detailed information required for residents to make an informed decision also needs to be higher than proposed by these draft guidelines. Sections 3.5 to 3.7 of the consultation document set out the scope proposed:

- I welcome the scrutiny promised in section 3.5 to prevent schemes being ‘partitioned’ in order to fall below the threshold for ballots (although note that I also propose a lower threshold in answer to question 2).
- Section 3.6 gives more information about what should be voted on, and proposes that “The ballot would be a yes/no vote on a landlord’s offer to residents”.
- Section 3.7 sets out the level of detail required to be put to residents about the proposals, including: “the estimated overall number of new homes,” and “the estimated scale of demolition of homes.” I do not believe the criteria set out in sections 3.6 and 3.7 require enough information for residents to make decisions in an informed way. The language should be strengthened to ‘require’ not merely say landlords ‘should’ provide these details. And the list of information requirements should be expanded to include specific information about the fate of each current block and/or home, as well as firm numbers or ranges for the different types of new homes that will be built overall, as well as those to be offered to current tenants. Details required should include home sizes, tenures and other issues of interest to residents such as room sizes, aspect, outlook, communal facilities and outdoor space. Issues such as allocation, locations within the scheme, policies and timing should also be included in the information (as the guidance proposes already), as well as how the impact of construction will be managed.

It is too limiting to expect all decisions to be yes/no on a single ‘offer’ from the landlord. The Mayor has repeatedly cautioned against binary decisions. In many cases single proposals will not be appropriate as a number of different feasible options with varying strengths and weaknesses may emerge from the work done with residents. The consultation document asks in paragraph 3.8 for “an open and transparent options appraisal process” and so all the feasible options emerging from appraisals should be put to a ballot, not just the landlord’s preferred option. The ballot should be run under a simple Alternative Vote (AV) system, where residents rank options by preference (including where there is single option, where the alternative is ‘go back and think again’ – an option that should also be included where two or more feasible plans are on offer). AV voting systems are a proven way of identifying options with the broadest support from a range of alternatives.⁸

4. Ballots should be held at the latest time possible – ie when there are detailed options available and with enough detailed information for people to understand the consequences for their own home and community buildings. It should also require that residents have been fully involved in the development of those options. Subsequent ballots should be required if there are significant plan changes after the initial ballot. The consultation document is contradictory –
 - sections 3.9 and 3.10 ask for a large amount of detail to be given to residents, but for ballots to be held before the masterplanning stage, and before a development partner is selected. This is untenable; we all know most of the significant changes happen after this!
 - section 3.13 says that “the Mayor expects landlords to honour the outcomes of ballots” ie “landlords’ offers to residents should be fulfilled.” However, the proposed process in section 3.11, appears to allow for significant changes to be made after a ballot. In terms of timing, this means ballots should be held at the latest possible time when there are different, detailed options on the table, with enough information so that people can see the consequences for their own home. This also means not constraining the scope of ballots to just yes/no on a single option – see question 3. Criteria for these changes should be set out, and should include issues such as tenure mix, number of homes, building heights, home sizes and other issues that are of importance to residents when approving (or not) a plan for their estates.
5. I propose that, in cases where limited demolition is proposed on an estate, the results of ballots should be reported in two parts: for the subset of residents facing demolition, and for the estate as a whole. There should be a ‘double lock’ condition so that a scheme cannot go ahead unless both results are positive. This will ensure two things: wide community support for any approved scheme; and that those facing the greatest impact are satisfied with proposals made to them for rehousing and compensation. What will happen in cases where a wider estate regeneration plan involves the demolition of a small number of homes is an important issue to get right in this policy. This situation is relatively common for schemes that are mainly infill, but may involve demolishing one or more blocks to make a proposal work.

I have discussed this issue with a range of residents of estates under threat and campaigners and I believe that the process in cases like these should involve a ‘double lock’ that enables both the wider estate community and the residents facing demolition to reject a plan if their needs are not being met. This would mean a ballot being held for all residents as usual, but the ballot result being reported in two tranches. If either a majority of residents across the estate or a majority of residents facing demolition reject the plans then they should be rethought. This proposal is not intended to pit residents with different needs against each other, but in fact to guard against this kind of behaviour by landlords. It should prevent, for example, residents in homes proposed for demolition being given inadequate or unsuitable rehousing and interim housing options within the plans. Conversely, it should also make sure that a small number of residents in a block intended for replacement with a larger building cannot be induced to approve plans that would have an unacceptable impact on the rest of the community. A double lock ballot is a positive proposal that should ensure that all residents, including

those with different needs and facing different impacts, have their expectations met by any plans that are put forward at the detailed stage where a ballot would be held.

6. No, I object to the exclusion of private tenants from the ballot unless they are also on the housing list for the local council, as there are differing housing allocation policies within London councils. I want to see all residents over 16 years old in homes on the estate given a vote, provided they are living with those named on leases and tenancies.
7. I agree that there should be consistency across London in the application of these ballots and who can vote. However this will lead to inconsistency if being on a local authority housing register is made a condition of voting for social tenants or private renters.
8. I agree with the proposal that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot but would like The ERS to be made a firm priority condition of the new guidance. Few residents trust the 'independent' consultations organised by councils for estate regeneration anymore. The process of carrying out ballots will quickly fall into disrepute if this does not happen. Paragraph 3.25 says that the Mayor 'believes' an independent body like Electoral Reform Services 'should' supervise the ballot. I agree but the wording of the final funding guidance on this needs to make this a firm condition and to say 'undertake' rather than 'supervise'. It is important to note that the independence of Electoral Reform Services is well established, and that its reputation for confidentiality and good practice is clear. In many cases, there have been council consultations whose results conflict with resident surveys. The Mayor should recommend an independent ballot is held to decide between conflicting results.
9. I believe there should be far more emphasis from the Mayor on helping residents who to devise their own plans. This should include a way for them to access truly independent advice and expert support through City Hall in order to examine information provided by their landlords, and to develop, assess and cost their own alternative plans where these ideas are being formed. Co-operatives and other community-led schemes should receive a much greater portion of the papers estate regeneration funding. Most councils are too short-termist in their thinking and are far more motivated by profit and council tax receipts than any care for the existing residents.
10. I would only agree with this exemption where the land is needed directly to support major infrastructure, that is the infrastructure is built within the curtils of the estate land, not merely 'linked' to such schemes. The wording of this section leaves open too many opportunities for this excuse to be used across wide areas around major infrastructure schemes. The exemption does not say that the infrastructure has to be part of the same land as the estate and must be clear upon this. Given the Mayor expects CrossRail2 to be funded by extra developments, particularly within 800m of a proposed CR2 station (draft London Plan), I interpret this as your estate may still be demolished without a ballot if it lies within 800m. However it could mean any infrastructure project within a borough. I suspect Councils will try and interpret ballot exceptions like this.

The proposed exceptions to such ballots, include infrastructure and safety, without any clear criteria. I doubt if there is a single estate under review of regeneration in Kingston [REDACTED] which isn't near a proposed CrossRail2 station:- Berrylands, Chessington North, Chessington South, Kingston, Motspur Park, New Malden, Norbiton, Surbiton, Tolworth and Worcester Park. So all of the estates might be denied a ballot in our borough. The successful application of this exemption very much depends on the definition of 'infrastructure'.

Given the clear statutory processes that exist for compulsory purchase where truly major infrastructure is required, I would agree with the exemption in these cases. The processes involved give residents wanting to oppose the demolition of their homes a clear way to make their case and ensure it is listened to.

However, I would remove the last, additional, part of this proposal, which appears to add a potential loophole for landlords to argue that many other proposals qualify for an exemption because they are 'linked' to major infrastructure plans.

Where other statutory processes are not involved, ballots should still be held and used as a condition of Mayoral funding in all but very exceptional cases. In these cases the results of a ballot should be clearly known to decision makers who are implementing any exception, rather than a ballot not being held.

11. I disagree – what if the council simply claims it cannot afford the costs of safety such as removing cladding or adding sprinklers/extra stairs? This needs clarity as to what constitutes a valid reason for the council to claim it can't meet its responsibilities – perhaps a check of its claims and its Housing Revenue Account by an independent body. This should take into account whether the council causes the safety problem in the first place, for example dangerous cladding. A council should not be able to duck out so easily. In any case a ballot on replacement home plans should still be held. There is no reason not to hold a ballot in these cases. The ballot should be used as a condition of funding and a factor with significant weight in planning in the normal way.
12. I disagree and think this might prove discriminatory to the residents, there is no reason why a ballot should not be held and its results used to assess the proposed offer to residents for rehousing. There should be a high bar to any exemption for a binding ballot on demolition being allowed and the words in the current consultation are very vague.

13. No, there are too many proposed.
14. The Mayor should pause any new funding contracts being signed until the new arrangements are in place. He promised to do this at the March 2018 Mayor's Question Time meeting. I am very upset that many estates seem to have been signed away in secret while we are being consulted upon.

Transparency is also vital. In order that residents are fully informed about what happens during the transition to the new arrangements, we must be able to see what has already been signed off for funding as of the date of the publication of the guidance (2 February 2018).

We must also see a commitment to transparency and a process set out for how funding applications and decisions will be made more public in future. This could include, for example, the publication of a funding application register along with the likely timetable for progress through the stages of funding approval. This will help give residents of estates notice that a ballot is to be expected and give them chance to prepare and ask for any information from their landlord that they believe they will need in order to make an informed decision. It will also help residents who want to put forward their own proposals for evaluation.

Paragraphs 4.3 to 4.5 set out the Mayor's proposed transition arrangements. I disagree with the proposal in paragraph 4.3 that ballots would not be required before funding decisions are made if a scheme already has full or outline planning permission. Outline planning permission often does not contain anywhere near the level of detail required for residents to know the fate of their homes or the final outcome of schemes.

I broadly support the proposal in paragraph 4.4 not to apply a condition for ballots retrospectively to funding decisions that are already in contract. However, as in response to question 2, I would like to see a strong recommendation from the Mayor during the transition that for schemes without planning permission a ballot should be held to inform planning decisions.

In paragraph 4.5 it is proposed that surveys and consultations already held by councils will be used by the Mayor as a substitute for a ballot in some cases, even after the transition period. This worries me, as residents have pointed out many deficiencies in council ballots in the past and, in general, do not have faith in these processes.

An exemption should only be applied where a truly independent ballot has already been carried out (see question 8).

I am writing to welcome the publication of "Better Homes for Local People", the Good Practice Guide to Estate Regeneration. I welcome in particular the mayor outlining his support for the principle of requiring ballots in estate regeneration schemes which involve the demolition of existing homes. My responses to the set questions in the consultation are:

1. I believe that ballots are a requirement on all estate regeneration schemes whether the scheme attracts grant funding or not. I also believe all stakeholders directly affected by such schemes should have a vote as a result non resident leaseholders should have a vote along with any in residence for less than one year. (See further details at question 6 below)
2. I believe that the trigger level for a ballot of 150 homes is not appropriate. Any proposal that involves the demolition of social housing, regardless of the number, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
3. I welcome the proposal that prior to a ballot landlords should offer enough information for tenants and leaseholders to make an informed decision about the future of their estate, through an offer document covering the following:
 - the broad vision, priorities, and objectives for the estate regeneration;
 - details of the full right to return or remain for tenants and leaseholders living in homes that are to be demolished;
 - details of the offer for leaseholders and freeholders of homes that are to be demolished;
 - commitments relating to ongoing open and transparent consultation and engagement.
 - the design principles of the proposed regeneration;
 - the estimated overall number of new homes;
 - the estimated scale of demolition of homes;
 - the future tenure mix;
 - proposed associated social infrastructure (such as green spaces, health, or educational facilities).

However I believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents and leaseholder groups funding for legal advice. I am proposing this because of negative experience of unenforced offer documents with a stock transfer. I also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders. I am also consider that funding should be clawed back in the event the landlord's offer deviates from the offer save in a "minor" respect. The current concept of "material" respect gives the

landlord far too much wriggle room. In addition the offer document should set out fundamental conditions identified as not minor for example the terms of re housing and the terms of compensation for residents and leaseholders.

4. My experience in an offer document not being delivered as part of our stock transfer, colours my response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement. However there may be times during any consultation process that “intermediate ballots” are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.
5. As stated in response to question 4, the ballot needs to be the end of the process and include non resident leaseholders and those in residence for less than one year.
6. I am extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. I believe that this is wrong and that non-resident leaseholders should be included in a vote because:
 - Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - Many non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.

