

DECISION-MAKER:	KATE MARTIN (EXECUTIVE DIRECTOR OF PLACE)
SUBJECT:	TOWNHILL PARK DECOMMISSIONING ORDER 2021 REVISION
DATE OF DECISION:	16th June 2021
REPORT OF:	Tina Dyer-Slade - Head of Property

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
<p>In 2020 a public consultation took place regarding proposed changes to the 2017 Townhill Park decommissioning order programme. This report presents the results of the consultation for consideration and recommends approval of the changes to the current decommissioning order. Proposed changes are in line with the results of the consultation and the recommendations for decommissioning support the wider programme of bringing forward plots for new homes.</p>	
RECOMMENDATIONS:	
	<p>(i) that the proposed new decommissioning order is approved. This would include the following changes to the current, approved decommissioning order:</p> <ol style="list-style-type: none"> 1. To bring forward the start date for decommissioning 166-186 Meggeson Avenue (Plot 5) by circa 1 month. 2. To delay the start date for decommissioning 144-164 Meggeson Avenue (Plot 5) by circa 15 months from November 2020 to February 2022. However, it is possible this may be shorter than 15 months and instead be an 8-month delay. 3. To bring forward the start date for decommissioning 107-125 Meggeson Avenue (including the row of shops) by circa 17 months.

		<p>4. To bring forward the start date for decommissioning 1 – 87 Kingsdown way (Plot 7) by circa 13 months.</p> <p>5. To delay the start date for decommissioning 289-331 Meggeson Avenue (Plot 13) by circa 13 months.</p> <p>6. To delay the start date for decommissioning 254-318 Meggeson Avenue (Plot 12) by circa 13 months.</p> <p>(See Appendix 1 Slide 7 existing and proposed order and Appendix 5 Proposed Order 2021)</p>
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REASONS FOR REPORT RECOMMENDATIONS

1.	The council has undertaken a formal public consultation into the suggested changes to the order of the decommissioning and at least 70% of respondents agreed with each proposed change.
2.	The revised order creates a more logical progression of decommissioning for subsequent redevelopment.
3.	Council data on repairs and condition of blocks affected by the decommissioning timetable has been reviewed. Stock condition data does not raise issues that would cause the order as proposed and supported by the consultation, to be reconsidered.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4	Do nothing and keep the order as the existing approved order of November 2017. This would not address concerns raised by some local residents who questioned the 2017 order of decommissioning.
5	The decommissioning programme could be paused, while future delivery models are developed and activated. However, the decommissioning process is a specialist, standalone part of the development process, which only a landlord can carry out. It is unlikely that anyone else could easily, or indeed wish to take on this responsibility. Also, by its nature it is a process that takes time and the date of completion cannot be guaranteed due to factors outside the control of the council, (e.g. a tenant or a leaseholder may refuse to move).

DETAIL (Including consultation carried out)

6	Southampton City Council undertook the public consultation on the proposed changes to the order of decommissioning programme for Townhill Park Regeneration. The consultation took place between 5 October 2020 and 31 December 2020 and was primarily in response to requests from local residents and the stakeholder group, <i>SO18 Big Local</i> . The reason for each proposed change was explained in the questionnaire and is included in this report under the description of each proposal.
7	<p>The aim of this consultation was to:</p> <p>Communicate clearly to residents and stakeholders the proposed changes to the order of decommissioning.</p> <p>Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.</p> <p>Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.</p>

8	The consultees were reminded that the consultation is not a vote, rather it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. The representations made during the consultation period are presented so that decision-makers can consider what has been said, alongside other information.
<u>Consultation Principles</u>	
9	<p>Southampton City Council is committed to consultations of the highest standard. Consultations are structured so as to be meaningful and compliant with the following legal standards:</p> <ul style="list-style-type: none"> • Proposals consulted upon are still at a formative stage (a final decision has not yet been made) • There is sufficient information put forward in the proposals to allow 'intelligent consideration' • There is adequate time for consideration and response by consultees • Conscientious consideration must be given to the consultation responses before a decision is made.
<u>Methodology and Promotion</u>	
10	The agreed approach for this consultation was to use online and paper questionnaires as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured format, helping to ensure respondents are aware of the background and detail of the proposals.
11	All questionnaire results have been analysed and presented in graphs within the report contained in Appendix 1. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition, anyone could provide feedback via letter and email. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme. The latter are included in the report in Appendix 1.
12	<p>The consultation was promoted in the following ways:</p> <ul style="list-style-type: none"> • A letter and paper copy of the questionnaire to all Townhill Park residents and leaseholders of properties due to be decommissioned. • Via Tenants' Link and Your City Your Say E-bulletins. • Local stakeholder group SO18 Big Local advertising and promoting the consultation and encouraging residents to fill in the questionnaire.
<u>Existing Order and Proposed Decommissioning Order</u>	
13	<p>Appendix 1 slide 7 shows the existing approved decommissioning order agreed by Cabinet in November 2017 and also the proposed order, the subject of the consultation. This includes a summary of the proposed changes which are:</p> <ol style="list-style-type: none"> 1. To bring forward the start date for decommissioning 166-186 Meggeson Avenue (Plot 5) by circa 1 month.

