

15th October 2012



**DRAFT ALLOCATION POLICY FOR PHASE 2
SOUTH KILBURN**

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1. Introduction

This document covers the decanting of secure tenants on the South Kilburn estate. This document sets out good practice and rights that tenants can expect to be delivered.

2. Definition of a Decant

The definition of a **decanting tenant** is defined as one who is eligible for home loss and disturbance payments because the **Council requires them to move** from their property in order for the Council to redevelop South Kilburn. The tenant could be moved to the designated new build sites, move permanently either within South Kilburn or elsewhere and those who move temporarily will have a 'right to return' to a designated new build sites within South Kilburn (**double decants**).

3. HOMES AFFECTED

1. Masefield House
2. Wordsworth House
3. Gloucester House
4. Durham Court
5. Peel Precinct
6. Carlton House (numbers 113-136 and 97-112)

4. Mandatory moves

The Council will apply the mandatory process in order to move tenants
The Council will make use of ground 10A of the Housing Act 1985.

Grounds 10A

Under Ground 10A and Part V of Schedule 2 to the Housing Act 1985, the Council may (1) serve consultation notices on the secure tenants explaining the proposed scheme (i.e. redevelopment, disposal) for the land of which the premises forms part (allowing 28 days to consider representations from tenants) and considering and dealing with any objections raised, (2) apply to the Secretary of State for approval of the scheme (for the purposes of Ground 10A) and (3) serve notices of seeking possession on all affected residents making offers of suitable alternative accommodation – and (4) apply to the Court for repossession of the premises if tenants fail to accept the “suitable alternative” property. The prescribed procedure for applying to the Secretary of State for approval is set out in Part V of Schedule 2 of the Housing Act 1985.

5. Options for Re-housing

All households living in the homes affected listed above of the South Kilburn proposed redevelopment program will be offered one “suitable alternative” property.

The South Kilburn development sites are:-

1. Cambridge Court
2. Ely Court
3. Wells Court
4. Bond House
5. Hicks Bolton House

Phase 1b of the South Kilburn Regeneration Programme will deliver 208 new homes of which 107 new homes are affordable. The remainder of the units will be a mix of outright sale and shared ownerships units which will be sold within five years.

6. PRIORITY BLOCKS

Priority for the first lettings of the new South Kilburn Homes will be ring-fenced to existing tenants living in the following blocks listed below:-

1. Masefield House
2. Wordsworth House
3. Gloucester House
4. Durham Court
5. Peel Precinct
6. Carlton House (numbers 113-136 and 97-112)

7. HOUSING NEEDS ASSESSMENT

The allocation process will be made on the basis of housing need with priority in relation to choice of the different blocks being determined by length of tenancy.

All eligible tenants will be required to fill out the transfer form so that they are entered on the Locata bidding systems. This system will be used as an audit trail to ensure that a clear record is kept of those requiring rehousing. All offers will be logged through this mechanism.

The size and type of property offered will depend on household composition.

BASIC FRAMEWORK FOR ASSESSMENT

▪ Single person	1 bedroom
▪ Couple	1 bedroom
▪ 2 adults not living together as a couple	2 bedroom
▪ 1 or 2 adults + 1 child	2 bedroom
▪ 1 or 2 adults + 2 children	2 bedroom/3 bedroom
▪ 1 or 2 adults + 3 children	3 bedroom
▪ 1 or 2 adults + 4 children	3 bedroom/4 bedroom
▪ 1 or 2 adults + 5 children or more	4 bedroom/5 bedroom

Children

- Children under the age of 18 will be expected to share with siblings of the same sex, unless there is a five year difference between them- in which case they will be allocated a separate bedroom.
- Children of different sex will be expected to share a bedroom up to the age of 7. Where children of different sexes are above 7 years of age, they will then be allocated separate bedrooms.

9. NEEDS PLUS

This will be targeted to tenants living in 3 bed+ accommodation for example a single person living in a 3 bedroom accommodation, will be offered a two bedroom property. The offer converts to current need plus an additional bedroom (Needs Plus) as an incentive for the loss of a larger accommodation. Tenants currently living in a two bedroom who only qualify for a one bedroom property will not be offered the same size accommodation unless there are medical reasons to allocate a larger size. Those who move from a family size accommodation to a smaller home will not be eligible for the current housing incentive scheme which offers £4,000 to those moving to a one bedroom – as they will be eligible for the statutory homelessness payment – currently £4700.

9. CHANGE IN CIRCUMSTANCES

Once an assessment of the housing needs are carried out, this information will be included in the detail planning of the allocation of properties available in the new development sites at South Kilburn. The Council will require all changes of circumstances to be documented by filling in the change of circumstances form and forward all relevant confirmatory documentation. The Council reserves the right to refuse to accept any changes to the family composition which may require us to provide larger accommodation to that which we had been previously agreed. However such consideration would only be considered in exceptional circumstances.