I am also extremely concerned that in your proposals appear to be aimed at rigging the ballot in favour of a yes vote as it is proposed that the ballot to include two categories that have a vested interest in regeneration and replacement with a perceived potential for additional housing being:

 - any resident who has been on the local authority’s housing register for at least one year, irrespective of their current tenure; and
 - permitting multiple votes per household. Additional householders are likely to want a property of their own plus allowing them to vote gives that household additional rights to single householders which is inherently unfair. Only secure tenants and leaseholders should have the right to vote the primary decision to be voted upon is what happens to the property, so the vote should be one vote per property.
7. The agreed eligibility criteria should be the same for all schemes, so that there is no “wriggle room” for any social landlord to “water down” the good practice guidance.
8. I agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. In addition given the historic low turnout for such ballots a simple majority is too low a threshold the threshold should be 75% the result is major and the threshold for approval should reflect that.
9. I have no further proposals on this.
10. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
11. –
12. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
13. I have no further proposals on this.
14. Where the proposed demolitions already have full or outline planning permission and tenants and leaseholders have not been consulted through a ballot, a ballot should be required. Where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

The GLA should not honour funding where a ballot of tenants and leaseholders has already taken place and secured tenant and leaseholder support prior to the publication of the guidance, if a ballot has not met the precise requirements set out in the consultation. There should be no wriggle room for the Landlord’s to deviate as it will be abused. Withdrawal of funding is good encouragement for the landlord to be transparent and stick to what is set out in a consultation which any response and vote was dependent upon. Thank you very much for giving me the opportunity to be consulted on such an important matter for tenants and leaseholders of social housing estates.

Here are my thoughts on estate plan ballots. Before private developers are allowed onto super prime public land.....a meaningful statutory obligation plan ballot or a mock plan ballot- that is the question?

It would not be correct to say that estate ballots are ground breaking.

The South Kilburn Estate had an estate ballot in 2004 following a detailed 4 years estate consultation to architect design a regeneration framework, fully financial viability tested final plan, this before developers were allowed anywhere near the social rent housing blocks.

One problem was that this detailed ballot plan of 2004, over a hundred pages was in 2010 put into Brent Local Plan statutory obligations in UK Planning Law as one side of A4 paper worth of detail and an illustrative map.

while another ballot problem has been that the estate negotiated final masterplan product of 2004 was negotiated in good faith based on common law rights and communal land uses, while in the subsequent implementation (2005 ongoing) this estates land is vaguely UK Land Registry registered with all ballot negotiated actual uses re-packaged and bundled together into a mass as 'super prime brownfield bio-contaminated land'. So a very different contract law, (taxpayer funded Temple lawyer), Brent Development Vehicle, 'Master Developer,' Neo-colonial implementation is what has actually happened.... the estate population is excluded as contaminants and suffers apartheid. The Local Plan 2010 has no statutory obligation to replace demolished social rent homes with new social rent homes even, so implementation is therefore understandably way off course from the electoral reform society organised estate balloted masterplan of 2004.

An expensive £4 million public funded masterplan 2004 was landlord/ landowner designed to fail. Model anti-socialism. 'The poor had no lawyers' as the saying goes and since 2017 Brent Developer Vehicle wants to build on the oversubscribed estate schools, community and education centres and main central park (all 2004 ballot protected/ to be invested in). A public realm, shared neighbourhood no plan and blocked CIL spend in favour of a new Total Enclosures Model.

Ballots great, but ballots on plans of a legal design to fail for a 70% BAME estate community needs to also be challenged by the Mayor. GLA funds are in South Kilburn and the GLA has it would appear supported ballot plan extremist deviations so far.

1. Yes
 2. Yes
 3. Yes
 4. Yes
 5. (See above/ make sure it is a real statutory obligation masterplan being balloted on (not difficult), so that residents can be included throughout as it is their plan, their community changing and they face the massive daily disruption and health hazards)
 6. Yes
 7. Yes
 8. Yes
 9. Make the plan balloted on real and a statutory obligation. Make separate development, parallel process, land war approaches by 'Master Developers' impossible.
 10. Don't know given that estate residents face open institutional racism and having lives and futures that don't matter to decision-takers.
 11. Yes. In South Kilburn we have new blocks Grenfell petrol panel clad, scary at high density.
 12. Don't know
 13. GLA needs to look at ballot plan deviation and the designed to fail approach. Simple land lawyer stuff at the start to allow residents clear modern human rights to get the plan they voted for rather than 'other ideas' and a chaos for developers.
 14. Deviation and maladministration of an already existing balloted plan 2004, the estate abuse and suffering from this is escalating year by year. London Plan holistic approach needs to be applied on such estates as a matter of urgency. If Brent really insists that Brent Kilburn's only remaining park sized park is brownfield bio-contaminated land 2018 and will not CIL invest in it for these 13 years all Kilburn people. The GLA should step in to protect this park for the super high density, no garden population surrounding it and as a safe space for emergency services given flammable cladding issues this estate faces.
-

1. Yes. We agree. There should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this in line with the requirement of ballots in respect of stock transfers. We also feel that planning policy must also be strengthened. In addition we propose that the London Plan should state that there should be no loss of social-rented homes in any development/regeneration scheme. The London Plan should state that there should be no loss of social-rented homes in any development/regeneration scheme. The Mayor should also require that in all estate regeneration proposals that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurbishment compared to demolition and rebuild).
2. No. There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed. There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots and making paragraph 3.5 impossible to deliver - particular given the Mayor's focus on small sites in the draft London Plan.
3. Yes - we support there being a yes/no ballot - first and foremost focused on whether there should be any demolition of existing social-rented homes within the regeneration proposals. This would then clear a route to more positive collaboration between tenants, residents and social landlords around possible / potential regeneration, without unnecessary demolition of existing social rented homes muddying the waters. In addition I propose there should be a requirement to show a significant engagement in a ballot (more than 50%) and that ballots must be held prior to applications for planning permission being submitted.
4. As detailed above, it is essential that residents are provided with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out. Again, we suggest this occur at an options appraisal stage.

There is concern around the level of change that can occur in regeneration proposals over long periods of time - sometimes over a decade or more. There needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding). Where any changes in these occur that there must be opportunities for further ballots. This might be for example occur where residents have agreed to an agreed level of demolition and replacement like for like - but when terms of this are altered - for example higher levels of demolition, changes in terms around 'like for like' - tenure, rent and service charges. Residents should be able to call for or a further ballot in such circumstances (to ensure that the intention of 3.13 is upheld). Regarding 3.14 - As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of 'like-for-like' - requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.

5. -
6. Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration - highlighted in bold below to ensure that it is clear that adult children, partners of secure tenants and possibly an elderly relative living in the homes, but not actually 'tenant', are included. This similarly should apply with regard to leaseholders and freeholders.
 - social housing tenants and household occupants (including those with secure, assured, flexible or introductory tenancies) named or listed on the tenancy agreement.

Our members' discussion on this highlighted some of the practical difficulties around determining occupancy, particularly relating to increasing levels of quite transient private tenanted households living in buy-to let-flats and leaseholders who may never have lived on the estate (see proposal regarding question 8)

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

7. Yes. Agree that a qualified independent body such as the Electoral Reform Services should be contracted to carry out the ballot. We propose the Social landlord should ensure information held on tenants and occupants must be updated and accurate prior to any ballot taking place.
8. -
9. -
10. No. Clearly, in instances where there are already established statutory provisions in place. However, in other circumstances there should be no exemption for the requirement of ballots on this basis.
11. No. Re paragraph 3.30. Of course, health and safety issues must be an absolute priority, but this does not mean that demolition will necessarily be the best solution. In almost no instances will buildings be structurally unsound and, in few instances, will it not be possible to remedy other health and safety issues through refurbishment rather than demolition of homes. There are concerns that demolitions have occurred and/or residents have been persuaded to accept being decanted on the basis of the huge cost required to remedy safety issues (such as on the Carpenters Estate) but where there has been absolutely no solid evidence provided of either the health and safety issues nor the costings. In all instances full evidence should be

provided and except in the case of a building being structurally unsound. All options (including refurbishments) must be considered for remedying problems and residents must be balloted.

12. No. Again, all options around making alterations and refurbishing homes should be considered and residents should be able to make the decision around whether this is a better option than demolition.
13. –
14. Regarding 4.3, it can take a very long time following an outline planning permission being granted to submit a full planning application. It would be entirely reasonable, in instances where there is only outline planning permission and no more than six months has expired, that there should be a pause in progressing a full application and a resident ballot should still go ahead. Again, all proposals that include demolition should require a ballot. Tenants should have the same and equal rights around processes for being balloted. Where ballots have taken place that do not meet full and agreed procedures, a ballot/further ballot should still be arranged.

Consultations have to be done in a way that is not biased. During the last consultation the presentations were started by telling us as a fact that the regeneration is good. Based on that fact they wanted our opinion of how the regeneration will be implemented. Basically it is the same as saying "Racism is Good". Let's talk about how to implement it!! Consultations have to be objective, unbiased and provide facts rather than manipulating and telling the residents what is good for them

Provide identical size flats as a replacement to both council tenants and leaseholders. Leaseholders had paid a fortune to buy their homes and another small fortune to help the council to maintain the estate via doomed projects that helped only some contractors to have jobs.

Treat leaseholders in equal terms as the council tenants. By forcing a leaseholder out of his home and then tell them to buy another place in the open market is unrealistic and very unfair especially in central London where everything is not affordable for anyone.

For instance, a three bedroom council home in Camden is costing around £600,000. A non council three bedroom property costs almost a £1,000,000 and in most cases is smaller and not fit for purpose.

This means that some leaseholders who cannot obtain a reasonable mortgage or cannot afford a mortgage would be automatically in disadvantage. The regeneration is basically forced leaseholders to have an extra £400,000 loan or mortgage for not fault of their own.

New homes have to be at equal quality or better which is not the case for all the current new build homes. For instance the development in Plender street is exceptionally bad. No sound proofing (you can hear anything from outside and from next rooms), walls between flats are plaster boards and with a good punch you will be able to talk to your neighbours face to face. The windows are so bad that you scare to open them, etc Extremely low quality kitchens and extremely small rooms.

In this example the one bedroom flat in the new Plender Street development is worth £550,000 and the three bedroom flat exactly opposite with bigger rooms and solid floors and walls is £535,000. Which one would you choose if you had a budget of £550,000?

Obviously the new homes are SUPER over inflated and overpriced in order to cover the cost of the redevelopment.

Compulsory purchase prices has to be realistic and they have to take into account the following rules:

- Last sold prices
- Increases or decreases on the property market
- Prices in the neighbourhood for similar size properties
- Stamp duty costs for moving (no max amount as long as property is of same size)
- Legal Fees (no max amount)
- Building Survey fees (no max amount)
- Relocation fees
- Inconvenience

In the previous consultation the maximum amount was £46,000 approx which doesn't even cover the stamp duty for moving to another property!

-
1. Yes. Funding must be made incumbent upon a positive vote from a resident's ballot, but measures must go much further to provide displaced residents with an on-going continuing relationship with the regenerative project proposed. They shouldn't simply be "consulted" once with a singular yes/no vote. This does not

adequately provide the continuing principal involvement in the reshaping of their homes. The democracy of residents and displaced leaseholders must be continually sought with the right to veto a given regeneration initiative if the ongoing development does not adequately meet the needs of a changing economic landscape.

2. No. A resident ballot should be triggered for all developments regardless of whether the property or land has fallen into private ownership (3.3.) All residents and tenants deserve to have a say in how their home is being re-shaped by “regenerative” projects.
3. No. There shouldn’t simply be a one-time ballot to satisfy the proposed development. Residents need support for independently sourced information and an on going say in how their homes are being reshaped. Councils and other stakeholders should hand over the process to an independent resident liaison organisation that can adequately represent and advocate for the best interests of the resident – this should be funded by the council.
4. Yes. The proposed stage for a ballot takes place at the right stage and provides sufficient time for resident recourse.
5. None that haven’t already been described. Timing of the residents ballots takes place at an acceptable point but the scope of the mandate sought from a singular yes/no residents ballot at a single point in time is unacceptable.
6. No. As stated in previous questions, private tenants deserve just as much a say in how their community is being transformed. On many occasion, Private Tenants haven’t been able to get onto housing register due to being shifted around different boroughs because of the very private rented market that keeps them from being able to settle in any one specific area. Eligibility must include private tenants’ representation in the consultation period and should be given equal continuing voting power and ongoing consultation involvement.
7. This is a really confusing question and doesn’t clearly relate to any particular statement that I can find, but if you’re asking what I think you’re asking, then yes – eligibility should remain consistent for all schemes.

c. Implementing ballots

3.25 The Mayor believes that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. This mirrors Government requirements for ballots relating to industrial action and strikes by trade unions². Furthermore, although Government guidance for resident ballots for stock transfers did not mandate such an approach³, in practice it has been adopted by many councils and housing associations when undertaking ballots.

3.26 The Mayor proposes that a ‘yes’ vote is one where there is a simple majority of those voting in favour of the estate regeneration proposal.

8. No. Votes should include multiple options for proposals. The plurality of the decision-making process must be accounted for and the aforementioned residents’ “advocate” (perhaps in this case, a contracted impartial executor like Electoral Services) should be able to provide a nuanced report in response to the proposal - that can amend the proposal itself to account for the varied nature of residents wishes. A singular yes/no vote just isn’t democracy.
9. None that haven’t already been expressed.
10. No. Residents should have a say in how their borough is shaped regardless of whether the proposal is for an “infrastructure scheme” or not. They should have the ability to represent themselves democratically and that should then be weighed against a mandate sought for from a
11. Yes. This is satisfactory.
12. Yes.

