

MAYOR AND CABINET		
Report Title	Redevelopment of Heathside and Lethbridge: Decanting and Demolition Notice	
Key Decision	Yes	Item No.6
Ward		
Contributors	Executive Director for Customer Services, Executive Director for Regeneration, Executive Director for Resources, Executive Director for Community Services, Head of Law.	
Class	Part 1	Date: 5 March 2008

1. Summary

- 1.1 Mayor and Cabinet agreed Lewisham's four fold approach to meeting the decent homes standard on the 17th of September 2003 and as a part of this on 25th June 2003 agreed the proposal to expand Lewisham's established estates regeneration programme. On the 9th June 2004 Mayor and Cabinet agreed to the process of an open competition and on the 22nd February 2006 Mayor and Cabinet agreed that Family Mosaic become preferred development partner for the re-development of Heathside and Lethbridge.
- 1.2 This report seeks to update Mayor and Cabinet on work undertaken in developing this scheme since the last report to Mayor and Cabinet in June 2007. It also seeks approval for the decanting of the entire Heathside and Lethbridge Estate in a phased programme (a schedule of the properties affected and current phasing plan is given at Appendix 1) and the preparation for providing vacant possession of phase one to Family Mosaic in Spring/ Summer 2009.
- 1.3 This includes decanting and re-housing of phase one tenants, and buying back leaseholders in phase one. The Council has been buying back leaseholders that wish to move away from the area and make their own re-housing arrangements. From April 2008 it is proposed that the Council buyback remaining phase one leaseholders and offer re-housing to resident phase one leaseholders where required.
- 1.4 Phase 1 also affects two community facilities. The Wash-house building houses a youth club and private nursery. Family Mosaic and developer Countryside have undertaken to provide alternative premises until the new permanent facilities are built, which is expected to be in Phase 2. It is now also anticipated that empty blocks Glennie House and Robertson House will be demolished as part of Phase 1.
- 1.5 Furthermore, this report requests that Officers are able to serve Initial Demolition Notices on all secure tenants within Phases 1, 2 and 3 in order to

suspend the requirement for the Council to complete right to buy applications for as long as the Notices remain in force. This applies to Braid House, 1 – 28 Lethbridge. Phase 2: Landale Court, Holcroft House, Doleman House, Vardon House, Travis House, and Ferguson House and Phase 3: Melville House and 29 – 56 Lethbridge.

2. Purpose of Report

- 2.1 To update Mayor and Cabinet on the progress of the Heathside and Lethbridge Regeneration Scheme.
- 2.2 To ask Mayor and Cabinet to consider the comments made by residents in response to the statutory consultation undertaken pursuant to Section 105 of the Housing Act 1985.
- 2.3 To obtain approval to decant the Heathside and Lethbridge Estate commencing with the blocks in Phase 1 which are scheduled for demolition by, or shortly after, the end of March 2009. As part of this, it will be necessary to continue to buy back leasehold properties, agree re-housing arrangements and authorise statutory compensation payments so that the decant programme can commence.
- 2.4 To seek authority to serve Initial Demolition Notices on all secure tenants within Phases 1, 2 and 3 in order to suspend the requirement for the Council to complete right to buy applications for as long as the Notices remain in force.
- 2.5 To seek authority to serve Final Demolition Notices on all secure tenants within Phase 1, 2, and 3 once the proposed demolition dates are known, in order to render all existing right to buy applications ineffective and prevent any further right to buy applications being made.
- 2.6 To seek approval to demolish blocks in Phase 1 when vacant possession has been achieved.
- 2.7 To confirm the cost of providing vacant possession for Phase 1 and projected costs of obtaining vacant possession of the remaining Phases as per the Capital section of the Mayor and Cabinet report of 13th February 2008.

3 Policy Context

- 3.1 Regeneration through demolition and new build represents a strand of the Council's approach to meeting the decent homes standard. Lewisham's established estates regeneration programme has been a cornerstone to improve both housing opportunities and the social and economic outlook for communities and is in line with Lewisham's established housing policy as set out by the Housing Commission to improve homes and neighbourhoods through large scale regeneration schemes.
- 3.2 Major regeneration schemes remain one of our key vehicles to bring about significant improvements to our housing stock as well as the other options of PFI, ALMO and stock transfer. These are estates where the cost of tackling the range of physical and social problems means that in most cases they fall

outside of the scope of the Council's Capital Programme. Further, any refurbishment scheme could improve some elements connected to the fabric of the building, but would not address fundamental problems around the design and layout of blocks or develop solutions to tackle the social and economic aspect of regeneration schemes.