	<ol style="list-style-type: none"> 2. To delay the start date for decommissioning 144-164 Meggeson Avenue (Plot 5) by circa 15 months from November 2020 to February 2022. However, it is possible this may be shorter than 15 months and instead be an 8-month delay. 3. To bring forward the start date for decommissioning 107-125 Meggeson Avenue (including the row of shops) by circa 17 months. 4. To bring forward the start date for decommissioning 1 – 87 Kingsdown way (Plot 7) by circa 13 months. 5. To delay the start date for decommissioning 289-331 Meggeson Avenue (Plot 13) by circa 13 months. 6. To delay the start date for decommissioning 254-318 Meggeson Avenue (Plot 12) by circa 13 months. <p>The location of the plots is shown on the plan in Appendix 2.</p>
<p><u>Who were the respondents</u></p>	
<p>14</p>	<p>Overall, there were 141 separate responses to the consultation. Most respondents, (89), were residents of Townhill Park, of which (44) live in a property due to be decommissioned. 38 residents who live elsewhere in Southampton responded and the remaining small numbers of respondents were from various groups e.g. schools, voluntary groups. (See Appendix 1 slide 9)</p>
<p>15</p>	<p>Of the 44 respondents who lived in a block to be decommissioned, the respondents per plot are as follows:</p> <ul style="list-style-type: none"> • Plot 5 = 14, • Plot 6 = 2, • Plot 7 = 14, • Plot 12 = 9, • Plot 13 = 3, <p>1 preferred not to say. (See Appendix 1 slide 10). Note that <u>statistically these are small sample sizes</u> for these groups. This should be borne in mind when interpreting results based on the relatively low numbers of responses.</p>
<p>Suggested changes to the order of Plot 5</p>	
<p>16</p>	<p>There are five blocks to be decommissioned in Plot 5 and this proposal is to swap the order of decommissioning of the third and fourth blocks of the five. The change is required in order to facilitate the redevelopment of the plot into two separate parcels of land, which would enable demolition to take place in the first half once decommissioned, rather than have to wait until the whole site is decommissioned. (See Appendix 2 plan of the changes for Plot 5) (The order of blocks 1, 2 and 5 remain unaltered)</p> <p>This results in the proposal:</p> <ul style="list-style-type: none"> • To bring forward the start date for decommissioning 166-186 Meggeson Avenue (phase 1) by circa 1 month. • To delay the start date for decommissioning 144-164 Meggeson Avenue (phase 2) by circa 15 months from November 2020 to February 2022. However, it is possible this may be shorter than 15