The reply-deadlines are very short. The whole thing smacks of sham, since what is being “consulted” has probably already been decided at Governmental, Mayoral and Borough level, and is being dictated downwards

I’m writing to request ballots for all estates at the planning stage, including Cressingham Gardens and 30+ others rushed through GLA regeneration funding recently with no publicity.

The Cressingham residents have been asking Lambeth Council for a Ballot since 2013. Contrary to what Mayor Khan and Jeremy Corbyn have said is essential, residents have not been at the heart of the consultation process. Any ‘consultation’ has been a sham and decisions have disregarded residents’ views.

Assigning a Ballot to Cressingham Gardens and other estates included in this latest regeneration funding round could help address the massive and disastrous level of mistrust that has built up between Lambeth and its residents.

I provide my response to the consultation as a Planning & Development Surveyor, working in the Central London residential market; and as a resident of an estate which is currently allocated for 'regeneration'. Given my knowledge based on my career experience and personal experience with estate regeneration, I feel I am a well placed, neutral observer and I, therefore, hope that my comments will be considered in full. Please feel free to get in contact to follow up on any of the points if required.

1. Yes – I also believe a positive resident ballot should be a condition for planning permission to be granted on estate regeneration schemes full stop. However, at the very least, it should be a condition for funding.
2. No – I believe the criteria need to be wider-reaching, for example:
 - The requirement for a resident ballot should be applied to all estate regeneration schemes, regardless of size. Applying a minimum threshold will provide for a loophole whereby landowners divide a larger scheme into phases of 149 units to avoid the requirement for a resident ballot.
 - The requirement for a resident ballot should be applied to all estate regeneration schemes which require public funding, regardless of whether this is GLA or other funding. One of the tests for public funding is to weigh the public benefit of providing that funding against a) the benefits/disbenefits of the proposed scheme, including the residents support/or lack of support for the development; and b) the opportunity cost of spending that money elsewhere. However, the Mayor's proposals are meaningless if the ballot condition applies only to the latest round of Mayoral funding, which expires in 2021. To meet the objectives of the policy fully and meaningfully, the proposals should include a requirement for a positive ballot in all instances where a Developer secures public funding for the development of a proposed scheme.
 - Equally, the requirement for a positive resident mandate should apply where there is no GLA/other public funding. Just because a scheme does not require public funding, does not mean the proposals will not have a significant and potentially detrimental impact on existing residents, including the possible violation of Protocol 1, Article 1 of the Human Rights Act, which is the right to enjoy ones property peacefully. Case law demonstrates a breach of this right is determined by whether a fair balance is struck between the rights of the individual property owners and the rights of the community (Howard v United Kingdom [1987]). There is no need for public funding for the legal test referred to above to be relevant – the test applies in all cases. Therefore, if seeking to ensure delays to estate regeneration are not caused by disapproving residents (who might call upon this case at Judicial Review), the Mayor should not restrict the resident ballot to schemes where there is GLA funding.
 - Section 3.3 is unclear. However, pinning the ballot trigger on the social landlords properties and whether these are demolished appears to contradict the purpose of this policy. The objective of the policy is to ensure schemes with GLA funding do not come forward without a positive resident mandate. Therefore, I do not see how the social landlord's ownership is relevant. I request further clarification, or suggest this condition is removed.
3. The scope is not detailed enough to give residents sufficient information to make an informed and meaningful decision. I request the following additional information is required in the scope for the resident ballots:
 - The proposed planning documents/submission, with supporting detail including viability assessments
 - A commitment to deliver a minimum % of affordable housing, to enable residents to weigh the public benefit of providing additional affordable housing against their personal losses
 - A legally binding guarantee that any offer to existing residents (both social tenants and freeholders/leaseholders) is a non-variable offer
 - A summary of the expected impact of regeneration on existing residents, including likely increases in rent costs; increases to property prices when purchasing a new build property; and changes to legal rights
 - Should the scheme change in any way that effects the existing residents future offer, there should be a further ballot held

I note the requirement for transparency for Financial Viability Assessments is championed in the Mayor's Affordable Housing & Viability SPG; therefore, the same should apply to residents trying to make an informed decision on estate regeneration.
4. A ballot prior to selection of a Development Partner is beneficial in that it encourages early engagement. However, the issue with having it this early is that the plans will not be sufficiently developed for any meaningful information (set out in Q3 above) to be provided to residents to make an informed decision. To enable residents to make an informed decision when voting on a ballot, the ballot should be held at a point prior to planning submission where sufficient information on the scope of the proposed scheme is known.
5. The proposals state "the Mayor expects landlords to honour the outcomes of ballots". There should be a fine imposed, such as a Mayoral call in of the scheme, if landlords do not uphold the outcome of the ballot. The proposals should include a requirement for landlords to evidence the resident vote. This is in the interest of transparency, as advocated in the Mayor's SPG. In my personal experience on the estate I am living in, there is evidence that resident votes/comments have been manipulated to favour the landlords position, which is clearly unacceptable.

6. I do not agree with the requirement for homeowners to have lived for at least a full year before the ballot, as this denies many residents for whom their property is their primary home a vote, even if they have recently moved in. Requiring all residents that have lived in their home at any point to be balloted should screen out the 'buy-to-let' landlords, whilst not disadvantaging the residents who consider the home as their primary home even if not living in it for a full year prior to the ballot.
7. Yes. At this moment we cannot think of any circumstances when a certain type of scheme should get an exemption from the rules.

Responses to Questions 8-14 to follow.

I'd like to share my experience of estate regeneration and request that councils be forced to consult with residents before demolition and privatization. [REDACTED] in the borough of Lambeth, [REDACTED]. I'll try to give a brief list of the events I saw.

Residents meetings were stopped, the community center where we usually meet was not made available for a number of months. No announcement was made, the doors were just locked at the time of the meetings.

It was announced that the Estate had made a request to be considered for regeneration. This was the first myself or my neighbors knew about this.

The estate had its plants and trees removed. PRP Regeneration, a firm of "impartial" consultants were brought in to aid the residents. PRP publicly stated the estate dangerous and said nobody would want to live here. The crime statistics show the estate is a low crime area.

"Would you walk down this alleyway?" - was the caption next to PRP's first published photo of the estate. The photo showed a garden path on the estate that had been made to look darker than it actually was. This was as impartial as they got.

[REDACTED], this is a legal requirement for demolition. The committee refused to agree with Lambeth councillors that the Estate should be demolished, so the committee was disbanded and reformed to try to get committee members who would agree. No combination of residents agreed that demolition and privatisation was a good idea.

A serene of events was arranged to show what a rebuilt estate would look like. People attending these were told they would all get a new better "council home" on the new estate. Members of the residents committee had to stand guard at these events to correct what the residents were being told, which were lies.

All attempts to see the financial justification for the demolition were ignored.

We did see some projections of cost, these showed that the pessimistic repair costs for the council estate were lower than the money generated by the estate, so no money would need to be found from loans which was the argument for privatisation.

The houses on the estate become damaged, increasing repair costs. Here I'll only mention what I personally experienced. My home, and those of my close neighbors have a common air ventilation system to remove damp air. This was shut off and remained off for I think over a year. My home became damp and mold appeared on the ceilings. I had to buy and run large dehumidifiers to do that work that was being performed by the now deactivated estate ventilation system.

A ballot conducted by the council showed overwhelming support for demolition, though nobody I spoke to said they had voted in favour. The residents conducted a similar ballot of the estate, this second ballot had a better turn out than the first pro-demolition one, it found only a tiny minority of supporters for demolition.

Any resident who complained of mold or damp was listed by the council as supporting demolition official communications, including a cabinet hearing. Lambeth Labour continues to tell council tenants that when the estate is demolished, an unnamed guarantor is going to pay any increase in rent they see.

Lambeth Labour refuses to reply to any communication from lease holders living on the estate, of which I am one. We appointed a surveyor to negotiate on our behalf, they had no replies from the council apart from one, where

the surveyor was told that Lambeth council was not talking to them as the council was worried the leaseholders were spending too much of our money on the services of the surveyor. We were told that Lambeth would only work with a intermediary the council gets to pick on our behalf.

Lambeth council have also stated they would not pay leaseholders displaced by the privatisation. Some of the justifications for this are:

- * Banks would write off our mortgages, so we didn't need the money to repay them.
- * We would be given a discount on a rental property on the new estate, which would be of greater value then a leasehold.
- * The money for our homes would be put in an escrow account and managed by the council, which would be better for us.

The ballot talked about by the Mayor of London was our only chance to have a say in our own lives. We were sure any ballot would reject privatisation. Now we hear that ballot is optional, and the punishment for not conducting it is a with holding of a tiny amount of funding.

Please don't let my neighborhood be sold without our engagement. Make the ballot mandatory and let us have one chance to have a say on our future.

Response to the London Mayor's
consultation on estate regeneration ballots

1. BACKGROUND

Re section 1.2: While the Mayor suggests that there are multiple benefits offered by successful estate regeneration the reality has - for almost 20 years (since the introduction of decent homes work, been tied to promotion of stock transfers) and particularly since 2011/12 with the introduction of affordable rent homes - been quite different. This has included:

- regeneration that has actually been about displacing social housing tenants and demolition of their homes to make way for development of luxury dwellings for much higher income households;
- a huge loss of existing social rented homes and lack of funding and policy requiring replacement with new social-rented homes;
- failures to engage social housing tenants in proposals for estate regeneration in a meaningful way, (i.e. much it being entailing vast sums of money spent on glossy materials to promote schemes by landlords and developers, but with a lack of solid information on the economic, social and environmental justification and impacts of demolition rather than refurbishment of social rented homes);
- lack of funding and support for social housing tenants and resident to determine what they would want – bottom up – in estate regeneration / improvement schemes;
- decades of pain for social housing tenants and residents on estates planned for 'regeneration' - of not knowing whether their homes will be demolished, impacting detrimentally on their health and well-being, and whether the inevitable result will be their displacement and breaking up of strong and supportive families and communities;
- piecemeal infill on estates, with little consultation with tenants and residents and failures to deliver what was originally agreed with residents in terms of tenure and numbers of new homes delivered;
Proposal - the Mayor must highlight the fact that in many instances regeneration has actually resulted in negative impact on the numbers of social rented homes in London, displacement of low income households and breaking up strong and sustainable communities.

Re section 1.3 & 1.4. Proposal

- the Mayor must define 'like for like'. This should comprise, at least, the same size, density, tenure, rents and service charges as existing;
- the Mayor's office must, in the interests of transparency, require / provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.

OBJECTIVES AND APPLICATION OF A FUNDING CONDITION TO REQUIRE RESIDENT BALLOTS.

1. Agreed that there should be a requirement for resident ballots as part of funding conditions for estate regeneration schemes, to bring this inline with the requirement of ballots in respect stock transfers. We also feel that planning policy must also be strengthened. In addition:

Proposal: the London Plan should state that there should be no loss of social-rented homes in any development / regeneration scheme. The Mayor should also require that in all estate regeneration proposals that refurbishment must be considered as an option, with landlords being required to commission a full independent analysis / comparison of social, economic and environment issues involved in refurb compared to demolition and rebuild).

REQUIREMENT OF RESIDENT BALLOTS

General comment:

- It is clearly morally wrong that the statutory right afforded to tenants via a ballot in instances of stock transfer is not afforded in instance of demolition. While this consultation document goes some way to addressing this, the Mayor's current proposals, however, provide far too many possibilities for avoidance of ballots and indeed ongoing unnecessary demolition of existing social-rented homes.
- The wording throughout the document needs to be stronger, making it clear that a ballot of tenants is an absolute requirement.
- The provision of full and detailed evidence-based data must be required in each scheme to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.
- It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions on estate regeneration schemes and that residents may also be provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.

Threshold, timing and scope of ballots

- Clarification is required on what is meant by 'a ballot would not be triggered by plans to demolish homes that may have been purchased from private ownership to facilitate regeneration'
 - Definition of what is meant by 'strategic' estate regeneration.
2. No. There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed.

There is concern that in practice we will see a larger number of proposed schemes of less than 150 homes - as a way of avoiding tenant ballots making paragraph 3.5 impossible to deliver - particular given the Mayor's focus on small sites in the draft London Plan.

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

Proposal: Re paragraph 3.6 this should additionally include:

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

Proposal: The following should be included in paragraph 3.7

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

Additional Proposal:

- There should be a requirement to show a significant engagement in a ballot in order for plans to go ahead (at least 55%).
- Ballots must be held prior to applications for planning permission are submitted.

4. As detailed above, it is essential that residents are provided with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out.
 - There is concern around the level of change that can occur in regeneration proposals over long periods of time - sometimes over a decade or more. There either needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding) or where changes in any of these occur that there must be opportunities for further ballots. Residents should be able to call for or a further ballot in such circumstances (to ensure that the intention of 3.13 is upheld).
 - Regarding 3.14 – As already highlighted, the London Plan should make it clear that there should be no loss of social rented homes and a definition of ‘like-for-for like’ – requiring the same or better in terms of size and space standards, tenure, density, rent and service charge.
5. -

Eligibility requirement

6. Proposal - re paragraph 3.17 (first bullet point) we suggest an alteration – highlighted in bold below to ensure that it is clear that adult children and partners of secure tenants are included. This similarly should apply with regard to leaseholders and freeholders.
 - social housing tenants and household occupants (including those with secure, assured, flexible or introductory tenancies) named or listed on the tenancy agreement,

This would reasonably follow criteria used in ballots relating proposals to establish TMOs / co-operatives and for TMO continuation ballots.

