

<b>CABINET</b>	<b>DATE</b> 18 November 2020	<b>ITEM NO</b> 7
<b>TITLE</b> Troy Court Section 105 Consultation outcome	<b>WARD (S)</b> All	
<b>CHIEF OFFICER</b> Director of Housing and Safer Communities	<b>CABINET MEMBER</b> Housing	
<b>DECISION CLASSIFICATION</b> -Key -Non-Exempt	<b>FINAL DECISION</b> To be made at this meeting on the recommendation in this report.	

## 1. **Decision required**

This report makes the following recommendations to the decision-maker:

- 1.1 Note the outcome of the consultation carried out under Section 105 of the Housing Act 1985 with the Secure Tenants of Troy Court between 1<sup>st</sup> September and 28<sup>th</sup> September.
- 1.2 Agree to the demolition of Troy Court as part of the Woolwich Leisure Centre Scheme
- 1.3 Agree to decant tenants and cease letting properties at Troy Court with immediate effect
- 1.4 Agree that an Initial Demolition Notice and Final Demolition Notice be served at the appropriate time
- 1.5 Agree that an application is made to the Secretary of State to approve a redevelopment Scheme further to Schedule 2 Part V, Housing Act 1985
- 1.6 Agree that each tenant of the block will be offered:
  - a) A home loss payment of £6,500, or prevailing rates and any appropriate disturbance payment. This budget will be found in the Housing Revenue Account
  - b) A dedicated team to help with the tenant's move.
  - c) A "Band A" priority for decant on the Choice Based Lettings system.
  - d) An ability to bid on studio or 1-bedroom properties
  - e) Up to 12 months from December 2020 to move from Troy Court before any escalated legal action is taken to gain possession of the tenant's property
  - f) A guaranteed "right to return" to a new property on the site of the Woolwich Leisure Centre Scheme if council-owned Social Housing is developed there provided the requirements of the allocations policy are met.

- g) “Advanced” support as set out in section 4.7 of this report, given the feedback received during the consultation and subject to government advice on COVID- 19.
- 1.7 Agree that authority be delegated to the Director for Regeneration Enterprise and Skills in consultation with the Director of Housing and Safer Communities to dispose of land within the WLC Scheme site to a residential provider selected by the Council pursuant to a competition conducted in accordance with the London Development Panel 2 framework agreement.
- 2. Purpose of Report and Executive Summary**
- 2.1 This report describes the outcome of the Section 105 consultation that took place with residents of Troy Court and sets out options for the way forward
- 2.2 Under Section 105 of the Housing Act 1985, Councils have a legal obligation to consult their secure tenants on matters of housing management. This includes changes to the management, maintenance, improvement or demolition of houses let by them.
- 2.3 Although tenants expressed support or not for the proposals during the consultation period, the S105 is not a “vote” but seeks feedback on how tenants feel these changes would affect them. From the feedback the Council may decide the way forward which can include choosing to change proposals or offering additional packages or support for tenants.
- 3. Introduction and Background**
- 3.1 As part of the Woolwich Regeneration scheme that is being implemented by the Royal Borough of Greenwich the Woolwich Leisure Centre (WLC) Scheme is to be developed on site within Woolwich Town Centre to provide new a new leisure centre, a refurbishment of the Tramshed Theatre and residential accommodation comprising properties for sale and as Affordable Housing. The details of the WLC Scheme have been provided to Cabinet in earlier reports, most recently for the January 2020 Cabinet, including the extent and composition of the WLC Scheme site.
- 3.2 The January 2019 Cabinet approve the inclusion of “third party land” – including Troy Court - within the WLC Scheme in order to allow the potential for comprehensive development across the site. Accordingly, the plans being brought forward for the WLC Scheme include for the demolition and redevelopment of Troy Court. Troy Court is an “over 50s” block consisting of 24 bedsits, one of which is currently vacant.

- 3.3 The tenants of Troy Court are Secure Tenants who the Council has a legal obligation under section 105 Housing Act 1985 to consult with on matters of housing management. This includes changes to the management, maintenance, improvement or demolition of houses let by them.
- 3.4 In accordance with the approvals given in response to the Lead Member report of March 2020, a Section 105 consultation was conducted between 1 September 2020 and 28 September 2020.

#### 4. **Consultation Process and Outcome**

- 4.1 The consultation process consisted of a letter being hand delivered to every resident in the block to start the process with a set of expected Frequently Asked Question responses. The letter stated that the local Housing Team would make telephone contact with all residents (due to the Covid-19 pandemic) to gain their feedback, but also offered face to face appointments in the Woolwich Centre, or residents being able to write or email their responses back to the Housing Team. Notices of Public Consultation were also posted within the block. (This can be seen at Appendix 1).
- 4.2 As part of the consultation, 22 out of the current 23 tenants did engage with the Housing Team and were asked for feedback regarding the proposed WLC Scheme and the demolition of Troy Court.
- 4.3 As can be seen from the consultation documents in Appendix 1, the consultation set out proposals for the WLC Scheme and sought tenants' feedback. The consultation specifically did not ask tenants if they agreed or disagreed with the proposals. Throughout conversation with tenants however it was captured whether residents were generally supportive of the proposals or were opposed. 57% of residents said that they were generally supportive of the approach and understood the reasonings for it.
- 4.4 Generally for those who were supportive of the proposals, they understood the need for redevelopment of the area and the need to include Troy Court but had concerns over where they would move to, how medical requirements would be met in respect of any new property (such as ground floor), help with moving to a new property and the "right to return" if properties are available.
- 4.5 In general, for those who were not supportive of the proposals the two key issues were the fact of moving older people who were settled, and key

concerns over the timing of the moves in relation to the Covid-19 pandemic and associated risks.