- 3.3 One of the key objectives of the Councils' 2004-2007 Housing Investment Strategy is to diversify tenure and create sustainable communities. The re-development of Heathside and Lethbridge will lead to the creation of a mixed tenure estate, providing shared equity, shared ownership and private homes alongside affordable homes for rent. This helps to break down the pockets of exclusion that currently exist and to create new opportunities and improved aspirations for the communities living in this estate.
- 3.4 Secure tenants and leaseholders will be re-housed in accordance with the Decant Policy which was approved by Mayor and Cabinet on 11 July 2007.

4. Recommendations

4.1 The Mayor is recommended to:

4.2 Consider the comments made by residents in response to the statutory consultation undertaken pursuant to Section 105 of the Housing Act 1985 and, having considered these comments, agree to proceed with the Heathside and Lethbridge Regeneration Scheme;

Subject to the Mayor agreeing recommendation 4.2, the Mayor is recommended to agree that:

- 4.3 Where necessary, Notice of Seeking Possession is served and possession proceedings brought against secure tenants under ground 10 of Schedule 2 to the Housing Act 1985;
- 4.4 Any properties in Phase 1 which were previously sold under the Right to Buy be repurchased by the Council at market value (plus reasonable professional fees) where agreement can be reached with leaseholders, in advance of a Compulsory Purchase order being made by the Council and to delegate authority to the Head of Asset Strategy and Development in consultation with the Head of Law to negotiate and agree the acquisition terms;
- 4.5 Secure tenants and leaseholders of Braid House and 1 – 28 Lethbridge Close are re-housed in line with paragraph 6.3 of this report;
- 4.6 "Secondary households" in the homes of the tenants and resident leaseholders may be re-housed in the circumstances set out in paragraph 6.4;
- 4.7 Home loss and disturbance payments are made to displaced secure tenants and owner-occupiers where appropriate in accordance with the Land Compensation Act 1973;

- 4.8 Initial Demolition Notices be served on all secure tenants within Phase 1, 2 and 3 in order to suspend the requirement for the Council to complete right to buy applications for as long as the Notices remain in force;
- 4.9 Final Demolition Notices be served on all secure tenants within Phase 1, 2 and 3 once the proposed demolition date is known, in order to render all existing right to buy applications ineffective and prevent any further right to buy applications being made; and
- 4.10 the blocks on the estate are demolished by the Council as and when vacant possession has been achieved.

5. Project Progress

- 5.1 Summary of the principles of this project and progress to date:
 - 5.1.1 Family Mosaic were selected as preferred partners to regenerate the estate on February 22nd 2006.
 - 5.1.2 Countryside Properties were selected to build the re-development in November 2007. They will take responsibility for constructing all the housing and associated community facilities and will fund the housing for outright sale.
 - 5.1.3 Family Mosaic and Countryside are working up a master plan based on a mixed tenure development of between 1,300 – 1,400 homes including re-provision of existing numbers of affordable homes for resident leaseholders and all secure tenants who wish to remain and associated community facilities all provided through cross subsidy arrangements from the sale of private housing.
 - 5.1.4 The Council is working with Family Mosaic to confirm the design programme. The intention is to submit a ' hybrid' planning application (part outline /part detailed) in the joint names of the Council and Family Mosaic.
 - 5.1.5 The intention is to dispose of the decanted estate on a Phased basis to Family Mosaic.
 - 5.1.6 The intention is that Family Mosaic will be responsible for all reasonable and proper costs incurred by the Council in connection with the scheme including demolition costs. All such costs are taken into account in Family Mosaic's Business Plan.
 - 5.1.7 Leaseholder buybacks have so far been progressed in line with Mayor and Cabinets approval for those leaseholders that wish to leave the estates and make their own re-housing arrangements. Uptake of this offer has been very high; thirty-nine leaseholders expressed an interest in being bought back by the Council and many have started negotiations. Twenty-three leaseholders have successfully sold their properties back to the Council between February 2006 and January 2008.
 - 5.1.8 Statutory consultation with all residents around the phasing of the re-development has been undertaken. In addition, one to one meetings to find out detailed housing needs and aspirations with phase one leaseholders have been undertaken and one to one meetings with tenants are being arranged to start in March 2008.
 - 5.1.9 The Council and Family Mosaic have signed the 'Memorandum of Understanding' which is an initial legal agreement that sets out the principles to apply to the development.