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

7. Yes.

Implementing ballots

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

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

9. -

Exemptions

10. No. Clearly, in instances where there are already established statutory provisions in place. However, in other circumstances there should be no exemption for the requirement of ballots on this basis.
11. No. Re paragraph 3.30. Of course, health and safety issues must be an absolute priority, but this does not mean that demolition will necessarily be the best solution. In almost no instances will buildings be structurally unsound and, in few instances, will it not be possible to remedy other health and safety issues through refurbishment rather than demolition of homes.

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

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

12. No. Again, all options around making alternations and refurbishing homes should be considered and residents should be able to make the decision around whether this is a better option than demolition.
13. -

TRANSITIONAL ARRANGEMENTS

1. The consultation document is written in such a way that it is very clear that the Mayor of London Sadiq Khan is very biased in favour of 'regeneration'/ demolition of existing housing estates. As a resident leaseholder this process may be just paying 'lip service' to democracy and fairness, so in answer, yes, maybe, not sure?
2. The wording of the consultation document is not clear for 'lay people' so I would say it should be reissued so that ordinary people who do not have legal experience can understand it properly. As such I would say it is undemocratic.
3. Same as above ?????
4. As above.
5. As above.
6. Number 3.21 in the consultation document says this process will strengthen my rights, BUT as I stated earlier the document seems VERY BIASED towards 'regeneration'/ demolition and I don't believe what it says or trust it.
7. I do not think that a Labour Mayor should be taking part in 'regeneration' schemes at all. There is vacant land for sale in London and private flats are being built everywhere you look. A Labour Mayor should not be party to Conservative Party 'austerity policy'.
8. Why not just fix-up people's homes on existing estates properly. Properties are left to rundown with the agenda that then they become too expensive to repair. WE PAY RENT, SERVICE CHARGES and COUNCIL TAX. Where has our money gone over the last 20 years? However in response to number 3.29 in the consultation document, the general disruption and upset this has caused already is bordering on criminal.
9. In theory it sounds great that as a resident I am given a vote on whether mine and my daughter's home is demolished or not. With such corruption everywhere it is difficult to believe anything 'people in charge', 'people with money', government, councils or media say. If I were in local government I would feel very uncomfortable. In answer to the question: Who bloody knows???
10. You are asking me all these silly questions; my daughter and I do not want our home demolished. We love where we live and our friends and community here. In addition the architecture and plan of Cressingham Gardens is highly thought of as exemplary social housing.
11. –
12. As stated in number 4.1 of the consultation document, 'regeneration' is very costly'. A number of people on Cressingham Gardens Estate drafted 'The Peoples Plan' with a local architect. It is a very professional and viable plan to increase housing on the estate at very low cost and with environmental considerations taking forefront. It was completely ignored by Lambeth Council.
13. As stated in number 3.14 of the consultation document, there should 'not be a net loss of affordable homes'. There is no definition as to what 'affordable' is? Therefore this consultation needs to be issued again with exactly what you mean by 'affordable'???
14. Why bloody not???????

Having your voice heard and being listened to is a fundamental part of engaging people in politics. Removing the right of ballot from people living in estates that have been deliberately run into the ground by their councils in order to sell off the land is socially cleansing pure and simple – it's designed to shut the tenants up and get them out the way.

In case it's not clear, I'm so so furious with what's been happening in Lambeth and the threat to Cressingham in particular. It's not too late to do the right thing – start listening to the people you represent and not to the property developers.

GIVE THE TENANTS A BALLOT

1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case – in which case GLA funds could be diverted elsewhere).
2. Partially
 - The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.
 - I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
3.
 - The scope of the ballots seems appropriate.

- The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
 5. N/A
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 - The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
 7. Yes - there should be uniformity on all schemes for fairness
 8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
 9.
 - The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.
 - The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.
 - The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
 10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
 11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
 12. -
 13. N/A
 14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

It is essential that everyone on every estate threatened with "regeneration" (demolition) have the opportunity to be balloted, and their views listened to and acted upon.

I know the Cressingham Gardens estate well: it is well-designed and the residents are happy there. It was built for neighbourliness and very successful in engendering that, as well as providing safe places for children to play. It is on a human scale, has a healthy environment and is affordable. All that's needed is tender loving care and regular maintenance. Lambeth may not like maintaining the buildings it owns, from residential to public libraries; but a small investment in preventive maintenance would save huge sums in repairing damage which could have been prevented or avoided. Besides that, the threat to human wellbeing and security by proposals to displace them, demolish the homes they enjoy and replace them with high rise developments, with mostly unaffordable new properties is likely to have long-term detrimental effects.

Please ensure all estates are given ballots for the people to decide their future.

Dear madam/sir

I agree in principle to the ballot system but the process is far too limiting, 'communities' are being demolished, when ruthless councils redevelop estates whilst residents/tenants are still living there!

It's heartbreaking, as a result local residents have joined forces, marching through the streets of Croydon to oppose the dictatorial planning system and created a petition...

<https://www.croydonadvertiser.co.uk/news/croydon-news/mayor-croydon-threatens-call-police-1389284>

<https://www.surveymonkey.co.uk/r/fixcroydonplanning>

Regardless of politics, Croydon councils 'award winning' (what was that for ?) Brick by Brick developments are destructive. Our grass, trees, playgrounds and communities are about to be destroyed... Forever.

And by creating a private company, the council has moved the business away from public scrutiny, yet we, the tax payers are funding the scheme.

We are aware of the need for housing but development must be sustainable, the current National Planning Policy Framework (NPPF) states... Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.

It is immoral that ring fenced council houses aren't being built on OUR publicly owned land, for those in need of a home to call their own. Yes build, we're not protesting/objecting to that but the proposed 'prison' like overpowering structures will have a devastating effect on existing homeowners and tenants.

Of course the council's 'award winning' (?) private development company have received planning consent for over 1000 new homes, the council are submitting these planning applications to... the council, it's a total farce and tantamount to insider trading.

Development schemes have NOT been 'heavily informed by input from the local community', consultations have simply been meetings in public, informing the public of the council's intentions, NOT public meetings to obtain the affected public's views, most questions submitted in advance are rejected, our questions remain unanswered. The public's opinions have not been addressed, concerns have been dismissed ALL because of this desperate need by Croydon council to build homes for Croydon residents, yet from a recent FOI response (Nov 2017): the total number of units BbyB intend to deliver is 756, of which 488 are for private sale (64.55%), 208 shared ownership (27.51%), just 60 affordable rent (7.94% and that's NOT even nearly 50% as claimed by the BbyB spokesman)... Therefore, social housing, zero %

So if 5000 (some of which will be elderly or disabled with specific needs and possibly maybe more if you include the homeless and sofa surfers) are on the housing list, why are BbyB only building 60 affordable homes for rent?

A recent 'your Croydon' article states, 'Over 430 borough residents have now signed up wanting one of Brick by Brick 1,200 planned homes, either for sale or under shared ownership. The first of these are now available to borough residents', BUT not a single Brick by Brick property has been built yet, so that's odd.

The article also 'claims', 'Hundreds of Croydon people have registered an interest in new homes – half of them affordable. Great so that's 50%... that'd be 600, right (?), NOT 60, the sums just don't add up!

The NPPF that ensures planners follow guidelines and it states...

In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise.

Croydon council have unfortunately skimmed over the introduction from this government document, which goes on to say...

In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.

Based on the fact that 'angry' residents chose to protest against a labour council, a fair few armed with nothing more than 'wheelchairs', one can assume this inclusion in the planning process hasn't happened in Croydon. A thorough review is required for we fear profits and dogma are coming before people.

-
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2. I believe that the trigger level for a ballot of 150 homes is not appropriate. Any proposal that involves the demolition of social housing, regardless of the number, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
3. I welcome the proposal that prior to a ballot landlords should offer enough information for tenants and leaseholders to make an informed decision about the future of their estate, through an offer document covering the following:
 - the broad vision, priorities, and objectives for the estate regeneration;

- details of the full right to return or remain for tenants and leaseholders living in homes that are to be demolished;
 - details of the offer for leaseholders and freeholders of homes that are to be demolished;
 - commitments relating to ongoing open and transparent consultation and engagement.
 - the design principles of the proposed regeneration;
 - the estimated overall number of new homes;
 - the estimated scale of demolition of homes;
 - the future tenure mix;
 - proposed associated social infrastructure (such as green spaces, health, or educational facilities).
- However I believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents groups funding for legal advice. I am proposing this because of negative experience of unenforced offer documents with a stock transfer. I also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders.
4. My experience in an offer document not being delivered as part of our stock transfer, colours our response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement. However there may be times during any consultation process that “intermediate ballots” are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.
 5. As stated in response to question 4, the ballot needs to be the end of the process.
 6. I am extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. I believe that this is wrong and that non-resident leaseholders should be included in a vote because:
 - a) Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - b) Many non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - c) As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - d) In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.
 7. The agreed eligibility criteria should be the same for all schemes, so that there is no “wriggle room” for any social landlord to “water down” the good practice guidance.
 8. I agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot.
 9. I have no further proposals on this.
 10. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
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 12. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 13. I have no further proposals on this.
 14. Where the proposed demolitions already have full or outline planning permission and tenants and leaseholders have not been consulted through a ballot, a ballot should be required. Where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, and tenants and leaseholders have not been consulted through a ballot, a ballot should be required. The GLA should honour funding where a ballot of tenants and leaseholders has already taken place and secured tenant and leaseholder support prior to the publication of the guidance, even if a ballot has not met the precise requirements set out in the consultation.
-
1. YES It is a pity the Mayor seems to feel there is “no legal basis” for also incorporating the requirement for ballots into the planning process. It may be “quasi judicial” but it is quite evident that planning cttees routinely nod through unpopular, unsuitable schemes devised by councils despite multiple objections. This needs reviewing.
 2. I don’t agree that ballots shd only apply in larger schemes (150+ new homes) as small fill-in schemes are increasingly being encouraged. Case by case consideration leaves too many loopholes. It is a basic human

right to be consulted about the demolition of one's own home, which shouldn't be limited in any way. The ballot process should also include a MANDATORY right for residents to commission and ballot on their own alternative scheme for redevelopment - and the final choice of plan should be decided not by the council but by an outside, independent body.

3. -
4. NOT FULLY. I appreciate that a ballot may need to take place before scheme is fully developed & this might work IF residents continue to be fully consulted. This, however, can easily be abused by a council - cf Lambeth council's complete rehash of the Clapham Park project, where residents are now facing demolitions they never consented to.
The full consultation process from start to finish MUST be conducted by a respected outside body with no control by the council.
There must be clear & binding criteria for the "commitments relating to ongoing open and transparent consultation and engagement".
ALSO, at the very start, residents must be given detailed and binding promises about the nature of the replacement housing they will be offered - with full guarantees re security of tenure, rent or purchase price, service charges etc. This is not unrealistic.
It is a good idea for the Mayor to have power to "claw back" funding if the final scheme differs from original balloted on - but this MUST be a public process, not decision taken behind closed doors by the Mayor.
5. NO
6. NOT QUALIFIED TO JUDGE THIS.
7. YES. Otherwise too much scope for game-playing by councils.
8. -
9. AGREE that a qualified independent body should supervise - THROUGHOUT the whole process, not just the ballot.
DO NOT AGREE that a simple majority is sufficient. Look at the Brexit referendum & its divisive effects.
10. NO. "Infrastructure" is far too vague a word - could cover a great many dodgy plans. Needs a clear definition & must mean a major project, likely decided at national level, where the Mayor or council has no power to stop it.
11. NO. "Safety" is a notorious catch-all word. In particular this would give councils carte blanche to run down repairs & neglect estates until it is able to argue that demolition is thinly option.
12. Same as Q 11. It is for the residents of supported housing, not the council, to decide if the scheme does not fit their needs.
13. NO
14. NO. There should be a ballot on EVERY scheme, and existing planning permission is not acceptable. In Lambeth, appalling schemes are on the drawing board, with no proper consultation and planning permission nodded through by whipped councillors. There is time to reverse this abuse. It is an absolute requirement in terms of human rights & proper practice. It is not acceptable to say "it's too late now". Similar points apply where the GLA is "already in contract".
Similar points apply where a ballot has already been carried out that "does not meet the precise requirements" now set out. This is far too vague. Where residents object to the result of a ballot, this must be adjudicated by an outside body.