10. REHOUSING PROCESS

The rationale of the South Kilburn Regeneration programme is to contain the decanting programme within South Kilburn. If it is necessary, Brent will seek alternative opportunities to re-house those tenants who wish to move elsewhere within the Borough but no guarantees can be given that accommodation matching tenants' needs can be found within an appropriate timescale.

The Council will be reliant upon our partners to source alternative accommodation for those who wish to move outside of South Kilburn or Brent. In this regard, our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn Regeneration programme. The Council will not be able to guarantee any move that is **not** within the area of development, as we will be wholly dependent on our partners or opportunities given by other Boroughs.

Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Tenants who may wish to move to the private sector will also be assisted and given a relocation incentive which is likely to be equivalent to the full value of the home loss and disturbance payment. These tenants will be required to sign a declaration form giving an undertaking not to approach the Council for Housing in the future and will be removed from the Council's Housing register.

11. DOUBLE DECANTING PROCEDURE

Those tenants living within the phase one development area, whose only option is to be temporarily rehoused (either within or outside South Kilburn) will be given the option to return to a new property within South Kilburn. They will be targeted for a new home in

one of the later phases of the development programme. This is termed as “double decanting”. Where a tenant occupies a temporary property in excess of twelve months then they will be entitled to another set of home loss payment once they move to their new home within the development.

Some improvements works may be carried out to temporary accommodation, to assist tenants to settle in. In some cases some fixture and fittings may be offered as a gift, and in such cases the Council will not be liable to maintain or repair those items.

12. NUMBER OF OFFERS

- (a) One offer for the new homes that matches the needs of the tenant on South Kilburn **or**
- (b) One offer of an existing property which matches the tenants needs elsewhere **or**
- (c) A temporary move that matches the needs of the tenant within South Kilburn until a new property becomes available.

Definition of Reasonable

The offer policy is dependent on the test of reasonableness. The definition of reasonableness, for the purpose of South Kilburn regeneration, is that:-

- A) It is considered reasonable to make alternative offers within the estate that meets the housing need of the tenant and their household or
- B) It is considered reasonable to make alternative offers outside South Kilburn that meets the housing need of the tenant and their household.

Offers which do not fully meet the tenants needs (i.e. on medical grounds or the recommended household composition table) will **not** be deemed as a reasonable offer.

13. TENANTS CHOICE

Those tenants, who choose to move to a new home in South Kilburn, will be invited to select from a range of tenants choice items available such as kitchen and bathroom units, colours / tiling, and floor coverings. Each landlord will have a different range of choices for their specific developments.

14. SPLITTING HOUSEHOLDS

We could consider **households which are willing to be split** in return for ‘downtrading’ in size where there is a shortage of larger units. For example, a four or five bedroom household could be considered for a smaller unit if one adult member is rehoused separately. This would only be considered if it facilitates the availability of a family size unit for another household and if there are available units of the required size. Homeloss and disturbance payment would be paid to the existing tenant only.

15. COMPENSATION FOR DECANTING TENANTS

Secure Tenants moving from South Kilburn will be entitled to homeloss and disturbance payments in accordance with the Land Compensation Act 1973. Secure tenants who move out of their homes, provided that they have lived there for at least 12 months and

it is their only or principal home will be eligible for £4,700 home loss payment (or whatever is the approved rate at the time of implementation). Reasonable disturbance payments are also payable; however tenants who wish to claim for these items will be required to produce evidence of the costs incurred.

The following are examples of disturbance payments that we have a legal duty to meet:-

- Removal van to move furniture
- Redirection of mail
- Dismantling and re-assembly of residents owned furniture such as wardrobes
- Telephone disconnection and reconnection

Home loss payments will be processed after tenant moves to the new accommodation and within 28 working days of receipt of a claim form.

16. RENT ARREARS

Tenants with rent arrears will be expected to clear the full sum of monies owed to the Council. The Council will diligently pursue all rent arrears in line with its arrears procedure. Where the tenant is keeping to the terms of the court order, then the Council will off-set any remaining arrears against the compensation of £4,700.

Where the level of arrears exceeds the home loss payment of £4700, the Council reserves the right not to include the tenant in the new development.

17 LEASEHOLDER PROCESS

Leaseholder options will be made available for each phase. Either the new Landlord or the Council will seek to purchase all leasehold properties within the development phase and offer each leaseholder the following options:

- a) To buyout the leaseholder at market value with all applicable compensation.
- b) To buyout the leaseholder and they purchase back into the scheme

There may be other options available from each landlord which will be made clear for development site.

The Council will also use its Compulsory Purchase powers for each phase as part of the overall process.

18. APPEALS PROCEDURE

If a tenant appeals on the grounds that an offer of alternative accommodation made is unreasonable there will be a time limit of ten working days in order to lodge an appeal. Appeals should be made in the first instance by writing to:

South Kilburn Programme Manager
Community Resource Centre,
William Dunbar House,
Albert Road,
Kilburn,
NW6 5DE

The programme manager will respond within ten working days.

Tenants can also seek the advice from a Citizens Advice Bureau/ Law Centre Solicitor or the independent Resident and Tenants Advisor who can be contacted on Freephone

Grounds for appeals
Medical

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