5.1.10 Discussions have commenced on the Principle Development Agreement and Officers are aiming for a completion date of April 2008.

6 Decanting and reacquisition of properties sold under the right to buy

- 6.1 The current proposals for Phase 1 envisage the demolition of 4 blocks and community facilities and the subsequent redevelopment of the site by Countryside Properties and Family Mosaic Housing Association to provide a mixture of units for social housing, shared ownership and outright sale (with replacement community facilities to be provided in the second Phase of the new build development). To achieve this residents will have to be decanted, the leaseholders' interests reacquired and service providers re-located elsewhere on site. The decanting of secure tenants and repurchase of properties sold under the Right to Buy will give rise to entitlement to statutory compensation payments in most cases.
- 6.2 It was agreed by Mayor and Cabinet on 11 July 2007 to amend the Housing Decant Policy to take into account the effects of the introduction of Homesearch For All, increased demand and the general reduction in the number of properties available for letting. The amendment reduced the number of offers that residents being decanted could receive from two to one. However residents would have the right to bid for unlimited offers through Lewisham Homesearch for an initial period of time. This period of time would be dictated by programme deadlines. Following the expiry of the free-bidding period, residents who have not managed to secure an offer of alternative accommodation will be made a direct offer which takes into account their needs, pending referral to court for possession proceedings.
- 6.3 Whilst it is hoped to complete the decanting programme by agreement with all the secure tenants, the decanting policy provides for the use of court action to gain possession. If residents being decanted do not secure an offer of alternative property during the free-bidding period, a direct offer will then be made of a property type and within a location that takes their needs into account having been agreed by a person appointed by the Executive Director for Customer Services. If the direct offer meets the residents needs but is refused there will be a referral to court for possession proceedings. The courts will only grant possession where the Council can prove one of the grounds for possession set out in Schedule 2 of the Housing Act 1985 the relevant ground in this case being ground 10.
- 6.4 In some cases there will be "secondary households" in residence, typically children who have reached adulthood and who may also have children of their own. It is recommended that in such circumstances, assuming that it is the wish of those concerned, separate re-housing be offered to the "secondary household". This is provided that they comply with the definition of a member of the family household in section 113 of the Housing Act 1985 and have been resident continuously for the 12 months prior to the decant being commenced.
- 6.5 Whilst it is also hoped to complete the reacquisition of all leasehold interests by agreement in the event that this should not prove possible it will be necessary to use compulsory purchase powers and this will be the subject of a further report to members.

7. Community Facilities

- 7.1 As a part of the original brief to both Family Mosaic and Countryside, community facilities were to be re-provided on the estate (a list of existing community facilities and users/ service providers is included as appendix 2). Officers from the Council and Family Mosaic have been consulting with all current service providers on the estate to establish what current needs are and how the re-development is likely to impact on these. Consultation about the proposed community facility and its uses will also form part of consultation with residents.
- 7.2 Re-provision is likely to include a modern multi use facility for a range of groups and a separate private nursery facility. Discussions are continuing with the PCT with regards to replacement of their health clinic but indications are that the PCT will occupy some shared space in the multi use facility. More details will be known when master planning is complete in the summer 2008 and this information will be presented to members at this time.
- 7.3 A community building known as the Wash-house is affected by demolition of Phase one. This houses a youth group and private nursery. Family Mosaic and Countryside have made a commitment to provide replacement temporary facilities for these groups until the permanent facility is built in Phase 2. It is not anticipated that there will be any break in service provision. Discussions with these and all community groups are ongoing and consultation around the use of temporary facilities has begun.
- 7.4 It is likely that other community services will be able to move into the new facility before their existing buildings are demolished.

