

# West Kensington and Gibbs Green Tenant offer



## Dear Council Tenants

### Introduction

The Council is considering whether to include the West Kensington and Gibbs Green estates in the proposed comprehensive redevelopment of the Earl's Court and West Kensington area. No final decision has yet been made, as we do not want to make the decision before we have given you this opportunity to share your opinions and concerns with us.

In February 2011, to allow residents to understand the implications of including the estates in the comprehensive redevelopment plans, the Council issued a draft principles document which outlined what would happen to council tenants. The documents also explained that If the redevelopment of the estates goes ahead, to demonstrate our commitment to providing you with a new home in the redevelopment, together with compensation for any loss and inconvenience you suffer, the Council will issue all of our Secure Council tenants with our formal offer - a binding Contract on us - setting out our promises to you, if you choose to accept them. The document explained that If you agree to accept this Contract from us, you will be entitled to certain additional benefits from us, that you may not otherwise be entitled to.

You can find a copy of the draft principles document on the Council website.

This is not a legal document but to further help you understand the proposals for Council homes on the estates, the proposed contracts for council tenants and what these mean for you, we have prepared questions and answers arising out of our discussions with residents over the last few months. These are set out at Sections One to Five

**Section One: How the redevelopment will affect you:  
The rehousing and move process**

**Section Two: The New homes**

**Section Three: Compensation**

**Section Four: Your Rights and terms of tenancy**

**Section Five: Further Information**

# SECTION ONE: REHOUSING AND THE MOVE PROCESS

## 1) I am a secure council tenant, living on the estates. If the redevelopment of the estates goes ahead, will I need to move?

If the Council decides to include the estates in the wider redevelopment plans you will need at some point in the future, to move from your current home. This is because your home will need to be demolished to allow the new homes, shops, community facilities, open space etc to be built.

## 2) Where will I be moved?

If you are a secure council tenant, you will be able to choose if you would like to:

### a) Move to a new home within the Earls Court redevelopment area (the same area as you are living now)

The Council will offer **all** secure council tenants the opportunity to move to a new home in the redevelopment area. **The new homes will be owned by the Council so you will remain a council tenant.**

### b) Move to a council property elsewhere in the Borough.

If you should wish to move to an existing council property elsewhere in the Borough you will be able to do so by bidding on properties through the Choice Based lettings system.

### c) Move outside the Borough

The Council understands that some residents may wish to move outside of the Borough, perhaps to move closer to friends and family. If you should wish to do so, the Council will offer you advice and information to help you do so.

## 3) Will I have any support to help me choose the best rehousing option for me?

Yes. All Council tenants will be allocated a dedicated Rehousing Officer, who will explain your rehousing options to you and help you determine what is best for you. Your Rehousing Officer will be able to support you throughout the whole move process to ensure your move is as smooth and convenient as possible.

## 4) When will I have to move?

You will not be required to move immediately. You may not be required to move for some years. This is because the development of the estates would not happen all at once. Instead, the development will happen in different phases over several years with some parts of the estate being redeveloped before others.

This gives the Council the ability to relocate Council tenants who choose to move to a new home in the redevelopment, in one single move. Tenants will move directly from their current home on the estates, into their new home in the redevelopment area.

At the moment, there is no fixed timetable for this process, but your Rehousing Officer will keep you regularly updated as to which phase your home is expected to be in, when your home is likely to be needed and, if you wish to move to one of the new homes, when that is likely to be ready for you to move into. As with any large scale and long term redevelopment, these dates may be subject to change, but the Council will be informing you of changes over the course of the redevelopment.

## 5) How will I know when the Council is going to need me to move?

Your dedicated Rehousing Officer will keep you regularly updated about the likely date that you

will need to move, so you will have plenty of time to prepare and the move date will not come as a surprise.

## 6) I have lived in my home for decades. My age and frailty mean that moving will be difficult for me and I have no family nearby that can help me. Does the Council expect me to do this on my own?

We recognise that moving house can be a very stressful time and particularly traumatic if you have lived in your home for a long time. We want to ensure that any move as part of the redevelopment will be as smooth as possible.

Your Rehousing Officer will be on hand to support you throughout the whole move process and will be able to organise any additional support if needed, for example ensuring that packing services are available to you if you are physically unable or find it difficult to pack and unpack your belongings.