There are too many appalling schemes already in the pipeline. It is not acceptable to draw a line and say "We'll do things differently from now on, but existing abuses can carry on to fruition,"

IN PARTICULAR, I WISH TO REGISTER MY ABSOLUTE DISGUST AT THE MAYOR'S UNDERHAND GRANTING OF FUNDING TO 34 SCHEMES, AS UNCOVERED BY SIAN BERRY.
THIS IS A PURE SCANDAL.
I WILL MAKE SURE THIS MATTER IS PURSUED.

Yes, the GLA should insist that residents are consulted and approve any 'regeneration' that the GLA is proposing to fund.

Right now the GLA is funding the permanent loss of 778 council homes on the Aylesbury Estate, because the GLA is funding the Aylesbury so-called 'regeneration'. So the GLA is funding the permanent loss of 778 council homes from Southwark Council's housing register, or, if you prefer, the GLA is directly funding the permanent loss of 778 council homes in London.

Right now, in 21st century London, the GLA is directly funding the eviction of 778 lower income families/households from their homes on the Aylesbury Estate, because the GLA is funding the Aylesbury so-called 'regeneration'. The GLA is funding the eviction of 778 lower income families/households from their homes and off

the Aylesbury Estate, and the GLA is funding the eviction of 778 lower income families/households away from their community on the Aylesbury Estate.

All of this may seem scarcely credible, but the facts can and should be checked. The GLA should stop this crazy conduct at the earliest opportunity: the GLA is, right now, directly harming many hundreds of lower income families/households in London. This is a seriously shocking situation that needs to be stopped, urgently.

One way to ensure that the GLA doesn't find itself in this appalling situation in future?

Ensure that resident ballots are held and any 'regeneration' is approved by a majority of residents, before any scheme is approved.

Comments on background and objectives of this policy:

- The multiple benefits of successful estate regeneration accrue mainly to non residents- the existing tenants often experience direct and indirect displacement, the significant loss of existing social rented homes, and the breaking up of strong and sustainable communities.
 - Meaningful engagement and informed decision making with social housing tenants in proposals for estate regeneration/improvement schemes requires provision of solid information on the economic, social and environmental justification and impacts of demolition (rather than refurbishment); funding, capacity building and support for residents to determine what they would want.
 - the Mayor's office must, in the interests of transparency, require/provide ongoing monitoring of what is actually delivered in estate regeneration schemes compared to what may be promised to tenants, to test the effectiveness and robustness of the policy and procedures around ballots.
1. Yes, a ballot of tenants is an absolute requirement.
 - The provision of full and detailed evidence-based data must be required in each scheme, at an early options appraisal stage, to facilitate residents making a genuine choice around whether existing social rented homes should be demolished rather than being refurbished.
 - It is essential that social landlords provide evidence that residents have been fully involved in discussions from the start of discussions and that residents may also be provided with resources to make the case for retention and refurbishment of existing homes and indeed to provide bottom up alternatives.
 2. No. The minimum threshold of 150 households is discriminatory- I have requested details from GLA of how many estates this effects but await a response.
 - There should be a requirement of a ballot in all estate regeneration proposals that include demolition of homes (regardless of numbers of units). All tenants and residents must be treated equally / be provided with the same right to a ballot where demolition of homes on their estate is proposed.
 3. Yes – There should be a summary of full and detailed independent analysis of the social, economic and environmental impacts of any demolition of existing homes, compared to refurbishment, which should be carried out as part of early discussions with residents – at an early options appraisal stage.
 - Evidence of provision with sufficient information on issues to make a solid yes/no decision on demolition or no demolition at the options appraisal stage.
 - Evidence that independent support for residents (selected by residents) has been provided.
 - Evidence that residents have been provided with opportunities and funding to prepare their own regeneration proposals within the scope of funding available.
 - Rent and service charge costs of any replacement social-rented homes needs to be advised prior to ballot.
 4. it is essential that residents are provided at an options appraisal stage with as much information as possible on what might be achieved without the loss of / demolition of social rented homes, prior to ballots being carried out. Significant change has occurred in many regeneration proposals over long periods of time (e.g. Heygate, Myatts Field North). There needs to be more certainty around: levels of loss of / demolition of social-rented homes, the number of replacement homes, tenure and rent and service charge costs, which landlords are proposing (as a condition of funding). Where any changes in these occur that there must be opportunities for further ballots.
 5. –
 6. Yes

I have lived in social housing for over 40 years. I am a leaseholder and I fully support the Mayor's proposals for ballots and the criteria for requiring ballots.

1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
2. Partially. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage. I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
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 - How will this be implemented in practice?

I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.

7. Yes - there should be uniformity on all schemes for fairness
8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
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██████████ i would like to say i welcome the chance of a ballot as would most residents of the estate as i have never been consulted for my opinion on the estate demolition as a resident for 34 years i can tell you i do not want demolition

1. Yes
2. no the threshold of the number of affected properties should be lower so that councils cannot pick off small blocks of housing too easily or private development
3. no, all private tenants of non-resident leaseholders should be included as the regeneration may make them homeless through no fault of theirs (whilst the non-resident leaseholders get a payment which they can invest elsewhere.) They have few enough rights as it is, do not make matters worse for private tenants. It is correct that landlords should have no discretion over ballot though.

4. yes. This should be when full information is available. On my estate a development partner has been agreed, there has been no ballot and leaseholders still have no idea what they will get. Many secure tenants have already been moved out with these flats being used by the council for short lets. It is a very serious case of divide and rule by a corrupt Labour council (Haringey) which is screwing over the residents of Love Lane estate.
5. compulsory ballots should be imposed retrospectively on estates where this is still time before the demolition is completed – I am thinking of Haringey/Love Lane estate but others must exist too. The rotten borough of Haringey wanted to impose the HDV on the whole borough without a ballot but has already pushed through the Love Lane estate social cleansing.
6. private tenants should be included irrespective of whether they are on register. Leaseholders who have owned for less than one year probably should not be included as it may be an attempt to profiteer, especially non-resident leaseholders. The eligible secure tenants should include introductory tenants as eligible to be balloted. Demoted tenants probably should not be included until any demotion is discharged through good conduct.
7. yes. Landlord should have no discretion on who to ballot.
8. partly. Use of ERS or similar independent body is good as many councils are not to be trusted. It should be something more than a simple majority to demolish an estate, e.g. 2/3 majority is often needed for an organisation's constitutional change. This is a big decision.
9. Those who campaign against estate demolitions should have access to public funding and facilities to make it a fair contest, as councils have significant resources to put into their propaganda.
10. no, there should be a ballot as a check and balance against hare-brained vanity schemes like HS2
11. yes subject to safeguards that safety reasons will not be invented by dishonest councils.
12. only if alternative supported provision is being developed.
13. no additional exemptions come to mind
14. no, as far as possible retrospective ballot requirements should be applied as too much corrupt "regeneration" is underway in rotten boroughs such as Haringey.

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However we believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents groups funding for legal advice. We are proposing this because of negative experience of unenforced offer documents with a stock transfer. We also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders.
4. Our experience in an offer document not being delivered as part of our stock transfer, colours our response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement. However there may be times during any consultation process that "intermediate ballots" are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.
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6. We are extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. We believe that this is wrong and that non-resident leaseholders should be included in a vote because:

- Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - any non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.
7. The agreed eligibility criteria should be the same for all schemes, so that there is no "wriggle room" for any social landlord to "water down" the good practice guidance.
 8. We agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot.
 9. We have no further proposals on this.
 10. We believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 11. We believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 12. We believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 13. We have no further proposals on this.
 14. Where the proposed demolitions already have full or outline planning permission and tenants and leaseholders have not been consulted through a ballot, a ballot should be required. Where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

The GLA should honour funding where a ballot of tenants and leaseholders has already taken place and secured tenant and leaseholder support prior to the publication of the guidance, even if a ballot has not met the precise requirements set out in the consultation.

-
1. Yes
 2. No. I note 3.2 refers to the 150 homes threshold and that paragraph 3.5 acts as a safeguard referring to scrutinising plans to check what the true scales of the plans are. Whatever way you look at this it seems an unnecessary loop hole. A plan made one year reported in faith may soon evolve into something bigger. I think the threshold should be a lot lower. If homes are to be demolished and new homes built on an existing estate I think that should be automatically subjected to a ballot regardless of size. That way there is no ambiguity
 3. No There needs to be more information made available (See Q 5) early in the process. Also there need to be genuine options not a Hobsons choice that give residents little real choice. If a community led alternative emerges that should be adequately resourced and worked up into a formal option. Far too often good ideas with better VFM are consigned to the scrap heap because councils/project teams/developers have already decided their preferred option
 4. Unsure There needs to be GENUINE consultation EARLY in the process
 5. With regards the information made available to residents I think the following should be made available
 - A statement of the number of 'occupied home years' lost during the regeneration project and how long it will take them to be paid back. It's a measure that takes into account homes that are kept vacant prior to demolition, homes that are demolished and number of new homes that replace them taking into account build rate (See attached chart)
 - A statement of impact on tree canopy and how long it will take to be replaced e.g. this project involves the removal of X square metres of tree canopy. Y trees will be replanted and it will take Z years for the existing canopy to be replaced trees which will result in the
 - A statement of impact on public/green spaces i.e. net loss/gain
 - A statement of impact on population density
 6. Yes
 7. –
 8. Broadly yes but I could see the process being undermined if Hobson's choices are put to residents.
 9. Only that better information including that at Q5 is made available to residents so they can better understand the impact
 10. No. TfL should not be given a blank cheque to demolish homes.

11. Unsure. If a building is unsafe then people shouldn't be living in it. Most older buildings will not comply with modern building regulations so I could easily see this being used as an excuse to demolish a building rather than refurbish it.
12. Unsure
13. No
14. NO. Where homes have yet to be demolished, ALL existing estate regeneration schemes should be subject to a ballot. For example those in Lambeth; Cressingham Gardens, Central Hill etc. To do otherwise will just generate dissent and look suspiciously like political expediency. If a scheme is a good one we should trust local residents to now what is best for their local area.

I am strongly in favour of the Mayor's proposal to "include a positive ballot of residents in cases of estate regeneration that involve the demolition of existing homes". Clause 4.3

This particularly relevant to the historic Alton Estate in Roehampton, London, where the Council spent 5 years discussing the planned regeneration (social and physical), consulting on the re-development of 5 specific sites in Alton West, and suddenly changed to the demolition of the entire centre where Alton East meets Alton West in order to build a new town of 1000 new dwellings in 6-storey buildings where the majority would be sold on the open market to the detriment of the existing community.

1. I believe that ballots are a requirement on all estate regeneration schemes whether the scheme attracts grant funding or not. I also believe all stakeholders directly affected by such schemes should have a vote as a result non resident leaseholders should have a vote along with any in residence for less than one year. (See further details at question 6 below)
2. I believe that the trigger level for a ballot of 150 homes is not appropriate. Any proposal that involves the demolition of social housing, regardless of the number, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
3. I welcome the proposal that prior to a ballot landlords should offer enough information for tenants and leaseholders to make an informed decision about the future of their estate, through an offer document covering the following:
 - the broad vision, priorities, and objectives for the estate regeneration;
 - details of the full right to return or remain for tenants and leaseholders living in homes that are to be demolished;
 - details of the offer for leaseholders and freeholders of homes that are to be demolished;
 - commitments relating to ongoing open and transparent consultation and engagement.
 - the design principles of the proposed regeneration;
 - the estimated overall number of new homes;
 - the estimated scale of demolition of homes;
 - the future tenure mix;
 - proposed associated social infrastructure (such as green spaces, health, or educational facilities).

However I believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents and leaseholder groups funding for legal advice. I am proposing this because of negative experience of unenforced offer documents with a stock transfer.

I also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders.

I am also consider that funding should be clawed back in the event the landlord's offer deviates from the offer save in a "minor" respect. The current concept of "material" respect gives the landlord far too much wriggle room. In addition the offer document should set out fundamental conditions identified as not minor for example the terms of re housing and the terms of compensation for residents and leaseholders.

4. My experience in an offer document not being delivered as part of our stock transfer, colours my response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement.

However there may be times during any consultation process that “intermediate ballots” are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.

5. As stated in response to question 4, the ballot needs to be the end of the process and include non resident leaseholders and those in residence for less than one year.
6. I am extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. I believe that this is wrong and that non-resident leaseholders should be included in a vote because:
 - Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - Many non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.

I am also extremely concerned that in your proposals appear to be aimed at rigging the ballot in favour of a yes vote as it is proposed that the ballot to include two categories that have a vested interest in regeneration and replacement with a perceived potential for additional housing being:

- any resident who has been on the local authority’s housing register for at least one year, irrespective of their current tenure; and
 - permitting multiple votes per household. Additional householders are likely to want a property of their own plus allowing them to vote gives that household additional rights to single householders which is inherently unfair
 - Only secure tenants and leaseholders should have the right to vote the primary decision to be voted upon is what happens to the property, so the vote should be one vote per property.
7. The agreed eligibility criteria should be the same for all schemes, so that there is no “wriggle room” for any social landlord to “water down” the good practice guidance.
 8. I agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. In addition given the historic low turnout for such ballots a simple majority is too low a threshold the threshold should be 75% the result is major and the threshold for approval should reflect that.
 9. I have no further proposals on this.
 10. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 11. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 12. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
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 14. Where the proposed demolitions already have full or outline planning permission and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

Where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

The GLA should honour funding where a ballot of tenants and leaseholders has already taken place and secured tenant and leaseholder support prior to the publication of the guidance, even if a ballot has not met the precise requirements set out in the consultation.

