

AA/MH/1

ENGAGEMENT WITH AND DECANT OF COUNCIL TENANTS

**TOWN AND COUNTRY PLANNING ACT 1990
ACQUISITION OF LAND ACT 1981**

**LONDON BOROUGH OF SUTTON
(ELM GROVE) COMPULSORY PURCHASE ORDER 2024**

APP/PCU/CPOP/P5870/3344739

ENGAGEMENT WITH AND DECANT OF COUNCIL TENANTS

PROOF OF EVIDENCE

OF

**MICHAEL HUNTE
LONDON BOROUGH OF SUTTON
ON BEHALF OF THE ACQUIRING AUTHORITY**

25 MARCH 2025

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1 INTRODUCTION

- 1.1 On 26 March 2024 the London Borough of Sutton ("**Council**") made the London Borough of Sutton (Elm Grove) Compulsory Purchase Order 2024 ("**Order**") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981.
- 1.2 The evidence of Mr Adam Tucker sets out the need and justification for the regeneration of the Elm Grove Estate and for the making of the Order.
- 1.3 I will provide evidence on the steps taken to engage with and assist Council tenants in support of the confirmation of the Order.

2 QUALIFICATIONS AND EXPERIENCE

- 2.1 My name is Michael Hunte. I hold a Bachelor of Arts with Honours Degree (BA Hons) in Design and Communication Studies from London Guildhall University (now London Metropolitan University) and a Masters of Arts Degree (MA) in Housing Studies from London Southbank University.
- 2.2 I am employed as a Housing Regeneration Manager at the London Borough of Sutton. I have been with the Council since 2017, where I was initially employed as a Housing Regeneration Programme Officer, before gaining promotion in 2019 to my current role. Before I joined the Council I was employed by the London Borough of Havering from 2016 - 2017, the London Borough of Croydon from 2013 - 2016, the London Borough of Haringey from 2011 - 2013, the London Borough of Lambeth from 2004 - 2011 and the London Borough of Hackney from 1998 - 2004. I have over 25 years' experience in managing social housing and regeneration projects in London, with responsibilities for working in collaboration with residents, key stakeholders and the local community, alongside a range of public sector and private sector partners.
- 2.3 I have been involved in the delivery of the Elm Grove Estate Regeneration programme since 2017, where I have managed the consultation and engagement process with residents and stakeholders. I also led on the appraisal of estate options and prepared the Landlord Offer to residents, whilst also facilitating the estate ballot process. I have also assisted in developing the scheme design and in the promotion of the planning application for the Order Scheme. I was part of the Council's project team that led on the procurement and selection of Lovell Partnership Limited as the Council's private sector development partner and in securing grant funding from the Greater London Authority ("GLA"). As the Housing Regeneration Manager for Elm Grove I have taken the project through the Council's governance and gateway processes including obtaining the necessary Council approvals needed to progress the scheme. This has included securing the Council's approval of the business case, capital budget, delivery strategy and strategy for assembling the Order Land. It has also involved managing the Compulsory Purchase Order process and facilitating the resident decant and acquisition programme.

3 **SCOPE OF EVIDENCE**

3.1 I provide evidence on behalf of the Council as the Housing Regeneration Manager for the Order Scheme. My evidence will address the following:

3.1.1 The Decant of Council Tenants, including:

- (a) A chronology of the engagement process with tenants (CPO Guidance, tier 1, paragraph 17 (**CDC.2**));
- (b) The extent to which the Council has provided information and engaged with tenants to assist with relocation (CPO Guidance, tier 1, paragraph 19 (**CDC.2**));
- (c) The steps the Council has taken to understand and mitigate the effects of the CPO on tenants and help those affected by the CPO (CPO Guidance tier 1, paragraphs 2 and 19 (**CDC.2**)); and
- (d) An update on rehousing tenants (CPO Guidance, tier 1, paragraphs 2 and 17 (**CDC.2**));