8 Notices and demolition of Robertson and Glennie

- 8.1 The Council will serve Initial Demolition Notices on all secure tenants within Phases 1, 2 and 3 in order to suspend any current or future Right to Buy applications from completing. The Initial Demolition Notice is required to contain certain prescribed information including a statement that the landlord intends to demolish the property, the reasons for this and the period within which the demolition will take place. Once the proposed demolition date is actually known, the Council can then serve a Final Demolition Notice which renders all existing right to buy applications ineffective and prevents any further right to buy applications being made. At present it is envisaged that all blocks in Phases 1, 2 and 3 will be demolished by the Council within the next five years.
- 8.2 Members will note that Council Officers have previously sought £560,000 in June 2007 to fund the demolition of Robertson and Glennie, blocks that have been uninhabitable since the collapse of Blackheath Hill in 2002.
- 8.3 Unfortunately, over programming of the Capital Programme in 2007-08 meant that this money had to be taken back and could not be used for this purpose at that time.

8.4 Instead it is now proposed that these empty blocks are demolished at the same time as Braid House, so as to create a clear frontage at the front of the site. The Council will still be required to pay for the demolition of all these blocks but this will be reimbursed to the Council as set out at paragraph 11.2.

9. Consultation

Background and General Procedure

- 9.1 Consultation with residents on Heathside and Lethbridge has been recognised as a key element in the success of this project from the outset. Consultation with residents and local community groups has therefore been ongoing throughout the process. Prior to Family Mosaic's selection, estate wide consultation included an independent survey, letters, newsletters and drop in sessions. Officers have also worked within existing structures such as the TRA and Neighbourhood Forum.
- 9.2 Independent consultation company Public Participation and Research (PPCR) were commissioned to carry out an independent survey on Heathside and Lethbridge in November 2003. This explored the views of residents on where they live, the condition of their existing homes and their future housing aspirations. It showed that a high percentage of residents were in favour of demolishing their block (63%).
- 9.3 Officers held initial drop in sessions open to all residents and held a separate meeting with leaseholders to address specific leasehold issues. Regular letters (and when appropriate newsletters) have gone out to all residents keeping them updated on the scheme and Officers have had a standing agenda at TRA meetings.
- 9.4 Through the TRA, Officers have been able to work with a small steering group of interested tenants and leasehold representatives who played a key role in selecting Family Mosaic and Countryside. This group have undergone a number of changes but is being developed in partnership with residents and is fully involved in the ongoing re-development process.
- 9.5 Since working with Family Mosaic, consultation with residents has developed to follow a pattern to involve as many residents as possible. This currently begins with the steering group at the beginning of the month, discussing further master plan information with the design group, which is open to all residents but targets about 30 regular attendees and culminating at the TRA or other estate wide event that attract a larger group of residents (50+).
- 9.6 There is continued consultation with all local stakeholders. Prior to FamilyMosaic being selected, Officers from LBL began engaging local groups, initially this was through attending the Neighbourhood Forum; a meeting of service providers on the estate and local area and then by setting up a community sub group; a group made up from local community groups such as Morden Mount school Quaggy children's' centre, health visitors and wash house youth group. The community sub group were involved in discussions around re-provision of community facilities throughout the selection of Family Mosaic.

- 9.7 Engagement with local stakeholders has since been developed with Family Mosaic. Alongside meetings with all the groups listed above, meetings have been held with the PCT, LBL children and young people's services, Meridian youth group, the Turkish Peoples Community Group and Diamond older peoples group. All groups are being fully involved in discussions around re-provision of community facilities.
- 9.8 Council Officers and staff from Family Mosaic seek to continually engage with ward Councillors. One Councillor regularly attends resident steering group meetings and briefings with all ward councillors and also with the Deputy Mayor and Cabinet Member for Customer Services are ongoing.
- 9.9 The progress of this scheme has been greatly helped by working closely with the TRA, residents' panel as well as the development of close links with other local stakeholders. Officers feel that the Council should continue these good working practices and ensure a co-ordinated approach to the master planning process to allow residents and local community group's maximum input.