Thank you very much for giving me the opportunity to be consulted on such an important matter for tenants and leaseholders of social housing estates.

-
1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
 - 2.

- The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.
 - I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
- 3.
- The scope of the ballots seems appropriate.
 - The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
5. N/A
- 6.
- The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
7. Yes - there should be uniformity on all schemes for fairness
8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
- 9.
- The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.
 - The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.
 - The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
12. -
13. N/A
14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

-
1. I believe that ballots are a requirement on all estate regeneration schemes whether the scheme attracts grant funding or not. I also believe all stakeholders directly affected by such schemes should have a vote as a result non resident leaseholders should have a vote along with any in residence for less than one year. (See further details at question 6 below)
2. I believe that the trigger level for a ballot of 150 homes is not appropriate. Any proposal that involves the demolition of social housing, regardless of the number, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
3. I welcome the proposal that prior to a ballot landlords should offer enough information for tenants and leaseholders to make an informed decision about the future of their estate, through an offer document covering the following:
- the broad vision, priorities, and objectives for the estate regeneration;

- details of the full right to return or remain for tenants and leaseholders living in homes that are to be demolished;
- details of the offer for leaseholders and freeholders of homes that are to be demolished;
- commitments relating to ongoing open and transparent consultation and engagement.
- the design principles of the proposed regeneration;
- the estimated overall number of new homes;
- the estimated scale of demolition of homes;
- the future tenure mix;
- proposed associated social infrastructure (such as green spaces, health, or educational facilities).

However I believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents and leaseholder groups funding for legal advice. I am proposing this because of negative experience of unenforced offer documents with a stock transfer.

I also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders.

I am also consider that funding should be clawed back in the event the landlord's offer deviates from the offer save in a "minor" respect. The current concept of "material" respect gives the landlord far too much wriggle room. In addition the offer document should set out fundamental conditions identified as not minor for example the terms of re housing and the terms of compensation for residents and leaseholders.

4. My experience in an offer document not being delivered as part of our stock transfer, colours my response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement. However there may be times during any consultation process that "intermediate ballots" are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.
5. As stated in response to question 4, the ballot needs to be the end of the process and include non resident leaseholders and those in residence for less than one year.
6. I am extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. I believe that this is wrong and that non-resident leaseholders should be included in a vote because:
 - Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - Many non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.

I am also extremely concerned that in your proposals appear to be aimed at rigging the ballot in favour of a yes vote as it is proposed that the ballot to include two categories that have a vested interest in regeneration and replacement with a perceived potential for additional housing being:

- any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure; and
 - permitting multiple votes per household. Additional householders are likely to want a property of their own plus allowing them to vote gives that household additional rights to single householders which is inherently unfair
 - Only secure tenants and leaseholders should have the right to vote the primary decision to be voted upon is what happens to the property, so the vote should be one vote per property.
7. The agreed eligibility criteria should be the same for all schemes, so that there is no "wriggle room" for any social landlord to "water down" the good practice guidance.
 8. I agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. In addition given the historic low turnout for such ballots a simple majority is too low a threshold the threshold should be 75% the result is major and the threshold for approval should reflect that.
 9. I have no further proposals on this.

I would like to let you know that I think the ballots is a great idea, as in Croydon residents have been completely ignored every step of the process, we were not consulted on whether we wanted building, what they should build or where. We have had ugly unsuitable projects thrust upon us.

It has got so bad that all the residents associations in the borough have got together to form a group to protest against the Council and their Company that is building.

I have attached the flyers that explain all the issues we are having and hope that you read them to understand our problems.

I would urge you to allow full consultation and a Ballot for residents on Estates facing demolition prior to regeneration.

██ I have seen the misery residents have been living with for years now. Lambeth Council have acted in a really underhand way throughout, keeping everyone in the dark as much as possible, faking consultations and driving through their own agenda heedlessly.

Central Hill Estate, like Cressingham Gardens, has many interesting architectural features and a strong community which regards it as home and does not want demolition. There are much better and cheaper alternatives to maximise the development of the site. No-one wants another sell-off to foreign buyers and social cleansing of another area of London.

-
1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
 2. Partially. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage. I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
 3. The scope of the ballots seems appropriate. The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
 4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
 5. N/A
 6. The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
 7. Yes - there should be uniformity on all schemes for fairness
 8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
 9. The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot. The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point. The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants)
 10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.

11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
12. –
13. N/A
14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

1. Yes. However, the structure and language of the guidance needs reconsidering to make clear how it will be used in decision making.
2. 3.1 Extend ballot system for all London developments where demolition of homes is required regardless the size or whether the schemes are referable to the Mayor.
3. 3.6 Utilising the Mayor's planning powers require that homeowners are offered an option to buy in the new developments at reduced prices and with finance options. Usually tenants are fully protected as they are typically given an option to be rehoused in the new development. However, homeowners lose out since the compensation they are given reflects the value of the existing property which does not allow them to stay in the same area. They are in effect treated as second class residents being thrown out of their home with limited options. It is dishonourable to get indebted to buy a place to call home and then effectively get ostracised.
3.14 "Replacement of affordable homes should be on a like-for-like basis, meaning that homes at social rent levels that are demolished should be replaced by homes with rents based on that which has been lost" This proves the point above that tenants are treated preferably to homeowners. An equivalent sensitive treatment would be only fair
4. Yes
5. No
6. 3.17 & 3.20 Extend eligibility to all residents who have been living in the properties for at least 6 months. It sounds unfair to have just bought a home and started living in it only to find that it may be demolished a few years ahead.
7. Yes
8. Appreciating that this makes redevelopment plans more difficult to implement this is primarily a democratic issue. It bears great impact to peoples' lives since it affects the their very homes, it would be good to require a minimum 2/3 positive votes for any demolition plans to go ahead.
9. Require a minimum stakeholder vote turnout. Otherwise ballot should repeat.
10. Yes, but the comments above regarding safeguarding homeowners to an equivalent extent as tenants should still apply.
11. Safety is a very broad term. ASB is a safety concern and this could allow landlords to circumvent the Mayors important initiative on ballots. Safety should be defined with greater detail.
12. No opinion
13. No
14. 4.3 Extend ballot system for all London developments where demolition of homes is required regardless the size or whether the schemes are referable to the Mayor.

1. Yes, but this should be part of a wider set of proposals that encourage local actors to undertake ballots for regeneration. Specifically, the Mayor's office should exercise its planning powers to further strengthen the rights of existing tenants to block regeneration projects where appropriate measures have not been taken to safeguard their rights to return under the same tenancy arrangements and to provide appropriate accommodation for the interim period. These proposals could go further, with ballots being common place in all regeneration projects that meet suitable requirements, with the outcome of them carrying weight in all planning decisions.
2. No, the threshold of 150 homes is both arbitrary and too high. The purpose of ballots is for tenants to be able to safeguard their rights during a regeneration project, therefore it would be much more appropriate to set a threshold based on the number of tenants affected by a regeneration scheme. The Mayor's office should look to provide ballots in instances where over 30 tenants are affected, (or a number of households that closely reflects this number, for example 15).
3. Ballots should not be held on a 'single offer' from Landlords and should only be done when a high degree of accuracy can be provided for the new number of homes and the scale of demotion of homes. Providing residents with a binary choice diminishes their ability to have a meaningful say in proposals. Wherever possible, a number of viable options should be made for estate regeneration proposals, with ballots ran under an alternate voting system. These measures are necessary to prevent an inseparable pooling of what tenants may find appealing and unappealing aspects of an estate regeneration project. An alternate voting system

grants tenants stronger rights in being able to establish a minimum threshold of approvability across multiple contentious areas of an estate regeneration proposal.

4. Ballots should be held when there is as much information available to tenants as possible, this means as late as possible in the planning stage. There should be provisions that require landlords to honour the outcome of ballots and the terms of planning under which ballots are held. A renewed mandate should be sought in situations where there are changes to planning proposals that materially affect balloted tenants.
5. Where only a portion of an estate is being demolished, residents occupying homes set for demolition should produce a positive vote within their subset prior to plans going ahead. This will protect their rights to interim accommodation and to return, and prevent landlords pitting sets of tenants against another.
6. Yes, but it should not be a requirement for tenants to be on the local authority housing register for a year to participate, as many people may have been occupants for over a year but not be on the register. I agree with the one year threshold, but all residents reaching this threshold should be eligible to vote, including 16-18 year olds.
7. I agree with the proposals in this section
8. Yes, but there should a legal requirement to use an established selection of independent bodies, to uphold the integrity of the ballot process.
9. -
10. These proposals are sufficient, though there should be a more precise definition to what establishes estates as being 'linked' to a transport infrastructure scheme.
11. No, landlords should conduct ballots in all cases as a way to give tenants a chance to establish suitable interim and right of return arrangements. Where residents have been adequately consulted on these proposals, a negative response in a ballot should not preclude a demolition going ahead.
12. No, for the same reasons outlined in question 11.
13. No
14. The funding condition should not apply when demolitions have full planning permission, but should apply where there is only outline planning, where plans could be ambiguous enough to preclude tenants from making an informed choice. All proposed transitional arrangements should carry with them the highest levels of transparency, to ensure residents are fully informed and all actors can be held sufficiently accountable for decisions made.

I see a major gap in the Mayor's proposals. Thousands of us now live in estates of block of flats which are owned by private landowners rather than social or public landlords. Only a few of these estates house the rich. Most of These estates are lived in by low income Londoners who can not afford a house. The estate where I live is a good example. Lots Of people working in public services (teaching, health care), charities and low income manual jobs. Our estate is now 20 Years old and requires major refurbishment as it does not meet any new legislation on electrical installations, lift design, fire safety etc.

Why can't the mayors proposals also cover all the thousands of people living like us in long leasehold flats on large estates where the landowner refuses even to meet us, let alone consult with us about regeneration of the flats. Because the landowner is so uninterested in doing any work, and the quality of the building is do poor, I wonder if our flats will still be inhabitable in another 20 year's time.

I know from the extensive dialogue I have with leaseholders in other privately owned estates across a East London that our experience is replicated across many other estates, representing thousands of leaseholders.

Please tell me why the mayors proposals can't require private landowners to consult with leaseholders about regeneration?

If the mayor fails to include this additional element, his legacy will be the ironic situation that tenants in social house will have a better life experience than those who have managed to save to buy their own leasehold property. Surely the future experience of both groups should be parity?

I am writing to you to raise my concerns regarding the promised Estate Ballots in London, in particular Lambeth Council's alleged deal with Sadiq Khan to bypass the system in order to demolish six Council Estates in Lambeth, like Cressingham Gardens and Central Hill Estate.

I will try and keep my comments brief with evidence attached as I am sure many others be raising issues like democracy, rights, gerrymandering, place, community and identity. The issues are listed below with images and links.

False Promise of 1000 Extra Council Homes

Figure 1 Demolishing Thousands of Council Homes to build thousands of Homes at 80% Market rent

Lambeth Council have continued to fail to deliver their promise of 1000 extra Council Homes, as set out in their previous manifestos (Fig. 1). In fact they have continued to demolish Council Houses without replacing like for like as in the case of Myatts Fields North. The Mayor needs to find out exactly how much Council Housing there was before the start of every single regeneration project and how much extra Council Housing is being proposed, refusing schemes which do not deliver the numbers required. For example, there is no point demolishing 5000 Council homes in order to build 6000 (80% Market rate) homes, 3000 luxury flats and only 1000 new Council Homes as this does not resolve the problem! Confidential viability assessments and other insidious excuses cannot be used to reduce the quota even further. Groups like Savills, KPMG and RICS can no longer be trusted with their valuations. On top of that the Mayor needs to find out how many Leaseholders were actually able to buy back into these new developments and if they can afford to stay there, get new mortgages and look into these risky shared ownership schemes being touted (Fig. 2). The same goes with elderly residents who have to leave these new developments as heating costs and service charges rise.

Figure 2 Affordable Homes in Lambeth

Tipping the Ballot

Figure 3 Tweet by Councillor Andy Wilson stating that Estate Ballots need to include those on the Council Waiting List

These 1000 Extra Council Houses and the Ever-growing Council House Waiting List are constantly used to justify demolishing Council Estates like Cressingham Gardens and Central Hill without taking into account the wishes of residents. When they raised these issues with the Council, Councillors like Andy Wilson put them down by saying if there was ever an Estate Ballot then people on the waiting list for Council Homes need to also be able to vote (Figure 3)!

This preferred Ballot raises a whole series of unknowns which can be used to bypass any concerns and issues raised by existing residents by including the votes of thousands of people who are looking for a home through a form of filibustering. I hope this is not a form of ballot that the Mayor is looking to implement. The issue of overcrowding and damp is the responsibility of Lambeth Council who do not look after their Estates properly, keeping them in a state of managed decline and demolishing more Council homes than they build as in the case of Myatts Fields North / Oval Quarter.