The Council values any suggestions that you may have about how we can help you during this time.

## 7) My son is disabled and I am no longer as mobile as I once was. My home has been specially adapted for both my son and for me. Will my alternative home be the same?

If you or a family member that lives with you may need an alternative home to be specially adapted then your Rehousing Officer will ensure that you have an assessment to ensure that the correct adaptations are provided.

## 8) I am expecting my third child and have two young children. How will I know that you won't need me to move when I am due or in hospital? How can you help me manage my family and a move?

We want to ensure that your family life is disrupted as little as possible as a consequence of this move. If you need assistance with your move, perhaps because you are pregnant, or you have a

family to look after, and will struggle to move on certain dates, please let your Rehousing Officer know and they will try to help you plan your move with our support and assistance.

## 9) I like where I live now, what happens if I don't want to move?

You may not agree with the proposals for redevelopment of the estates. We understand that you may not want the stress and inconvenience of having to pack your things and settle into a different home. However, we believe that if the area was to be redeveloped, it could be a better place for our Council tenants to live, with new, modern and sustainable homes being provided for our Council tenants.

However, this does mean that if we proceed with the development, it would need to be certain that the Council will be able to secure possession of all the homes on the estates. In order to do so the Council would consider, if necessary and appropriate, to make use of compulsory purchase powers in order to allow the Council to take possession of your home.

There is a legal process that the Council must go through before it can exercise any power to take possession of your home. If the Council does choose to use compulsory purchase powers, the law gives you a right to object to the use of these powers and any order may need to be confirmed by the Secretary of State.

The Council would much prefer to come to an agreement with you to move you to an alternative home that meets your needs. For this reason, we would encourage you to get in touch with us and let us know how we could make this process easier for you.

## 10) I live on the estates, but I am not a Council tenant and I do not own my own home, what does this mean for me?

If the redevelopment goes ahead, the Council will need you to move out of your home. Depending on: (a) the legal interest you have in your home at the time the Council needs you to move out and (b) how long you have lived there, you may

be entitled to statutory compensation if you move out of your home so that it can be redeveloped.

If your landlord is a private landlord, they may be entitled to one of the offers, but you will not be entitled to take advantage of the contract being offered to council tenants.

The Council is aware that there are three Registered Providers (Housing Associations) that house tenants at the estates. The Council is speaking to the Registered Providers about the offer to tenants. At this stage, the Council anticipates that it will be offering tenants of the Registered Providers the opportunity to become a council tenant and moving to a new home in the redevelopment. If you are a tenant of a Registered Provider, at the estates, we would like to hear from you in response to this consultation also.

If you have any queries about your status, please contact us or your landlord.

**11) I have heard that the estates may be transferred to the residents. How does this affect the proposals for redevelopment?**

Some residents who do not want the redevelopment to go ahead have indicated that they want to buy the estates themselves under Section 34A of the Housing Act 1985. However, the residents cannot use this law to buy the estates until the Government takes further steps to enable this to happen. The timescale for this is unknown and it is possible that the Government may never do this. If it does then those Council tenants may make an application to buy and manage the estates (or parts of them) and at that stage the Council would need to consider how best to take forward the redevelopment.

**12) Will the Council continue to maintain the estates while there are people still living in them?**

Yes. If the redevelopment does go ahead, then the Council will continue to maintain the estates in order to ensure that they remain safe for residents.

## SECTION TWO: THE NEW HOMES

**1) What type of new homes will be built?**

The developer will be building a mix of new homes, including flats, houses, maisonettes and duplex properties.

The type and size of the new home you will be allocated will be based on your need as assessed when it is time for you to move.

**2) Will I be able to influence the design of my new home?**

Yes. If you accept a brand new home offered to you, you will be able to have an input into the specification of your new home. You will be able to choose:

- (a) whether you would like a lounge/diner or a kitchen/diner;
- (b) colour choices for decoration from a range of choices to be offered; and
- (c) the style and type of the following, from a range of options to be made available:
  - Blinds or curtains
  - Carpets or other floor covering (including underlay or soundproofing)
  - Oven and hob
  - Fridge and freezer
  - Dishwasher
  - Washing Machine and Tumble Dryer.