3.1.2 Conclusion; and

3.1.3 Declaration of truth.

4 THE DECANT OF COUNCIL TENANTS

- 4.1 The Council has been seeking to assemble the land required for the proposed redevelopment of Elm Grove Estate (“**Estate**”) by working with the tenants of the Estate to provide them with replacement homes to ensure their housing needs are met, so that all homes on the estate are vacated to facilitate its demolition. The Council has been successful in rehousing many of the tenant land interests set out in the Order Land, however is seeking to use its powers under section 226(1)(a) the 1990 Act because it considers that it may not be possible to reach agreement with all of its tenants within a reasonable timeframe to enable the redevelopment to proceed.
- 4.2 Engagement with the residents of the Estate has been undertaken for more than seven years, since 2017. Just prior to this, and to support the Council's aspirations for regeneration, the Council agreed that any vacant or acquired properties on the Estate would be used to temporarily house homeless families whilst they wait for permanent housing. The use of empty properties for this purpose has been extremely beneficial to the Council and the residents who have been placed in these homes. This has helped to reduce the financial pressures on the Council of having to place homeless families in bed and breakfast accommodation, by instead housing them temporarily on the Estate. As part of this strategy, all residents placed in temporary accommodation were informed about the plans for regeneration prior to their occupation and made aware of the prospect of having to move at short notice as the plans progressed.
- 4.3 The engagement process has been extensive and has involved numerous consultation exercises, comprising public meetings, exhibitions, workshops and individual conversations, to ensure residents were aware of the proposals for the estate and the rehousing implications for them. As the lead officer for delivering the resident engagement process, my team and I have played an important role in ensuring residents were informed and consulted on the plans for the estate, along with the implications and opportunities that the proposals would present.
- 4.4 The approach to engagement has been built on the Council's Statement of Intent (2017); to inform, consult and engage using the principles of inclusiveness, transparency, momentum and listening. It has utilised innovation and best practice guidance to reinforce the Council's commitment to providing residents with support and advocacy and to place them at the centre of its proposals. This has helped to build trust and to address shared priorities through a process that is resident-led and works to raise awareness and participation amongst those affected. This has strengthened relations with residents and their families or carers, by

creating an environment that facilitates meaningful consultation, the sharing of information and resident involvement.

- 4.5 The methods that have been used to support effective engagement with residents have included:
- 4.5.1 Face to face discussions, at Council premises or residents' homes, over the telephone or using virtually online platforms;
 - 4.5.2 Residents' Steering Group (RSG) meetings, public meetings, drop in sessions and surgeries;
 - 4.5.3 Co-design workshops and exhibitions (in person and through virtual events);
 - 4.5.4 Personalised letters, email correspondence and text messaging;
 - 4.5.5 Regeneration Newsletters and Frequently Asked Questions and Answers fact sheet;
 - 4.5.6 Estate walkabouts and site tours;
 - 4.5.7 Information through the Elm Grove webpage and microsites;
 - 4.5.8 Support through the Housing Regeneration Team, providing information, advice and assistance throughout the regeneration process;
 - 4.5.9 Additional rehousing support through Sutton Housing Partnership (SHP), Sutton Connect, Encompass and local ward councillors; and
 - 4.5.10 Support and advocacy through Public Participation Consultation and Research (PPCR) the Independent Residents Adviser, the Sutton Federation of Tenant and Resident Associations (SFTRA) and the Sutton Leaseholders Association (SLA).
- 4.6 Between June 2017 and March 2018, the Council with support from Community Architect Levitt Bernstein held a number of resident events to prepare the regeneration plans and proposals. These events also incorporated site tours, workshops, exhibitions and resident surveys, to review the design proposals and discuss what regeneration might mean for those affected. Reports of consultation sessions during this period are included as Core Documents **CDD.2, CDD.3, CDD.4, CDD.5** and **CDD.6**.
- 4.7 During February to June 2018, one to one meetings were held with residents to complete a Housing Needs and Preferences Survey to gather important information about their

rehousing requirements. Further engagement was also held between November 2020 and February 2021 through a series of co-design workshops, which included dedicated sessions to consider the shared priorities and rehousing options for local residents. Summary reports are included as Core Documents **CDD.7**, **CDD.8**, **CDD.9** and **CDD.10**. Each session was supplemented with information booklets, presentation slides, questionnaires and follow up meetings and communication to obtain feedback. Information was published on the Council's website and a question and answers fact sheet prepared to give those unable to attend meetings the opportunity to stay informed and involved. Additional support was also delivered in partnership with PPCR the Independent Residents Advisor, alongside SFTRA and the SLA.