#### Petition

- 4.6 During the consultation, a petition was sent to Jamie Carswell, Director of Housing and Safer Communities; this was received on 14 September 2020. The petition was signed by 15 of the 23 residents. However, on further discussion during the consultation exercise, some residents said they had not understood what they were signing. Accordingly, given, for example, the telephone calls carried-out officers have concluded that the majority of tenants (57%) were generally supportive of the approach. This is correctly representative of the consultation result rather than the petition.
- 4.7 The petition mainly focusses on the concern over these proposals being brought forward during the Covid-19 pandemic with the following points being raised:
- 1. In order to make the choice of the new accommodation one must use public transport which is not recommended for people of a certain age (vulnerable).*
  - 2. The self-isolation will be bridged because there is a need to deal with other people while organising the rehousing*
  - 3. The Government regulation for health and safety suggests that the viewing of the new property must be done online-virtually. However, many of the occupants do not have computers and cannot use this option*
  - 4. Rehousing or moving house is involving a lot of heavy labour which after a certain age is just impossible. In case you provide people to do the moving of heavy household objects there will be a risk from the contact with these people*
  - 5. It is acknowledged that rehousing or moving house is a very stressful process and the stress and anxiety are the main factors for lowering the strength of the immune system.*
- 4.8 Government advice, regulation and legislation is currently changing on a monthly/weekly basis regarding the current Covid-19 pandemic. The safety of our residents is a priority for the Royal Borough of Greenwich, so to address these issues a range of measures are proposed that could be deployed as required.
- a) Paying for taxis for residents to travel to viewings so they do not need to use public transport.

- b) Providing tablets as required so residents are able to do “online” viewing of properties if requested.
- c) Ensuring an advanced level of PPE and cleaning for any removals carried out by RBG, including investment in a thorough professional cleaning of the new property after removals have happened but before the resident moves in.
- d) An offer of up to two nights of temporary hotel accommodation to any tenant concerned over the contracting of Covid-19 during the removal process.
- e) Any other suggestion recommended by staff members or residents to mitigate the risk of contracting Covid-19, which will be signed off by a Chief Officer in Housing and Safer Communities or Regeneration and Enterprise Directorates.

## 5. Next Steps

- 5.1 If a decision is made consistent with the recommendations at 1.1 to 1.7 the following further actions are required to ensure that the other decisions can be implemented:

**Secretary of State’s Approval:** The Council’s aim is that all the tenants will be rehoused voluntarily in accordance with the Council's rehousing policy. However, in the event that that does not happen the Council needs to be in a position to recover possession by formal action. This involves the service of a Notice Seeking Possession (NOSP) under Ground 10A of Schedule 2 Housing Act 1985. The Council can only serve a NOSP under Ground 10A if the accommodation is within an area which is subject to a development scheme approved by the Secretary of State . The process for seeking and obtaining the approval of the Secretary of State to a development scheme is set out in Part V of Schedule 2 of the Housing Act 1985.

**Initial Demolition Notice and Final Demolition Notice :** The Council must in due course serve an Initial Demolition Notice and Final Demolition Notice . An Initial Demolition Notice suspends the Council's obligations to complete a right-to-buy sale. It does not prevent new right-to-buy applications being made but it provides a breathing space in which the Council can properly develop schemes and, where necessary, follow the statutory compulsory purchase procedure. The Council can continue with the steps of the right to buy process, but the sale cannot be completed. If an Initial Demolition Notice is served, a tenant who has made an application under the right to buy procedure may be entitled to

compensation in relation to expenses incurred in relation to an existing application. The Final Demolition Notice suspends the Right to Buy.

## 6.0 **Available Options**

6.1 The decision maker has the option to either:

- a) Agree decisions 1.1 to 1.7 above.
- b) Not agree decisions 1.1 to 1.7 above.

## 7. **Preferred Option**

7.1 Agree decisions 1.1 to 1.7.

## 8. **Reasons for Recommendations**

8.1 A Section 105 consultation does not ask tenants to “vote” on whether they agree with the proposals or not. The consultation is designed to gather feedback on the impact of the proposals to tenants and look at whether changes may be required if the decision is agreed.

8.2 To decide not to adopt the recommendations of this report will impact seriously the delivery of the VLC Scheme, including the new leisure centre. The inclusion of third-party land, including Troy Court, which Cabinet approved in January 2019, will permit a comprehensive development of the area. Specifically, in the case of the site of Troy Court, this is to facilitate the development of the residential element of the scheme which is critical to the funding the new leisure centre.