The Council is already preparing to sidestep / second guess the Mayor's recommendations both directly and covertly. For example when the resident engagement panel did not provide the preferred option of demolition of Cressingham Gardens, they introduced a new unelected body that included a Ward Councillor and one of her close associates to discuss the new options with the newly assigned regeneration team! The same happened in Central Hill when the self-proclaimed leader of the Resident Engagement Panel agreed to on behalf of the Estate to go ahead with the Council's demolition proposals without even asking the residents. What safeguards will the Mayor put in place to prevent abuses of the democratic process by the very bodies that are supposed to be on the side of the residents?

Figure 3 Responses to Councillor Wilson's Tweet from residents

In response to Councillor Wilson's tweet, tenants and leaseholders again try to get him to answer their questions but are met with silence. It is almost as if the regeneration has already been decided upon even before a real ballot has even taken place.

Will the Mayor ensure that 90% of the residents will be heard? What proof will the Mayor request from the Councils to know if this was a fair ballot? What questions will be accepted for the ballot as residents, who said they would like a new kitchen and improved outdoor spaces, were judged to be unhappy with their homes preferring them to be knocked down and rebuilt when they said nothing of the sort?

The Mayor has to take control of its renegade Councillors as they are looking to continue with their plans unabated and play on the weaknesses they perceive the Mayor of having. If the Ballots are fair and the Mayor keeps to his word without exceptions and secret deals, he will be seen as a strong Mayor and the bad Councillors will be exposed for what they are. Estate Residents in Lambeth know how duplicitous their Councillors have been so it is critical that the Mayor sides with residents rather than be whipped in line by these treacherous charlatans

The Case Study of Myatts Fields North / Oval Quarter

Figure 4 Oval Quarter Highly Commended Public Square before being fenced off

This 'exemplary' model of Regeneration should be used as a case study for the Mayor's Estate Ballot / Regeneration Consultation. Lambeth Council are happy to receive accolades from Mipim and the Building Awards 2017, but what people are not aware of, which isn't shown in these beautiful manicured photographs, is what happened to the previous community of Myatts Fields North. Were leaseholders able to buy back into Oval Quarter? Where did tenants actually go? What was the net loss of Council Houses? Why was the open shared space one of the first sites to be built on and why was the new public square then fenced off? Lambeth Council are afraid to even discuss the real details of this project openly especially on Social Media as it will expose this disaster so close to the local election.

However even with its many problems, this data should be used to prevent future Estate Ballots and Regeneration from making the same mistakes. This together with Ferrier Estate / Kidbrooke Village and Heygate Estate / Elephant Park will show how consultation and balloting is stage-managed to produce the desired result. The situation with Haringey Development Vehicle can not be allowed to be repeated. New ventures like the private company, Homes for Lambeth, lead by Councillor Matthew Bennett and his elected Board members is problematic with an obvious conflict of interest especially as this Company could be sold off in the near future. Groups sympathetic to the Council are quick to point out that this is not a PPI scheme and the Council will not handover its assets to a developer in the same way again but if in the case of Oval Quarter that allegedly several properties were sold off plan to the friends and relations of Councillors abroad, Homes for Lambeth will, like the Haringey Development Vehicle, be yet another embarrassing fiasco the Mayor will have to deal with.

Confidential Ballots and Massaging Figures

Figure 5 Councillor Bennett tweet 15th March 2018

In a meeting discussing the regeneration of Central Hill Estate, Councillor Matthew Bennett declared that 55% of Residents (Leaseholders and Tenants) were in favour of having their homes demolished as a result of their independent consultation (Fig. 6). The residents were furious with the questions asked of them in the ballot as they were leading towards a pro-demolition agenda. When the residents disputed the results and wanted to see more information, they were denied this request due to confidentiality. When the residents themselves carried out their own ballot over 70% said they wanted to stay in their homes preferring a full refurbishment option with more homes built on infill sites. Matthew Bennett then apparently changed his stance to state that 55% of Tenants were in favour of demolition therefore raising a new anomaly - what were the Leaseholders desires? Was the original figure correct or was it in fact selective? Is Lambeth Council trying to pass off this survey as a Ballot? Will the Mayor actually fall for this?

Figure 6 Twitter responses querying Lambeth's figures

When pushed to ask how many residents returned their ballot papers, again he was not forthcoming. If we were to take Matthew Bennett's new figure of 55% of tenants who responded for face value then it could turn out that as little as 70 tenants could have swayed the decision to a pro-demolition scheme (Fig 7.)

Figure 7 Tweet from Councillor Bennett stating that just 34% did not want demolition 5th April 2018

In a series of tweets a year later however, Matthew Bennett is then asked to clarify this further and he says only 34% of tenants did not want their homes demolished, which would mean that 66% of tenants were on their side (Fig. 8). Again a very flippant and creative use of this data which no one else can see, but confuses the argument even further but he still does not tell anyone how many leaseholders were in favour of Lambeth's plans to demolish their homes (Fig 9.)

Figure 8 Responses on Twitter to Councillor Bennett's Claims

NB. Perhaps the Mayor using his power will be able to get to the truth of the matter in his quest to get real estate ballots delivered fairly.

Figure 9 Tweet by Councillor Bennette admitting that only 65% of Households took part 5th April 2018

Matthew Bennett then finally reveals that in fact only 65% of households (Fig. 10) responded to their ballot! This was picked up upon by several residents, academics and journalists who asked him using his own figures that if 65% of residents responded and only 2/3 were tenants and only 55% of them were in favour of demolition then that's actually only about 115 households (Fig. 11) which is less than 25% of the Central Hill Estate! How can such a monumental decision which involves destroying peoples homes and communities be made by just 25% of the

residents when the figures used to describe the outcome of the ballot are '55% pro- demolition' and 'only 34% do not want demolition'!

The Mayor's Ballot has to recognise that these discrepancies and manipulations need to be eradicated for it to have any credibility.

Figure 10 Tweets disputing the figures of Lambeth's Independent Ballot 5th April 2018

This has led to even more distrust between the Councillors and residents especially as their questions are then left unanswered. The Councillors are very quick to dismiss them online even to inform them that their homes are demolished using Social Media but as soon as questions about Myatts Fields North or Managed Decline are asked they suddenly go quiet.

If Lambeth say this is their independent ballot so there is no reason to do another one, to ingratiate the Mayor so that he'll authorise it fast so that these new homes will be built in his mayorship, I hope I have given you some evidence to show that this is not the case. Please do not include my name in this but the tweets are there for everyone to see. If he does delete them I have screengrabs.

Gerrymandering before the expected Mayor's Regeneration Ballot

Lambeth Council have already started to push tenants out of these Six Estates, through indirect means: for example, tenants are encouraged to go online and bid for new homes as far away as Kent, the Midlands and Tyneside. The newer residents who arrive unaware of the situation, have therefore a different outlook as they do not have the same attachment to this new home, community, place and environment. Sometimes the Council will keep the homes empty which again goes against their ethos of finding extra Council homes for people on their waiting list as in the case of Cressingham Gardens, where they are intentionally not doing their repairs as they are legally required to, as they wish to create an image of dilapidation.

Figure 11 Tweet from Councillor Chowdhury in support of including 23,000 housing list votes to Estate Ballots as proposed in Haringey

As discussed previously, Councillors like Rezina Chowdhury are trying to include the votes of 23,000 people on the Lambeth waiting list to an estate ballot of 1500 residents. Even if all the residents voted to remain in their estate and propose an alternative plan to build more homes on infill sites without destroying their own houses, they would still only get 16% of the vote! In this tweet sent in solidarity with the Councillors behind the Harringey Development Vehicle, ways in which a ballot can be gerrymandered are being discussed openly.

In other cases, the Council has started to house ex-offenders and inmates just released from prison in to these six estates to socially engineer disharmony in the community in order to create divisive social cracks. Furthermore, the offers given to Leaseholders to relocate, are not even close enough to buy anything similar in the locality therefore forcing families to move out of Lambeth. This kind of behaviour by Councils has been seen before in previous regeneration projects like Ferrier Estate, where the Council started to move on tenants to other parts of Kent and move in families who saw the Estate as a temporary home one which they did not have to care for causing tensions between existing residents.

I would also like to add that if all this data is combined with a system such as Nation Builder, a ballot can then be calculated and a result could even be predicted. How will the Mayor's Ballot be really fair when the context is being carefully manipulated before one will be held? What other tools can be brought in to make sure that residents especially the elderly and vulnerable have an equal and substantial enough voice to newer residents brought in through not their fault of their own as they would prefer a brand new home that they were promised?

Council Estates are not Brownfield Sites

Figure 12 Westbury Estate is a Brownfield Site according to the Mayor of London

Estates in Lambeth were shocked to find out that they were listed as Brownfield Sites in the Mayor of London's Brownfield Register (Fig. 13). Borrowed from the ill-advised Lord Adonis's report on City Villages, the term insinuates that these Estates need to be decontaminated, socially / ethnically cleansed and gentrified for its own salvation. However, for regeneration to truly work, wording and meaning are vitally important if you genuinely want the support of the people who live there. Communities need to be valued and nurtured and not treated like vermin or contaminants.

The Mayor must take a stand and change this immediately! If it is allowed to remain on this register, Estate Regeneration by default becomes a top-down mechanism to transform London into a City where only the rich are

only able to live and the majority live in pockets around the periphery. Furthermore families will be living in one room paying a landlord what they used to pay for their house and day-workers sharing one bed on shifts with night-workers! Language, as Charles Dickens knew so well has the power to elevate and educate people from the bottom as well as suppress, aggravate and abuse them. Does the Mayor really want to be known as the Mayor of Two Cities - A Rich Global Centre with a dark underground hidden City within it?

The Brownfield Register does not only designate Estates in Lambeth but others also undergoing aggressive regeneration. Alton Estate in Roehampton like Central Hill Estate was an award-winning housing scheme designed by Rosemary Stjernstedt, the UK's first Grade 1 Woman Architect. These Estates are part of Open House London and host events as part of the London Festival of Architecture. They have been written about by academics like Barnabas Calder, Dr. Jane Rendell and Kate Macintosh. Who advised the Mayor to put these Estates down on a Brownfield Register? Whoever did needs to be replaced! How can a Brownfield Site be one of Lambeth's most popular events during Open House? And how can a Brownfield Site have a sense of community as strong as Cressingham Gardens? Does the Mayor know how offensive he has been to call People's Homes Brownfield?

Peoples Plans

Figure 13 Alternative proposal for Central Hill Estate by ASH & Peoples Plan for Cressingham Gardens by Deviant Architecture

Lambeth Council has been planning these regeneration schemes for years, long before the residents even realised what was about to happen to them. They have seen how Councils have treated residents at Aylesbury, Heygate, Ferrier and Myatts Fields North and so do not trust them. In response, Cressingham Gardens and Central Hill have developed Peoples Plans - alternative regeneration which looks to build new homes in vacant and infill sites and refurbish existing properties. These have been designed in response to the top-down demolition plans instigated by the Council. However it is not a level playing field. The resources the Council has at its disposal are far greater than the residents and their supporters. Even the final decision is made by the same members of the Council! If the Mayor is

-
1. Yes. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
 2. Partially
 - The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.
 - I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
 3.
 - The scope of the ballots seems appropriate.
 - The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
 4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
 5. N/A
 6.
 - The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
 - Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure.
 - How will this be implemented in practice?
 - I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
 7. Yes - there should be uniformity on all schemes for fairness

8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
9.
 - The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.
 - The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.
 - The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
12. -
13. N/A
14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

I do not have sufficient time to address all the issues but I would like to comment in particular on the following: 1. A simple majority is insufficient. It would be highly divisive if the majority vote to demolish was 50.1%. Particularly as peoples' views (both for and against) change over time. The threshold should be much higher. A two thirds majority would give a sufficient mandate. 2. Schemes that have already been given funding should be given a ballot. If estates and communities (and there are many of them) are to be broken up then they deserve the same rights as those who have not yet received funding.

1. I believe that ballots are a requirement on all estate regeneration schemes whether the scheme attracts grant funding or not. I also believe all stakeholders directly affected by such schemes should have a vote as a result non resident leaseholders should have a vote along with any in residence for less than one year. (See further details at question 6 below)
2. I believe that the trigger level for a ballot of 150 homes is not appropriate. Any proposal that involves the demolition of social housing, regardless of the number, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
3. I welcome the proposal that prior to a ballot landlords should offer enough information for tenants and leaseholders to make an informed decision about the future of their estate, through an offer document covering the following:
 - the broad vision, priorities, and objectives for the estate regeneration;
 - details of the full right to return or remain for tenants and leaseholders living in homes that are to be demolished;
 - details of the offer for leaseholders and freeholders of homes that are to be demolished;
 - commitments relating to ongoing open and transparent consultation and engagement.
 - the design principles of the proposed regeneration;
 - the estimated overall number of new homes;
 - the estimated scale of demolition of homes;
 - the future tenure mix;
 - proposed associated social infrastructure (such as green spaces, health, or educational facilities).