- 4.8 Engagement was also conducted through members of the RSG, who were instrumental in representing the views of other residents on the estate and in working with the Council to select PPCR to provide independent advice and support to ensure residents' voices were heard.
- 4.9 The early engagement with residents of Elm Grove was important in informing the Council's Estate Regeneration Rehousing and Compensation Scheme, approved by the Council in October 2018 under the under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 SI 2002/1860. As the policy framework on estate renewal, the commitments under the Scheme centred on secure tenants and homeowners living on regeneration estates, to ensure that they are treated fairly and that their rights are protected if their homes are redeveloped. An Equality Impact Assessment was also prepared for the Scheme (September 2018) to ensure it considered the impact of the Scheme on Protected Characteristic groups.
- 4.10 Under the Estate Regeneration Rehousing and Compensation Scheme:
 - 4.10.1 Secure Tenants will be given Band A priority housing status and a right to a new home on their estate if a decision is taken to regenerate the site, and their tenancy conditions and rights will not change.
 - 4.10.2 Resident Homeowners will be offered an opportunity to buy a new home on their estate if a decision is taken to regenerate the site, including a range of homeswap shared equity options.
 - 4.10.3 New homes will be better designed, safer and more sustainable (e.g. easier to heat and maintain), with an improved local environment.

4.10.4 'Homeloss' compensation and disturbance payments (e.g. removal costs, fees) will be made.

4.10.5 Additional help and support will be available.

4.11 The policy was developed further in consultation with the residents of Elm Grove through the co-design process hosted between November 2020 and February 2021. This resulted in the co-production of a Community Charter that agreed a set of shared priorities for the estates future, and a Residents' Charter that agreed an extra set of guarantees in relation to rehousing, compensation and support (Appendix A to **CDB.1** page 49). The Elm Grove Residents' Charter therefore combined the promises in the Estate Regeneration Rehousing and Compensation Scheme with a number of additional specific commitments that were requested by the residents of Elm Grove. These included:

4.11.1 Residents having a say in the design, typology and location of their new or replacement home,

4.11.2 Options to move next to current neighbours,

4.11.3 More flexibility on rehousing options to accommodate adult children,

4.11.4 Homeowner succession rights linked to the homeswap shared equity options,

4.11.5 Assurances on the affordability of new or replacement homes, including;

(a) parity with existing rents and service charges,

(b) preserving the open market value of existing homes,

(c) setting attainable reinvestment thresholds for the homeswap shared equity products,

4.11.6 Flexibility on the use of homeloss compensation for homeowners, and

4.11.7 Maintaining parking priority for returning residents.

4.12 The Elm Grove Residents' Charter also extended the Council's offer and commitments to qualifying temporary accommodation tenants. The qualifying criteria was closely aligned to the Council's Allocations Policy and voting eligibility criteria prescribed by the GLA for Estate Ballots, requiring eligible temporary tenants to: (i) have lived on the estate for more than 12 months prior to the publication of the Landlord Offer, (ii) have an active housing register

application and (iii) must not have breached their tenancy conditions. The offer to eligible temporary tenants provided a degree of parity with the commitments made to secure tenants, by offering them the option of a permanent home on the new estate, or a home in another council or housing association property in Sutton.