**3) Will the room sizes of the new homes be smaller than the size of my current property?**

The room sizes of all new homes will meet the space standards set out in the London Design Guide published by the Greater London Authority. The standards are based on the Parker Morris standards which were in operation in the 1960s and 1970s.

**4) How will you allocate new homes?**

The new homes will be allocated based on need. Your Rehousing Officer will work with you to assess your need and determine your rehousing requirements.

Requirements for new alternative homes will be assessed in accordance with the Council's allocation policies.

Secure tenants who are currently under - occupying a property will be offered a new home with one additional bedroom above their need.

**5) Is there any reason I would not get an alternative home?**

There are reasons why you may not be offered any alternative home, these include:

**A) You do not qualify**

You may not qualify for a new home in the redevelopment, an alternative home or compensation if:

- You are a subtenant or unlawful occupier or
- You have not lived at your home as your only or main home in the year before the Council wants you to move (other than those Council tenants who have moved away temporarily for reasons of work, health or family needs)

If you are concerned you might not qualify, please get in touch with us and we can advise you based on your individual circumstances.

**B) Your bad behaviour or the bad behaviour of someone visiting or living with you**

Your own behaviour or that of someone visiting or living with you may result in you losing your entitlement to a new home and other compensation.

You may lose your entitlement if any of the following occur before you are required to move out of your current home:

- Your tenancy is demoted
- An application for an antisocial behaviour order or injunction is made in relation to you or someone living at your home
- You or someone living at your home enters into an 'Acceptable Behaviour Contract' or 'Acceptable Behaviour Agreement' as a consequence of that person's antisocial behaviour
- A notice seeking possession has been served or an order granting possession of your home has been obtained (unless you have complied with the terms of the order or agreement that arises from it)

#### 6) **What if I want to move out of the estates and not take a new home in the development?**

If tenants want to move to an existing Council home within the borough they will be able to bid on these homes through the current choice based lettings system, or such other replacement system. If tenants want to move outside the Borough, we can provide you with information and advice about what this might mean for you.

## SECTION THREE: HOW WILL I BE COMPENSATED FOR MY LOSS?

Council tenants who have occupied their home, as their only or main residence, will currently qualify for some or all of the following compensation (unless you fall into one of the categories at question 5, Section Two):

### **A) Home Loss Compensation**

You would be entitled to receive compensation for the loss of your home, even if a new home in the development or another alternative is being offered. The level of compensation is set by the Government and is currently £4,700. If the Government were to change this level of compensation, before you move out of your home, you will be entitled to the revised level of compensation that is current when you do move out of your home.

If you have been a Council tenant for less than a year when the Council need you to move, the Council may make a discretionary payment to you, but it will not be obliged to do so.

### **B) Disturbance Payment**

You would be entitled to a payment to compensate you for the reasonable costs you incur when you move. Such reasonable costs will include, but are not restricted to, the following:

- Removal expenses
- Legal and other professional fees arising directly from your move
- Redirection of mail
- Disconnections and reconnections

### **C) Other Compensation/Benefits**

You may be entitled to other compensation payments or benefits as follows:

- **Improvements** - The Council will develop a policy for assessment of compensation, to compensate you for improvements undertaken to your home that the Council (as landlord) consented to (or for which you did not need to obtain consent) and which you have no longer had the benefit of as a consequence of having to move out.

- **Adaptations** - The Council will develop a policy to ensure that adaptations that you properly require are fitted into your new or alternative home.
- **Car Parking and Garden** - If you have accepted the Contract you will be entitled to compensation for the loss of an exclusive off street parking space or exclusive use of a garden, if these are not re-provided in your new or alternative home. The Council will develop its policy regarding such fixed level of compensation.
- **Considerate Constructor** - If you have accepted the Contract you may be entitled to reasonable compensation where you suffer nuisance or inconvenience as a result of the works and the relevant contractor is failing to comply with the requirements of the Considerate Constructor scheme, or such other scheme that replaces it from time to time and is adopted by the industry as good practice.

Some of these benefits will depend on your circumstances. New statutory benefits may be introduced by the Government for those required to move home for redevelopment - if so, the Council will consider how to adopt these for each of the Council tenants.

Some compensation, such as the assessment and installation of relevant adaptations for your new home will be subject to the Council's policies on such items from time to time.

The Council will consult the Council tenants, where required to do so by law, on the introduction and/or material changes to its policies and practices as required by law over the course of the redevelopment.