However I believe that this offer document needs to be in the form of a legally binding agreement with the landlord providing residents and leaseholder groups funding for legal advice. I am proposing this because of negative experience of unenforced offer documents with a stock transfer.

I also believe that at the same time that the offer document is produced, the landlord needs to publish the full financial viability information for tenants and leaseholders.

I am also consider that funding should be clawed back in the event the landlord's offer deviates from the offer save in a "minor" respect. The current concept of "material" respect gives the landlord far too much wriggle room. In addition the offer document should set out fundamental conditions identified as not minor for example the terms of re housing and the terms of compensation for residents and leaseholders.

4. My experience in an offer document not being delivered as part of our stock transfer, colours my response to this question. The proposal that the production of the offer document and the resulting ballot is not at the end of the process is of grave concern. The full details of the proposal should be worked out so that tenants and leaseholders have a full picture of the offer so that no materially significant changes can be made after any positive ballot and a legally binding agreement.

However there may be times during any consultation process that “intermediate ballots” are required to eliminate some of the many options that could be developed to allow tenants and leaseholders to work with their landlords on the preferred options in more detail.

5. As stated in response to question 4, the ballot needs to be the end of the process and include non resident leaseholders and those in residence for less than one year.
6. I am extremely concerned that in your proposals, non-resident leaseholders are currently excluded from the ballot. I believe that this is wrong and that non-resident leaseholders should be included in a vote because:
 - Non-resident leaseholders make a positive decision to buy a property in a block and if the block is under threat they should have the right to take part in any decision on its future.
 - Many non-resident leaseholders buy a property in a block with the intention of it being a home in the future, and they should not be excluded from having a say in the future of that block.
 - As a non-resident leaseholder I pay service charges like every other leaseholder and therefore I should have the same rights as them in any ballot.
 - In collective enfranchisement, in 2002, the legal requirement that leaseholders seeking to buy the freehold had to be resident in the flat was abolished. Non-resident leaseholders can now participate in a collective enfranchisement, and therefore it should follow that they also have a vote in any proposal to redevelop any block they own a lease in.

I am also extremely concerned that in your proposals appear to be aimed at rigging the ballot in favour of a yes vote as it is proposed that the ballot to include two categories that have a vested interest in regeneration and replacement with a perceived potential for additional housing being:

- any resident who has been on the local authority’s housing register for at least one year, irrespective of their current tenure; and
 - permitting multiple votes per household. Additional householders are likely to want a property of their own plus allowing them to vote gives that household additional rights to single householders which is inherently unfair
 - Only secure tenants and leaseholders should have the right to vote the primary decision to be voted upon is what happens to the property, so the vote should be one vote per property.
7. The agreed eligibility criteria should be the same for all schemes, so that there is no “wriggle room” for any social landlord to “water down” the good practice guidance.
 8. I agree that a qualified independent body, such as Electoral Reform Services, contracted by the landlord, should supervise the ballot. In addition given the historic low turnout for such ballots a simple majority is too low a threshold the threshold should be 75% the result is major and the threshold for approval should reflect that.
 9. I have no further proposals on this.
 10. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 11. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 12. I believe that any proposal that involves the demolition of social housing, should be the subject of a ballot. Estate regeneration should only occur with the support of existing tenants and leaseholders.
 13. I have no further proposals on this.
 14. Where the proposed demolitions already have full or outline planning permission and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

Where the GLA is already in contract to fund a particular estate regeneration scheme named in a funding contract with a Registered Provider, and tenants and leaseholders have not been consulted through a ballot, a ballot should be required.

The GLA should honour funding where a ballot of tenants and leaseholders has already taken place and secured tenant and leaseholder support prior to the publication of the guidance, even if a ballot has not met the precise requirements set out in the consultation.

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1. Yes. Just as the Mayor’s Draft London Housing Strategy has been subject to extensive discussion and consultation (to ensure those affected are consulted and involved), it is imperative that anyone directly

affected or severely disrupted by plans for an estate regeneration has a right to vote on said plans. Such a requirement will not necessarily derail or block a planned regeneration scheme, but will encourage a developer or housing association to ensure affected residents are fully consulted and involved in the process. By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case – in which case GLA funds could be diverted elsewhere).

2. Partially. I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition. The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.
3. The scope of the ballots seems appropriate. The requirement should be for Landlords to provide a Formal Offer Document with some form of legal recognition to ensure that claims and promises made by the Landlord do not go unfulfilled. The Mayor's proposal for the new funding condition to be retrievable is a good idea, but should be practical and enforceable with full retrospective recourse for residents.
4. Yes – it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
5. N/A
6. I do not agree with the proposal to have the following eligibility criteria for resident ballots: Any resident who has been on the local authority's housing register for at least one year, irrespective of their current tenure. How will this be implemented in practice? I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans. The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
7. Yes – There should be uniformity on all schemes for fairness.
8. Yes – Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
9. The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants). The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot. The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point
10. Yes – but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.
11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
12. N/A
13. N/A
14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.

1. Yes
2. No. Any regeneration should involve a ballot.
3. Yes. Landlords should explain the reason for the regeneration. All residents, including leaseholders should be given a right to return to the new replacement homes. The new development should also be described fully before the ballot.
4. The ballot should only be done after the plan has been fully developed and explained as far as possible.
5. No
6. Non resident leaseholders should be involved as they have an interest in the future of the estate.
7. Yes, the criteria should be the same for all schemes
8. Yes
9. No
10. There should always be a ballot about the whole scheme
11. If demolition is required for safety reasons the ballot is still required for the proposals post demolition
12. As with Q11, a ballot should still take place
13. No
14. If the work has not already been agreed a ballot should take place about the details.

1. YES
2. YES
3. YES
4. YES. I THINK IT GOOD THAT IT HAPPENS BEFORE THE TENDERS GO OUT TO THE POTENTIAL BUILDERS. THIS OBVIATES THE DANGER OF THE BUILDERS OR LOCAL AUTHORITY BRIBING OR OTHERWISE PRESSURISING RESIDENTS TO VOTE A SCHEME THAT REDUCES THE QUANTITY OF SOCIAL HOUSING.
5. NO. THE REQUIREMENT TO ONGOING ENGAGEMENT IS GOOD BUT I WOULD LIKE TO KNOW HOW THIS WILL BE MONITORED.
6. YES, THEY SEEM APPROPRIATE.
7. YES
8. YES
9. NO
10. YES, THESE SEEM SENSIBLE.
11. IN PRINCIPLE BUT A PROCESS NEED TO BE PUT IN PLACE TO SCRUTINISE SUCH CLAIMS TO ENSURE THEY ARE NOT JUST A COVER FOR A SELL-OFF OF SOCIAL HOUSING
12. YES BUT WITH THE CAVEAT MENTIONED ABOVE.
13. NO
14. NO. I WOULD PREFER THAT PROJECTS OVER A CERTAIN SIZE (AFFECTING 50 TENANTS OR MORE) COULD BE 'CALLED IN' FOR REVIEW WITH THE POSSIBILITY OF IMPOSING A BALLOT.

1. Yes By making the resident ballots a funding condition, it will have an immediate effect on any GLA funded schemes (unless it is not essential for the business case - in which case GLA funds could be diverted elsewhere).
2. Partially
 - The term 'affordable housing' should be clarified and there should be a reasonable provision for housing that has been known as 'social housing' which should be affordable to ordinary working people on an average wage.
 - I believe that the policy should also apply to schemes that are smaller than 150 homes. Smaller regeneration schemes will not cause any less disruption to their residents, who should also receive a proportionate level of consultation if their homes are under threat of demolition.
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4. Yes - it should occur prior to the development of detailed design to avoid wastage of resources. However, as stated in the consultation document, there should be enough detail in the proposal to be able to develop an achievable Formal Offer Document.
5. N/A
6. The eligibility criteria should also include confirmed partners and (adult) child residents that may not be named on the tenancy agreement. The current proposal also means that homes with both partners named on the tenancy agreement will have two votes, whereas families with just one of the partners named on the tenancy will only receive one vote.
 - I do not agree with the proposal to have the following eligibility criteria for resident ballots:
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 - I understand the thinking behind this decision, but I strongly disagree because it will only serve to dilute the influence of the residents who will be directly affected by the regeneration plans.
7. Yes - there should be uniformity on all schemes for fairness
8. Yes - Due to the significant implications that come with estate regeneration, I strongly believe that the Electoral Reform Society should be involved in any ballot.
9. The Landlord should provide independent advice to tenants, and neutral communications and information about any ballot.
 The independent advice should be comprehensively conducted door to door for each tenant. The ballot should be made accessible to tenants in the same way to ensure that each tenant has the opportunity to vote even without attending a central point.
 The ballot and supporting information should be provided in multiple languages (according to the local requirements of tenants).
10. Yes - but the cost benefit analysis conducted for major infrastructure schemes should already account for any disruption to existing homeowners.

11. Yes, as long as the reasoning is carefully scrutinised to ensure this exemption is not exploited by a Landlord to avoid having a ballot.
 12. –
 13. N/A
 14. I do not agree with clause 4.5. Landlords who are preparing a ballot should have access to these draft proposals, so any ballot should align with these requirements to be valid if the new funding condition is implemented.
-

I think the ballots are a good idea so long as they are a way for residents to have a meaningful say in the process.

If it is in any way used as a way to validate estate regeneration then it is being used incorrectly.

I am a freeholder on a council estate and my main concern is that if it comes to a ballot as things currently stand I am not in the same position as other residents on the estate.

Leaseholders and Freeholders should have an irrevocable right to return to the estate and this should be established before a ballot. It is not enough to say the details of the offer etc will be detailed. If there is a vote tenants have nothing to lose by voting for the demolition of the estate. They retain the right to return and can exercise it at a later date. Presumably leaseholders and freeholders will be offered (or CPO'd) at a rate that would not enable them to return later unless they have increased funding available. In many instances this will be unavailable.

Basically all those voting on a ballot need to be voting on equal terms.

I don't have much faith in how this will turn out and think it will be used as a way to validate estate regeneration. Clearly increased housing is required and I welcome this. But it shouldn't be at the expense of the people who already live on these estates whether they are tenants, residents or leaseholders. It is disingenuous to say that they are offered market rate plus 10%. It is irrelevant. Existing leaseholders/freeholders should simply be afforded the right to return on a similar arrangement (or as agreed) to their existing tenure. Only with this right will leaseholders and freeholders have any sense of security in the event of a ballot.

Policy 3.13 on the proposal doesn't fill me with confidence. And is the perfect back door. I'm sure developers will be only too happy to have the Mayor claw back later down the line. Again- only if residents are afforded unassailable rights will developments progress as proposed and approved.

I think residents should have coaching in how to partake in the process, to hold formal meetings and have representation on planning meetings etc. Residents involvement is required all the way through the process and not just at one point as a rubber stamp.

It's simple- what would you consider fair if you were a tenant/leaseholder/freeholder.

1. Yes
2. criterion shd relate to no. of homes proposed for demolition (I suggest 40 or more) rather than no. of new homes proposed: if the latter then suggest 100 or more.
3. Yes
4. Yes
5. information shd include info on alternatives to demolition including comparative costs
6. Yes, but all tenants of non-resident leaseholders should be eligible provided that their residency is verifiable by reference to the electoral roll, or like source: their lives would be disrupted at least as much as the lives of temporary tenants.
7. Yes
8. Yes, but the results of the ballot should be published for each category of eligible voter: to assist policymakers, etc...
9. as above
10. Yes, but transparent safeguards against abuse, eg appeal mechanism, shd be built in
11. as above
12. as above, and the exemption shd not apply to schemes where non-specialist or non-supported housing is included in the demolition proposal
13. No. Ballot requirement should be as universal as is reasonably practicable
14. Yes.

So , here goes , Question 1 . Do you agree that the G.L.A. should make resident ballots a funding condition for estate regeneration schemes ? Absolutely , yes , but I would like to add that there are some regen schemes that have already been passed just prior to this requirement being considered to be a compulsory element. Some cohesive , very valuable communities living in very successful estates in London are well on the way to having their estates demolished against their wishes . Some councils are trying to get away with stating that G.L.A funding has already been agreed prior to the balloting agreement being brought in. I would hesitate to suggest that this is a way of waiving through many a controversial demolition plan for sites that are creating £ signs in many developers' minds. So , please, do not issue a general exemption for demolition schemes already partially in the pipeline . Where the G.L.A. has NOT already entered into a legally binding agreement with a council to provide funding for a regen scheme and the scheme has not secured outline or full planning permission with at least 50 per cent realistically affordable housing it is morally reprehensible to waive through highly questionable regeneration schemes where residents were not given a proper consultation process.

For the G.L.A. , headed by mayor Sadiq Khan to have the backing of Londoners both privileged and under privileged it is necessary for the authority to act with moral clarity and not to collude with local councils who have behaved without considering the interests of their residents, many of whom are vulnerable . We should be judged by how we treat the less fortunate and the vulnerable in our communities and it does us all no credit when those in social housing are treated as lesser human beings who can be removed from their homes with impunity.