- 4.13 The combined commitments and priorities under the Residents' and Community Charters were approved by the Council in September 2021 (**CDB.1** and **CBD.2**) and were incorporated into the Elm Grove Landlord Offer Document that was approved by the Council in December 2021 (**CDB.3** and **CDB.4**). The regeneration proposal was also supported by an Equality Impact Assessment (September 2021) to assess the impact of the proposal on Protected Characteristic groups and to define the actions to be taken to address any negative impacts identified.
- 4.14 As one of the key documents for the regeneration proposition, the Landlord Offer (**CDD.11**) sets out the ways in which the Council will assist its residents in finding a new home, and addresses separately the commitments offered to secure Council tenants, tenants in temporary accommodation, tenants of private landlords and homeowners. It also contains the design priorities and indicative proposals for regenerating the estate. The Landlord Offer Document was published in January 2022, as part of the residents' Estate Ballot process, which was held between February and March 2022.
- 4.15 The approach to engagement and the promises made to residents are fully aligned with the recommendations in the Mayor of London's Good Practice Guide to Estate Regeneration (February 2018) (**CDC.8**). The support shown by residents for these commitments was evidenced by the overwhelming success of the Ballot, with 78.6% of residents voting in favour of the regeneration proposals.
- 4.16 Since the Ballot, the Council has continued to work diligently with residents, with further steps taken to understand and mitigate the impact of residents having to move. In July 2022, residents were notified that the Council had approved the Ballot result at a meeting of its Housing Economy and Business Committee (**CDB.6**). The decision also approved the implementation of the Landlord Offer commitments, starting with an 'Early Moves' initiative for eligible tenants that had asked to be rehoused off site permanently in advance of the formal rehousing stage. This option was also offered to homeowners wishing to sell their property early to the Council. Following this decision, further discussions were held with residents to understand their housing needs and rehousing preferences. As a result of this, thirteen secure tenants and three non-secure tenants were rehoused under the Early Moves

initiative, with four private properties acquired by the Council during the period July 2022 to March 2024.

- 4.17 In January 2023 the Council approved the Business Case and Delivery Strategy for Elm Grove including the Council's strategy for assembling the land for redevelopment through ongoing negotiation with residents, in the shadow of a Compulsory Purchase Order (CPO), and through the use of Ground 10 powers of possession (**CDB.7** and **CDB.8**). In February 2024, residents were informed that the Council had given its authority to make a CPO at a meeting of the Strategy and Resources Committee, and the Order was made in March 2024 (**CDA.1**). Around the same time an updated Equality Impact Assessment was prepared (December 2023) (**CDA.5**) in accordance with the public sector equality duty under the Equalities Act (2010) for the Council to have due regard to the following needs: (i) To eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act (ii) To advance equality of opportunity between people who share those protected characteristics and people who do not and (iii) To foster good relations between people who share those characteristics and people who do not.
- 4.18 In April 2024, residents were informed that the Council was preparing for the next stage in the project. All of the remaining tenants still living on the estate at that time were then contacted and individual discussions held with them to address any issues they had and to confirm their rehousing choices, including whether they wanted to move temporarily, in order to return back to a new home in the future, or whether they would prefer to move away permanently.
- 4.19 Residents were also supported in completing their housing register applications to specify their preferred areas of choice and the type and size of accommodation they required, so that they could bid for a suitable home. Tenants that were unable to use the systems were supported in their search and manually matched to accommodation that met their needs.
- 4.20 In August 2024, the tenants that had not yet moved were written to, to inform them that the Council was taking further steps in preparation for the redevelopment of the site and the need to rehouse all the remaining residents on the Estate, with redevelopment to commence in the spring of 2025. Residents were asked to reconfirm their housing requirements, so that the information could be used to identify a suitable replacement home for them. Residents were also advised that if they had not found a suitable property by October then their housing application would be placed on 'Auto Bid', meaning they would all be matched automatically to accommodation based on the information contained within their housing application. This

would also help to reduce the time required to identify alternative accommodation through an automated process.