	<p>months and instead be an 8-month delay, depending on how smoothly the decommissioning timetable runs.</p> <p>(Detail and plan shown in Appendix 1 slide 13).</p>
17	<p>The results of the consultation for this proposal are: 70% of all respondents agree with the proposed changes to the timetable for plot 5, 21% were neutral and 9% disagreed. (See Appendix 1 slide 14)</p>
18	<p>There were slightly lower levels of agreement reported by residents of the Plot 5 properties due to be decommissioned in Townhill Park compared to other Townhill Park residents (67% cf. 75%).</p>
<p><u>Suggested changes to the order of Plot 6</u></p>	
19	<p>The suggested change for plot 6 is to bring forward the start date for decommissioning 107-125 Meggeson Avenue (including the row of shops) by circa 17 months. The change is proposed as it brings forward the redevelopment of this plot in line with Plot 5 which is located opposite. As the new retail unit will not now be on the Meggeson Avenue end of the new park, it would be ideal to provide the new retail unit as soon as possible. (Detail and plan shown in Appendix 1 slide 18).</p>
20	<p>The results of the consultation for this proposal are: 71% of all respondents agree with the proposed changes to the timetable for Plot 6, 19% were neutral and 10% disagreed. (See Appendix 1 slide 19)</p>
21	<p>There were slightly lower levels of agreement reported by residents of the Plot 6 properties due to be decommissioned in Townhill Park compared to other Townhill Park residents (67% cf. 80%). Of the 2 responses to this question from plot 6: 1 agreed and 1 disagreed. (See Appendix 1 slide 20).</p>
<p><u>Suggested changes in the order within Plots 7, 12 and 13</u></p>	
22	<p>The suggested change for plots 7, 12 and 13 is to bring forward the start date for decommissioning 1–87 Kingsdown Way (Plot 7) by circa 13 months. In the 2017 decommissioning order, Plot 7 was the last plot for redevelopment. The change is proposed because it is more efficient to complete all the redevelopment sites in this location rather than completing Plots 12 and 13 and then coming back to Plot 7. (See Appendix 2 for plans)</p> <p>As a result of starting the decommissioning of 1-87 Kingsdown Way sooner, this would result in the following resultant delays to Plots 12 and 13:</p> <ul style="list-style-type: none"> • To delay the start date for decommissioning 289-331 Meggeson Avenue (Plot 13) by circa 13 months. • To delay the start date for decommissioning 254-318 Meggeson Avenue (Plot 12) by circa 13 months. <p>(Detail and plan shown in Appendix 1 slide 23).</p>
23	<p>The results of the consultation for this proposal are: 70% respondents agreed with the proposed changes to the timetable for plots 7, 12 and 13, 17% were neutral and 13% disagreed.</p> <p>(See Appendix 1 slide 24)</p>
24	<p>Levels of agreement were similar when comparing those who are residents in plots due to be decommissioned and other residents of Townhill Park. In</p>

	<p>addition, of the 14 respondents from plot 7 and the 12 from plots 12 and 13 the majority agreed. (See Appendix 1 slide 25)</p>
<p><u>What impact would the proposed timetable changes have on residents?</u></p>	
25	<p>Most residents (79%) reported either a positive impact or no impact from the proposed changes in the decommissioning timetable. The 79% is made up of 46% who registered a positive impact and 33% who registered no impact. 21% disagreed and recorded that there would be a negative impact. (See Appendix 1 slide 28)</p>
<p><u>Comments on the Impact of the proposed timetable changes</u></p>	
26	<p>37 free text comments were received concerning the impact of the proposed timetable changes and these have been grouped in themes. (See Appendix 1 slide 29)</p>
27	<p>9 comments expressed concern about disruption to families and school children and 4 comments were received highlighting concerns for the vulnerable and elderly.</p>
28	<p>It is acknowledged that the decommissioning process is a stressful time for those being decommissioned, which is why the council provides a bespoke Resident Liaison Officer (RLO) to the project. The RLO contacts decommissioning tenants at the beginning of the process, gathers information about their accommodation needs and wishes and then supports each tenant individually throughout their decommissioning journey.</p>
29	<p>The council operates a choice-based letting service and therefore, tenants are as far as possible, able to move to areas and accommodation of their choice. Overall, there is not a huge supply of alternative of homes and often there is a shortage of homes to suit a particular tenant's needs. This inevitably makes the process lengthy but provides a better outcome for the tenant. The council pays statutory <i>Home Loss and Disturbance Allowance</i> by way of financial compensation and to support the process of moving.</p>
30	<p>With regards to schools and disruption to children, the RLO and the council's Allocations team endeavour to offer tenants alternative accommodation which meets the educational needs of their children. The local schools are invited to attend the Townhill Park Forum meetings, where information on the regeneration programme is discussed with stakeholders. In addition, meetings are held with schools on an individual basis.</p>
31	<p>The RLO establishes details about vulnerable and elderly tenants during the initial contact meeting(s) and gathers information on tenants' requirements. The RLO is then able to liaise with other areas of the council and external agencies as required, in order to provide suitable support for tenants if this is needed. In many cases elderly tenants can be relocated to accommodation which the council has specifically identified for older age groups.</p>
<p><u>Comments on the decommissioning included in each of the proposals</u></p>	