Phasing Consultation and Statutory Section 105 Consultation

- 9.10 Section 105 of Part IV of the Housing Act 1985 makes it a requirement for a landlord authority to consult with those of its secure tenants who are likely to be substantially affected by a matter of housing management. The Act specifically identifies a new programme of improvement or demolition to be a matter of housing management to which Section 105 applies.
- 9.11 On Monday 14 January 2008 a letter was hand delivered (together with a reply-paid envelope) to all secure tenants on the estate allowing 28 days for their observations or comments to be received. The letter set out the Council's proposals for the redevelopment of the estate, explained that the existing properties on the estate would need to be demolished and the process for obtaining possession, set out the predicted timetable for the scheme and re-housing and asked tenants for their views on the proposals.
- 9.12 At the closing of the consultation period a total of 19 responses had been received from secure tenants. The full responses (with reply from LBL Officers) have been made available in the Members room. In 3 cases the responses were jointly from joint secure tenants. This represents a 6.25% response rate.
- 9.13 Many of the responses received referred to concerns other than the actual proposal to redevelop the estate but to the process of redevelopment. However it is possible to categorise the responses as follows:
- In favour of the redevelopment: 2
 - Opposed to the redevelopment: 1
 - Neutral to the redevelopment: 16
- 9.14 The comments made by the two respondents in favour of the development were fairly general, "the proposal....seems fair and complete" and "In principle I agree wholeheartedly". The comment made by the one respondent who was opposed to the proposals was more specific as the tenant, while agreeing with the demolition of Lethbridge Close felt that the older Heathside blocks could be retained.

- 9.15 Of the responses classified as neutral to the development, 5 returned forms were either blank or marked “no comment”, 2 asked questions about retained “right to buy”, 5 expressed concern about the block in which they lived not being in the first phase of development, 3 made comments about re-housing options and one asked a number of questions about the construction process.
- 9.16 As there has been considerable previous consultation about the development and the majority of secure tenants have had personal visits from officers it can be reasonably assumed that there is a general consensus in favour of the proposals.
- 9.17 A letter is to go out to each tenant that responded answering their specific point. In addition a FAQs sheet is planned to go out to all households on the estate to notify residents of the questions and answers the consultation generated.
- 9.18 The section 105 consultation is in addition to a programme of consultation undertaken around the phasing plan:

December 2007	Information to steering group Information taken to design group Estate wide newsletter Estate wide surgery
January 2008	Weekly surgeries

Specific contact has also been made with temp stay tenants in Phase 1 and with non-resident leaseholders.

10. Legal Implications

Repurchase of properties

- 10.1 The Council has power under the Housing Act 1985 to acquire land for the provision of housing accommodation. This power is available even where the land is acquired for onward sale to another person who intends to develop it for housing purposes. The 1985 Act also empowers local authorities to acquire land compulsory (subject to authorisation from the Secretary of State) but only where this is in order to achieve a qualitative or quantitative housing gain.

Decanting of Secure Tenants

- 10.2 Section 84 of the 1985 Act provides that the Court shall not make a possession order of a property let on a secure tenancy other than on one of the grounds set out in Schedule 2 to the Act, the relevant ground in this case being ground 10.
- 10.3 Ground 10 applies where the local authority intends to demolish the dwelling house or to carry out work on the land and cannot reasonably do so without obtaining possession. The demolition works must be carried out within a reasonable time of obtaining possession.

- 10.4 Where the Council obtains possession against a secure tenant it is required to provide suitable alternative accommodation to the tenant. This is defined in the 1985 Act and requires consideration of the nature of the accommodation, distance from the tenants' family's places of work and schools, distance from other dependant members of the family, the needs of the tenant and family and the terms on which the accommodation is available.
- 10.5 There is a more limited statutory re-housing liability for homeowners whose properties are re-acquired by the Council under CPO or shadow of CPO powers. The duty imposed by Section 39 of the Land Compensation Act 1973 is to secure that any person displaced from residential accommodation is provided with suitable alternative accommodation where this is not otherwise available on reasonable terms.
- 10.6 However, in order to facilitate early possession of properties which have been sold under the Right to Buy it is recommended that the Council should follow the same decanting and re-housing policies for displaced owner occupiers as those to be followed for displaced tenants.
- 10.7 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of Housing development. The section specifies that a matter of Housing Management would include demolition of dwelling houses let by the authority and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. The section further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the development proposals in question.