- 4.21 The secure tenants and eligible non-secure tenants that have been moved under the regeneration proposal have all benefited from the commitments and extra support offered to them under the Landlord Offer, including:
- 4.21.1 One to one meetings to explain the process of moving home together with the range of rehousing options, practical support and financial assistants they will receive, as well as listening to and addressing any concerns or additional requirements residents had;
 - 4.21.2 Help with identifying suitable accommodation that meets residents' needs, whilst being flexible on the number of properties residents are able to refuse;
 - 4.21.3 Offering flexible arrangements to view property, including arranging in person viewings and virtual viewing using video footage and photographs;
 - 4.21.4 Liaising with family members, careers, support workers and health providers to identify extra support and to address any special needs;
 - 4.21.5 Making referrals to specialist support teams like the Occupational Health team to arrange health assessment and adaptations for vulnerable or disabled residents;
 - 4.21.6 Facilitating early access to properties prior to tenancy commencement to enable residents to take measurements for flooring and window coverings and liaising with suppliers to arrange fittings;
 - 4.21.7 Making discretionary rent and Council Tax payments in cases where tenants have a rent and council tax liability on two homes during the transitional period between moving home;
 - 4.21.8 Providing handy person services for small installations, decoration and cleaning services;
 - 4.21.9 Making home loss compensation payments and disturbance payments for the reasonable cost of moving;
 - 4.21.10 Approving advance compensation payments to enable residents to purchase replacement goods for their new home prior to moving in;

- 4.21.11 Arranging improvement works and adaptations to meet specific household requirements;
 - 4.21.12 Providing support with removals, packing and unpacking services, arranging disconnection and reconnection of services and equipment;
 - 4.21.13 Help with making benefit claims, including housing and council tax benefit, Universal Credit, dual housing benefit and backdated claims;
 - 4.21.14 Providing aftercare services to ensure residents are comfortable and settled in their new home, ensuring continuity of service when they move to another Council property; and
 - 4.21.15 Ensuring residents are kept informed about the proposals, including returning residents that have moved temporarily, so that they continue to be consulted throughout the process.
- 4.22 Temporary tenants who did not qualify for the Landlord Offer guarantees have received dedicated support from the Council including help with transitional rent payments, home removals, the disconnection and reconnection of services and with making claims for benefits.
- 4.23 The tenure composition of the Estate has changed over the years, with a number of secure tenants purchasing their homes under their Right to Buy and with some owners selling their property back to the Council under the Council's Acquisition Programme. At the time of the Estate Ballot in March 2022 Elm Grove Estate comprised of fifty seven affordable homes let to secure and non-secure tenants, alongside sixteen private leasehold and freehold homes - a total of seventy three properties combined.
- 4.24 Table 1 provides a tenure breakdown and comparison of the estates composition at key stages in the project since the residents' ballot. The significant extent of resident rehousing and acquisitions that have taken place over this time is clearly evidenced by the number of vacant dwellings.

Table 1 Elm Grove Occupation Summary	March 2022 (Estate Ballot)	January 2023 (Business Case)	March 2024 (CPO & Partner Selection)	March 2025 (Current)
Secure Tenants	39	37	24	5
Non-Secure Tenants (Eligible)	6	6	3	0
Non-Secure Tenants	12	14	24	1
Resident Leaseholders	8	8	8	5
Absentee Leaseholders	3	3	1	0
Resident Freeholders	4	4	3	3
Absentee Freeholders	1	1	0	0
Vacant Property (Previously Tenanted)	0	0	6	51
Vacant Property (Acquired by the Council)	0	0	4	8
Total	73	73	73	73

- 4.25 Currently, fifty one from the fifty seven affordable homes on the estate are now vacant. Eight from the sixteen private dwellings have been acquired by the Council. Since the Council approval of the ballot result in July 2022, a total of thirty eight secure tenants and six eligible non-secure tenants have been moved to another Council or housing association home in Sutton. One secure tenant passed away.
- 4.26 Of the thirty eight secure tenants already rehoused, thirty have moved away permanently to another Council property. The other eight have moved away temporarily having expressed a preference to exercise their right to return to a new upgraded home once the regeneration is complete.
- 4.27 Of the six eligible non-secure tenants that have now been moved, three accepted offers of permanent Council or housing association accommodation, whilst the other three have moved temporarily, having chosen to return to a new home on the new Estate.
- 4.28 Seven homeowners have also expressed their intention to return and buy a new replacement home on the estate, with the remaining private owner seeking to purchase a replacement property on the open market.