# SECTION FOUR: YOUR RIGHTS AND TERMS OF TENANCY

## 1) **If I move to a new home, will I remain a secure Council tenant?**

If you are a secure council tenant, when you move to your new home, you will remain a secure council tenant. The tenancy of your new home will be deemed to be a continuation of the existing tenancy and shall contain the same rights of succession.

## 2) **I was thinking of exchanging my home with another Council tenant. Can I still do this?**

The Council will continue to operate its normal policies in relation to tenants seeking to exchange their accommodation for other Council or Registered Providers (housing association) properties or for work related relocations or to purchase suitable homes.

## 3) **My wife will be able to inherit my secure tenancy if I die. Can she still do that if this redevelopment goes ahead?**

Yes. Any existing right to inherit (also known as a right of succession) that exists before you move will also exist under any new tenancy you are granted, as though your home and tenancy had not changed. This will be the case whether you take a tenancy of a new home in the development or an alternative home within the Borough from the Council.

## 4) **Will I still have a right to buy after I move into my new home?**

Yes. Tenants will enjoy the same right to buy their new home as they would have enjoyed for their existing home. Qualifying and discount periods that had accrued under your current tenancy will be carried forward to your new tenancy, as though your home and tenancy had not changed. This will be the case whether you take a tenancy of a new home in the development or

an alternative home within the borough from the Council.

## 5) **I was thinking about exercising my right to buy: can I still do this?**

The proposed redevelopment does not automatically prevent Council tenants with a right to buy from exercising that right. However, the Council may, if it considers it to be necessary and appropriate, suspend a tenant's ability to operate its right to buy for a limited period of time - for example, when the current home is likely to be needed soon for redevelopment.

## 6) **I was thinking about exercising my right to buy: should I still do this?**

If you complete your purchase under right to buy you will no longer be a Council tenant. This means that you will not be entitled to the benefits referred to in this consultation for council tenants, but, you may be entitled to take advantage of the offer being made available to home owners on the estates. However, it is very important that you understand that:

- Unless you have already made a right to buy application by having served an RTB1 form you will not qualify for a new home under the Council's offer to home owners on the estates.

If you are considering exercising your right to buy, we strongly recommend that you contact the Council to discuss what the impact may be.

## 8) **Will I have to pay more rent?**

Council tenants who move to a new home in the redevelopment, will pay the normal rent for an equivalent sized council property in the Borough on the date of the move.

If you live in a two-bed home and you move into a two-bed home, your rent will not increase,

regardless of whether you have moved to a new home in the redevelopment. Likewise, if you move from a two-bed home into a new or alternative four-bed home, your rent will increase.

## 9) **Do I have to pay service charge for new premises?**

Service charges for the new homes will conform to the Council's Borough wide policies with regards to service charge at the time.

## 10) **When I move home, can you explain what my outgoings will be, once I move?**

- **Rent and Service Charge:** You will pay these:
- **Council Tax:** Council tax will be set by the valuation office and we cannot control this. Whatever the assessment of council tax is for your alternative home, you will be required to pay this.
- **Utilities:** You must pay for utilities you use at your home. For example you will pay for your heating costs, telephone, gas and electric bills.

## SECTION FIVE: FURTHER INFORMATION

### 1) **I have more questions about this, who can I talk to?**

You do not have to consider this on your own. You can contact Phil Morris or Sarah Lovell, on 020 8753 3334 or 020 8753 5571. We are happy to answer any questions you may have arising from the information we have provided or to hear from you generally in response to this consultation.

In the future, if the sale of the estates proceeds, the Council will be setting up a panel of independent legal advisers. You will be able to consult, in confidence, one of these independent legal advisers to consider the Contract we will issue to you and to answer any questions you may have arising from it. These legal advisers will act on your behalf and will not be advising or acting for the Council so you can be assured that they will protect your interests. The Council will meet the reasonable costs you incur in consulting with your chosen legal advisor regarding our Contract.

**Please contact us if you need this information in any other language or would like any part of this document produced in large print or Braille.**

Published by Hammersmith & Fulham Council  
Regeneration December 2011

Produced by Hammerprint 020 8753 2235  
File ref: Bk.ACE West Ken & Gibbs Green tenant offer

Printed on paper from sustainable sources