Service of Initial Demolition Notices and Final Demolition Notices

- 10.8 The Housing Act 2004 introduced a new statutory procedure for the service of Initial and Final Demolition Notices by authorities. Broadly, the effect of the service of Initial Demolition Notices on secure tenants is to suspend the requirement for the Council to complete right to buy applications for as long as the notice remains in force. The Initial Demolition Notice is required to contain certain prescribed information including a statement that the landlord intends to demolish the property, the reasons for this and the period within which the demolition will take place, which must be a reasonable period expiring not more than 5 years after the date of service of the Notice on the tenant. For this reason, it is only possible at the current time to serve Notices on tenants in Phases 1, 2 and 3 where it is envisaged by the Council that the blocks will be demolished in the next 5 years. Separate approval will be obtained from Mayor and Cabinet at the appropriate time to serve Initial Demolition Notices on secure tenants in later phases. The Notice does not prevent tenants from making right to buy applications. However, the effect of the notice is that the Council is not required to complete any right to buy applications within the period specified in the Notice. In the event that the Notice expires before the demolition has taken place, the consent of the Secretary of State would be required to serve a further Initial Demolition

Notice. Tenants with existing right to buy claims at the time the Initial Demolition Notices are served are entitled to claim compensation for legal and other fees, costs and expenses (e.g. survey fees) incurred prior to the Initial Demolition Notices coming into force.

- 10.9 Once the proposed demolition date is actually known, the Council can then serve a Final Demolition Notice which renders all existing right to buy applications ineffective and prevents any further right to buy applications being made. Again, compensation will be payable to Tenants with existing right to buy claims at the time the Final Demolition Notices are served.

11 Financial Implications

Scheme funding arrangements

- 11.1 A key principle of the re-development is that the Council's costs are met within the scheme. However, in order to kick-start the process, the Council has been required to forward fund elements of the scheme for a number of years before the funds are reimbursed by Family Mosaic. It is agreed with Family Mosaic that re-payments to the Council will take place at the start on site of each phase at the point of the sale of the land.
- 11.2 This means that the capital budget is required to forward fund elements of the scheme for a number of years before the funds are reimbursed by Family Mosaic. It has been agreed with Family Mosaic that re-payments to the Council will take place at the start on site of each phase at the point of the sale of the land.
- 11.3 It should be understood at this stage however, that the business plan and master plan are working documents and are currently indicative. Now that Countryside are on board, detailed financial discussions are taking place.

Leaseholder buybacks to date

- 11.4 The Council spent £1.8m on buying back 12 leaseholders across the estate throughout 2006/7. A full breakdown was given in the report that went to Mayor and Cabinet on 22nd February 2006.
- 11.5 £3.2m was allocated from the 2007/08 Housing Capital budgets (part of the Councils Capital Programme) to progress buybacks on Heathside and Lethbridge for leaseholders across the estate who had already expressed an interest in moving away and making their own re-housing arrangements. Twelve leaseholders have been bought back this current year to date and a further five expected to complete before the end of March 2005 as below. Sufficient funding for a further buyback is expected to be unspent in 2007/08 but is set aside to allow another buyback (where negotiations are already underway) and associated scheme costs to be met.

Remaining leaseholder buybacks expected to complete in 2007/08
16 Braid House
8 Lethbridge
14 Lethbridge

19 Holcroft
48 Ferguson

11.6 As phasing information for the scheme became clearer, during the latter part of the year officers were able target properties that were likely to be in Phase one of the re-development. To date 2 leaseholders from Braid have been bought back by the Council and as above, a further 3 from Braid House and 1 – 28 Lethbridge are in the process, with the aim of completing before the end of the current financial year.

Obtaining vacant possession: Phase One

11.7 The overall cost to the Council in obtaining vacant possession of Braid House and 1 – 28 Lethbridge Close and associated costs for moving the project forward through out 2008-09 is estimated at £3.7m made up as follows:

Item	2008/09
Leaseholder buy backs (14)	£2,700,399
Demolition notice compensation	£8,000
Demolition (52 units & community building)	£550,128
Site Security (52 properties)	£54,080
Homeloss & Disturbance	£132,000
CPO	£42,640
Business Compensation	£50,000
Staff	£143,000
Total	£3,680, 248

11.8 Due to leaseholder buybacks that have already taken place, there are 14 leaseholders to buyback throughout 2008/09 at an estimated cost of £2.5m. The Council will have to bear reasonable legal and surveyor's fees incurred by leaseholders. In addition, the residents will be entitled to home loss and disturbance payments. These figures are included in the above table.