## 9. **Consultation**

9.1 This document contains the outcome of the consultation that took place.

## 10. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
<p><b>Legal</b> including Human Rights Act</p>	<p><b>Consultation and Secretary of State Approval</b></p> <p>The Council has carried out consultation with the Secure Tenants of Troy Court as required by section 105 Housing Act 1985. Details of the process and the feedback received is set out at paragraph 3 of the report. The Council is obliged to have regard to feedback/ representations made in making its decisions. Once a decision is made taking account of the representations implementation will result in the demolition of Troy Court. In order to ensure that the scheme proceeds the Council will need to be satisfied that it is able to recover possession from Secure Tenants who it has not been able to rehouse voluntarily in line with the policy the Council has adopted for rehousing tenants who will be displaced from Troy Court. To do so the Council must serve a Notice of Seeking Possession under Ground 10A of Schedule 2 of the Housing Act 1985. The requirements of Ground 10A are set out in paragraph 5.1 of the report. In order to serve a Notice of Seeking Possession the Council must first secure approval of the Secretary of State to the demolition and redevelopment of the area. Prior to seeking Secretary of State Approval, the Council must serve Notice on the Secure Tenants of Troy Court which sets out</p> <ul style="list-style-type: none"> <li>- the features of the proposed scheme</li> <li>- that the Council intends to apply to the Secretary of State for approval of the scheme</li> </ul>	<p>Azuka Onuorah Head of Legal Services 27<sup>th</sup> October 2020</p>

- the effect of approval of the scheme i.e that the Council will be entitled to possession provided it can demonstrate that suitable alternative accommodation is available and
- that the tenants have had at least 28 days to make representations about the Councils proposals to seek approval from the Secretary of State.

The Secretary of State will not consider a request for Approval unless satisfied that this process has been complied with.

**Initial and Final Demolition Notices**

The Housing Act 2004 introduced Initial and Final Demolition Notices to assist councils in relation to the management of regeneration and development programmes and prevent use of the Right to Buy applications as a means of delaying or frustrating development. The Initial Demolition Notice suspends the Council's obligations to complete a Right to Buy sale subject to the payment of compensation to the tenant for the cost of submitting an application. A Final Demolition Notice follows an Initial Notice and means that the Right to Buy is suspended in the affected area. Such a notice is valid for 2 years and may be extended by the Secretary of State. The timing of the Initial and Final Demolition Notice is a matter for the Council to determine.

**Delegation of Authority**

Section 101 of the Local Government Act 1972 provides that the Council may delegate its powers (except those incapable of delegation) to a committee or an officer. The Council may therefore

	make the delegation at paragraph 1.7	
<b>Finance</b> and other resources including procurement implications	<p>This report makes the following recommendations to the decision maker:</p> <p>To agree to decant and cease letting of properties at Troy Court, an over 50s block in Woolwich.</p> <p>Also, to agree that residents of the block will be offered a home loss payment of £6,500, or prevailing rate in accordance with the Land Compensation Act (1973), and any appropriate disturbance payment. These costs arise from the residents' secure tenancy status and will be met from within the HRA, with a forecast cost of up to £230,000.</p> <p>Other costs such as paying for taxis, tablets and PPE will be funded from revenue income generated from the premises within the footprint of the Woolwich Leisure Centre scheme.</p> <p>A 12 month timescale is given for residents to move from Troy Court. The decant programme may give rise to additional temporary holding costs such as security, utilities and council tax. The decant programme will therefore be monitored and managed alongside the regeneration project.</p> <p>Loss of rental income from the properties will be absorbed within the forecast revenue position for the HRA.</p> <p>The report refers to the right to return if Social Housing is developed on site. Delivery of Local Authority units is subject to on-going procurement exercise, the financial implications for which will be set out in a future report</p>	<p>Akosua Boachie &amp; Michael Horbatchewskyj</p> <p>Accountancy Business Change Manager</p> <p>16<sup>th</sup> October 2020</p>

	<p>to Cabinet as part of the wider Woolwich Leisure Centre regeneration project.</p> <p>This future report will also address appropriation, taxation and vacant property matters linked to the Troy Court site.</p> <p>This is a key decision.</p>	
<b>Directorate of Regeneration, Enterprise and Skills</b>	<p>The s105 consultation reported on here, along with the next steps proposed, are important for the realisation of the WLC Scheme, including the delivery of the new leisure centre itself. The actions taken and those proposed are consistent with the authorities delivered by Cabinet in January 2019 and January 2020, and the Lead Member report of 2020. The earlier reports to Cabinet set-out the reasons for including Troy Court in the scheme.</p>	
<b>Equalities</b>	<p>An EQIA has been completed and used to help shape the recommendation of this report.</p> <p>The average age of residents is 69, however 11 residents are aged over 70 with four over 80 years of age.</p> <p>The report documents the approach we will take regarding sensitivity around vulnerability and specifically Covid-19.</p>	
<b>Risk management</b>		

11. **Report Appendices**

11.1 Appendix I – Troy Court Consultation Documents

12. **Background Papers**

12.1 None

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