32	Each of the proposals included a section for free comment and slides have been included in the consultation results, analysing the comments made. The comments have been grouped by category. (See Appendix 1 slide 16 for plot 5, slide 21 for plot 6 and slide 26 for plots 7, 12 and 13.) Respondents may have made multiple points in their comments, so may be collated within multiple themes. The comments themselves have not been included to preserve respondent's privacy, consistent with the principles of data protection.
<u>Main findings from the comments by decommissioning plot</u>	
<u>Comments on repairs and condition of buildings and anti-social behaviour</u>	
33	Comments were made on the poor condition of buildings, the need for repairs, the poor state of cleanliness of some blocks and aspects of anti-social behaviour. These comments have been passed to Housing Management and Housing Operations and have been reviewed. A future article is planned for the council's monthly Townhill Park bulletin, where advice will be given to tenants about communication channels for reporting problems.
<u>Loss of the convenience store during redevelopment (plot 6)</u>	
34	As many respondents (9) agreed with the proposal for plot 6 as had concerns about the temporary loss of the convenience store (9). The council recognises that if the retail units relocated to plot 6 then there will be a period when the existing store is likely not available. The council recognises that some residents are dependent on a local shop and will actively investigate how any period without a shop can be mitigated.
35	The current leaseholders of the convenience store and play facility know that the properties are under redevelopment and consequently they are on a short-term lease. It is too early in the process to speculate on exactly where and what form the replacement retail accommodation will take. The council will continue to communicate with residents and commercial leaseholders as proposals develop.
<u>Summary of Results</u>	
36	In each of the proposed changes to the timetable, 70% of respondents agreed with the proposed change. On the question of impact of the proposed timetable changes 79% of respondents recorded positive or neutral impact. (See Appendix 1 slide 11).
<u>Other factors affecting the order of Decommissioning</u>	
37	As part of the decommissioning review, the data on stock condition and repairs has been reviewed. This does not show any significant factors, which would alter the decommissioning order supported by the consultation.
<u>Next Steps</u>	
38	The outcome of the decision will be reported to residents, with focus particularly on those living in Townhill Park. Tenants and leaseholders of each property in a block to be decommissioned will receive a letter with details of the decision. Further communication with residents will take place using the Townhill Park bulletin, Tenants' Link, Your City Your Say E-bulletins and the council's website. In addition, the local stakeholder group

	SO18 Big Local will promote the results using their communication network. Schools will also be informed.
Why it's necessary to continue the decommissioning process and approve the revised timetable.	
General Considerations	
39	The focus of the approval sought in this paper is principally around the changes in order to the current decommissioning timetable. The decommissioning of the residential blocks takes considerable time. (See reasons given earlier in the report in paragraphs 28 to 31.) To enable regeneration of the blocks, it is important that the decommissioning timetable continues as planned, irrespective of the precise model of redevelopment chosen.
40	It is very unlikely that either Housing Associations or developers would be interested in developing a site which is not already decommissioned. There would be significant procedural matters to be addressed, not least legal formalities for a change of landlord during the decommissioning. Sizes of their portfolios would likely restrict capacity to rehouse residents and tenants preferred new (and temporary), landlord would need to be consulted upon. The complexities of buying-out leaseholders would also be very unattractive.
41	The revised timetable dates are the optimum dates that the plots can be decommissioned. Experience has shown that to date, the majority of tenants can be moved according to the timetable facilitated by the council with the established local team. Within each plot being decommissioned there are however a few tenants or leaseholders who take longer than the ordinary timetable to move. In such cases, every effort is made to reach an agreement.
42	Ultimately, if there is no prospect of the tenant or leaseholder agreeing to move/sell, the council may need to resort to legal means such as Compulsory Purchase Orders (CPOs) or Notices of Seeking Possession (NOSP). Because of its statutory powers, stock size and expertise, the council may be best placed to resolve these issues. Legal action can result in a lengthy and uncertain timescale to achieve vacant possession.
43	Because of these unpredictable potential lengthy delays, it is necessary to carry out decommissioning well in advance of other activities in the regeneration process. This is in order to minimise delay to demolition, but ultimately to provide 'programme certainty'. Programme certainty is key in respect of the council's ability to grant timely vacant possession for construction activities without significant additional costs being incurred.
44	A buyer/developer will base the purchase price on costs associated with a defined development programme for a scheme. If vacant possession cannot be provided as planned to meet a third party's development programme, the buyer/developer costs will increase (daily) and ultimately the council will meet the associated costs of that delay.
45	The party responsible for the demolition of the vacant properties is also key. External parties are unlikely to want to purchase a site without the certainty of a planning consent. The council would be responsible for the