11.9 In order to provide vacant possession a further allocation of approx £132,000 will be required from the Council's 2008/09 Capital programme to pay Homeloss and disturbance to the tenants. Should it appear likely that additional funding will be required in 2008/09 authority to bring forward spend into the current year will be sought at the appropriate time.

11.10 Serving of the Initial Notice of Demolition will suspend any current or further Right to Buy application from proceeding to completion. The 8 current live Right to Buy applicants may be entitled to seek compensation in respect of expenditure incurred as a result of existing claims. This would be made up of legal and other fees, costs and expenses (e.g. survey fees) incurred prior to the Initial Demolition Notices coming into force. It is estimated that this would be a maximum of £1,000 per property, £8,000 in total.

11.11 Delays in securing vacant possession of the properties affected could potentially delay the construction programme and could lead to increased costs or even put the scheme at risk. This could in turn result in the Council

finding itself still owning a large number of residential blocks in need of refurbishment with no financial provision to carry it out.

11.12 Further financial implications are set out in part two of this report

12 Human Rights Act 1998 Implications

12.1 The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. The rights that are of most relevance to local authorities are summarised in Appendix 4 to this report.

12.2 The rights that are of particular significance to Members' decision in this matter are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions).

12.3 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.

12.4 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.

12.5 Therefore, in reaching their decision, Members need to consider the extent to which the decision may impact upon the Human Rights of estate residents and to balance these against the overall benefits to the community which the redevelopment of Heathside and Lethbridge will bring. Members will wish to be satisfied that interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

12.6 It is relevant to the consideration of this issue, that should the scheme proceed most displaced occupiers would be offered re-housing in accordance with the Council's re-housing policy. In addition, owners will be entitled to receive market value for their properties as well as (for owners who have been resident for 1 year or more) home loss payments and reimbursement of professional fees and removal expenses.

13. Environmental Implications

The new homes to be built by Family Mosaic / Countryside will be more thermally efficient than the existing ones and hence, apart from being cheaper to heat, will generate less greenhouse gases.

14 Implications for Law & Disorder

The Family Mosaic / Countryside redevelopment is planned to meet the police's Secured by Design standards and should lead to a reduction in crime and the fear of crime.

15. Equality Implications

15.1 There are equalities implications in the decanting and re-building process and there will also be benefits in the completed scheme.

15.2 Equalities implications: during the process

- During the door knocking, Council and Family Mosaic staff are beginning to build up a database of households that have English as a second language so that key information can be translated.
- The decanting process provides a very individual service, where decant officers visit tenants at home and get to know them and their needs on an individual basis, so that any special requirements can be taken into account such as language, mobility, support needs. It is recognised that decanting is a very stressful time and decant officers will offer as much support as required to minimise the anxiety to residents.
- It is known that there is a large Turkish population on the estate. Lewisham Homes pay for a Turkish translator to attend TRA meetings so Turkish residents are kept directly informed of what's going on with the scheme.

15.3 Equalities implications: the completed development

- The scheme will provide thermal and security improvements, with all new properties meeting the decent homes standard. This will be of benefit to the tenants of the new social housing, many of whom are likely to be disadvantaged.
- All new affordable units in the development will meet lifetime homes standards. A Lifetime Home is the incorporation of 16 design features that together create a flexible blueprint for accessible and adaptable housing in any setting so that the unit can be adapted when required to suit residents changing needs.
- In line with GLA and Council policy, 10% of units across the development will be wheelchair accessible or easily adapted for those using a wheelchair.
- The topography of the site is challenging. The architects are designing the master plan to alleviate problems associated with access, particularly for the elderly and wheelchair users. Issues being taken into account are using ramps instead of steps and altering the land gradient where possible.
 - All new blocks will have lifts serving smaller cores/ units so will get less use and have a longer life expectancy.

16. Conclusion

- 16.1 The decanting of residents in Phase 1 is the start of a critical process in the re-development of Heathside and Lethbridge. For the programme to proceed to schedule and to avoid the Council incurring costs from any delay it is considered prudent that the Council begins the decant of the properties as soon as possible and serves Notices of Seeking of Possession on secure tenants as a preliminary step to seeking possession orders where necessary.
- 16.2 The step of serving demolition notices offers the scheme some financial protection as it will halt the number of RTB's and consequent leaseholder buy backs the scheme will have to support.