- 4.29 All returning residents will continue to be informed, consulted and supported throughout and as part of the Council's continuous process of engagement. They will also receive financial assistance and further support with their return moves to the new Estate.
- 4.30 A total of twenty two temporary tenants have been moved during the decant process, stemming from the Council's decision to re-let vacated properties as temporary accommodation. Nine have been rehoused permanently into another Council or housing associations property, whilst thirteen have been placed into alternative temporary accommodation in the borough. A further two temporary tenants were evicted during this time due to major breaches of tenancy.
- 4.31 At present there are six affordable rented homes still occupied by Council tenants, or with a live tenancy still running. Five are let to the secure tenants and one is currently let to a temporary tenant, who is in the process of moving permanently to a housing association property once works to that property have been completed by the end of March 2025. Of the remaining secure tenants, one has agreed to move permanently to another Council home on the agreement that the Council completes essential improvements and adaptation works needed to meet the special needs of the family, prior to their occupation. Work to that property is already underway and is expected to be completed by the end of April 2025. Another of the secure tenants has already been moved to a care home and is in the process of being assessed for this placement to be made permanent due to high care needs. Details of all resident moves completed through this process are included in **Appendix 1** and a plan showing the tenants still in occupation on the Estate is attached as **Appendix 2**.
- 4.32 The three remaining secure tenants who have not yet accepted an offer of alternative accommodation have been served with a Notice of Seeking Possession. These were served on 18 October 2024 and expired on 18 November 2024. All three tenants have declined several suitable offers of accommodation and have not provided reasonable grounds for refusal. There has also been difficulty in communicating with one of the tenants, which is preventing meaningful engagement and therefore presents an increased risk to the Council in securing vacant possession of the site. More detail on the Council's efforts to find alternative accommodation for these tenants is set out in **Appendix 3**. As such, possession proceedings have been issued (27 December 2024) and hearing dates have been set in April and May 2025. Despite the prospect of legal proceedings, the Council is committed to continue working with the remaining tenants to try and identify suitable alternative accommodation for them. Possession action under Ground 10, or through the CPO is considered to be a last resort, where agreement on rehousing cannot be reached within a reasonable timeframe to enable the Council to deliver the scheme.

4.33 The Council has worked tirelessly to cater for the needs of its residents on Elm Grove by providing a range of support through the rehousing process. Personalised services have also been deployed to meet the specific needs of residents, in order to identify suitable rehousing options that will ultimately lead to the Council obtaining vacant possession of the site. The interventions and support offered to residents during the decant process has proved an enormous success, with the vast majority of tenants having now been rehoused.

5 CONCLUSION

- 5.1 The Council has been meaningfully engaging with tenants of the Estate since 2017. This includes consulting with tenants on the redevelopment of the Estate and preparing a Landlord Offer in accordance with Council and GLA best practice and the Council's Equality Impact Assessment (**CDA.5**).
- 5.2 Making the Order was a last resort to secure vacant possession of the Order Land, and the Council has sought to support every Council tenant on the Estate to find new housing. There are six Council tenants still in occupation on the Estate, of which three tenants are in the process of moving and three tenants have been issued with possession proceedings. The Council continues to work with these tenants in order to find them suitable alternative accommodation.
- 5.3 The Council has made significant progress in rehoming tenants in accordance with its obligations under the CPO Guidance (**CDC.2**) and has worked to meet the personal needs of tenants throughout this process.

6 DECLARATION OF TRUTH

- 6.1 I confirm that insofar as the facts stated in my evidence are within my own knowledge I have made clear which they are, and I believe them to be true and that the opinions expressed represent my true and complete professional opinion.