17. Background papers

Title Document	Date	Location
The re-development of Heathside and Lethbridge – selection of preferred development partner	Mayor and Cabinet June 2007	5th Floor Laurence House
The next four regeneration scheme update	Mayor and Cabinet 9 th June 2004	5th Floor Laurence House
Housing Investment Strategy: The way forward and The Housing Investment Strategy: Covering Report	Mayor and Cabinet 17 th September 2003	5th Floor Laurence House
The next four regeneration scheme	Mayor and Cabinet 25 th June 2003	5 th Floor, Laurence House

For more information on this report please contact Janet Sutherland, Strategic Housing & Regulatory Services – on 020 8314 6057.

Appendix 1 Schedule of the properties affected and current phasing plan

SUMMARY TIMETABLE FOR DECANTING (Current estimate as at December 2007 and subject to alteration)

DECANTING PHASE	BLOCKS	MOVING DATES	MOVING TO
1	Braid House 1-28 Lethbridge Close	Between Spring 2008 and Spring 2009	Off Estate
2	Doleman House Holcroft House Landale Court Vardon House Travis House Ferguson House	Between 2009 and 2011	Phase 1 and Phase 1A construction Phase 2 construction
3	Melville House 29-56 Lethbridge Close	Between 2012 and 2014	Phase 2 & 3 construction
4	57-106 Lethbridge Close 107-134 Lethbridge Close 135-162 Lethbridge Close	Between 2013 and 2014	Phase 3 construction
5	163-190 Lethbridge Close 191-218 Lethbridge Close 219-242 Lethbridge Close	Between 2014 and 2015	Phase 4 construction

Appendix 2 Existing community facilities

Facility	Community Centre	Community Hall	Housing Office	Health Centre	Re-provision issues
Address	57-58 Lethbridge Close	Blackheath Hill (Washhouse)	1 Vardon House	Near Landale Court	
Use	<ul style="list-style-type: none"> ➤ Hall, office and kitchen. available for hire by residents ➤ Neighbourhood management office (57) ➤ Luncheon Club ➤ Youth club (Meridian) ➤ Meetings e.g. TRA, H/L Forum, ➤ Youth Forum ➤ Reminiscence Group 	<ul style="list-style-type: none"> ➤ Hall, office and small kitchen. available for hire by residents ➤ Nursery (Sommerville) ➤ Youth Service x2 (Washhouse) ➤ Youth project (music/ life skills) ➤ Dance group ➤ Faith group x2 ➤ Faith group (counselling) 	<ul style="list-style-type: none"> ➤ Now closed. ➤ Maybe used as base for decant officers & open to residents on a weekly basis for surgeries with Lewisham Homes & Family Mosaic. 	Services which used to be provided <ul style="list-style-type: none"> ➤ Health visitor ➤ District nursing team ➤ Baby clinic 	<ul style="list-style-type: none"> ➤ Flexible multi use space likely re-provision ➤ Tenure integrated management service to be provided with on site office ➤ Comprehensive play strategy to be undertaken ➤ Consultation with residents and groups ongoing ➤ PCT likely to share space in new facility
			Melville House	External Amenities	
			<ul style="list-style-type: none"> ➤ LBL Early Years to use for community services (e.g. employment centre) from end January 2008. 	<ul style="list-style-type: none"> ➤ 2x multi sports pitches (Lethbridge Close & Melville House) ➤ Children's Play Area 	

NB: Groups in bold are all the service providers on the estate and are part of consultation process with LBL and Family Mosaic.

Appendix 3 Summary of human rights most relevant to local authorities

Article 2 - The right to life

Article 3 - The right not to be subjected to torture or to inhuman or degrading treatment or punishment

Article 5 - The right to liberty and security

Article 6 - The right to a fair trial

Article 8 - The right to respect for private and family life, the home and correspondence

Article 9 - The right to freedom of thought, conscience and religion

Article 10 - The right to freedom of expression

Article 11 - The right to freedom of peaceful assembly and to freedom of association with others

Article 14 - The right to freedom from discrimination on any ground such as sex, race, colour, language, religion, or political opinion

Article 1 of Protocol 1 - The right for every person to be entitled to the peaceful enjoyment of their possessions

Article 2 of Protocol 1 - The right to education