	security of the vacant buildings until the developer obtains planning and will then complete purchase for the site and could demolish dwellings.
46	If a site is sold to a developer/ Housing Association with vacant properties still standing then the council has little control over how long those properties remain vacant.
47	Past experience of developers and Housing Associations is that ownership of sites is deferred until planning consent has been achieved. This can be several years after the property deal has been agreed and for the intervening time the council has to keep the vacant properties secure. This is an expensive cost to the council, over which it has no control. In the past despite full security boarding, properties have been subject to flooding and fire damage.
48	The demolition period is also a lengthy process in itself. Asbestos surveys cannot be carried out until the buildings are vacant, or almost so. Asbestos surveys carried out in advance of the demolition contract allow a more accurate cost to be established as part of the demolition tender. Other surveys are required in order to obtain planning consent to demolish. The demolition itself often appears stagnant with little progress evident, since after the site fencing is erected the removal of meters, other utilities and a 'soft strip' takes place. The actual demolition of the buildings does however take place over a short space of time.
49	Ultimately any buyer/developer will not be willing to commit to a development programme whilst delivery factors are beyond the control of the developer. Usually 'longstop' dates can be agreed, but these are extendable and therefore there are very minimal controls over development timetable with a third party.
50	The council has more control over redevelopment sites if it carries out the decommissioning and the demolition. However, consultation and approval by the Secretary of State is required prior to demolition if the site is to be sold. In addition, there may be further consultation required with tenants.
51	Other factors such as Value Added Tax (VAT) have implications for land transfers and recoverable tax on demolition costs. Often Housing Associations cannot reclaim VAT on demolition costs unless it is part of the building contract. Separation of the timings for demolition and building contracts might be preferable and necessary for security/safety reasons and to allow planning to be achieved, but this can introduce cost implications. Because of these issues it may still be more advantageous for the council to follow the route of carrying out the demolition directly. Each case needs to be assessed on an individual basis
52	There may be variations on the options outlined above that would be advantageous to both the council and a developer/Housing Association, which could be explored as the decommissioning is progressed.
53	Going forward the decommissioning programme needs to be run in parallel with planning, procurement and partnership processes to prepare schemes to bring forward new homes. Thus, with the <u>procurement of a planning consent for a new scheme being achieved as close as possible or commensurately with the decommissioning of the old scheme</u> there is a huge benefit. The programme will aim to do this, but it should be

	acknowledged that many variables can make this difficult to optimise but this is easiest to achieve if the council maintains control.
Specific reasons to continue the decommissioning programme	
(i) Decommissioning is time consuming and the timeline can be unpredictable	
54	It does not matter what development procurement model is chosen, decommissioning of properties is a lengthy process and the end date cannot be accurately forecast. In Southampton, the supply of properties for tenants to relocate to is limited and this can make the process of decommissioning lengthy.
55	The properties the council are decommissioning can contain a mix of: <ul style="list-style-type: none"> • council tenants, • temporary council tenants, • leaseholders who live in their property • leaseholders who sublet their property which is occupied by private tenants. Each of these circumstances has a different approach to decommissioning.
56	The timetable the council has proposed is demanding and there are invariably a few occupants who take more time to move. Currently, the full impact of Covid-19 is not yet known, and this may lead to longer periods to move tenants and to complete the decommissioning of blocks. E.g. currently we have several tenants within the final Rowlands Walk block who are waiting to move to Housing Association properties, but these are not yet ready because of Covid-19 delays.
(ii) Plot 5 is already under decommissioning	
57	Decommissioning of Plot 5 is already underway and the first of the five blocks. 2-32 Benhams Road is substantially vacant. The serving of the Decommissioning Notice on the second block, 34- 64 Benhams Road was due to take place in May and is now overdue and tenants are concerned that they do not know what is happening. The decommissioning of Plot 5 should continue as per the timetable for the reasons set out in this report. Following approval of this report those affected by the decommissioning of Plot 5 will be notified of the decision.
58	The two Benhams Road apartment blocks are in the current position in the decommissioning programme largely due to the poor state of the balconies. The balconies are currently 'propped' to provide structural support. They were part of the city-wide balcony repair programme. Instead of carrying out the repairs it was more cost efficient to carry out the blocks decommissioning as soon as possible in the programme. (The Rowlands Walk blocks on Plot 9 currently under redevelopment also have the same balcony issue which is why they have already been decommissioned as a priority).
(iii) Homes England (HE) Housing Infrastructure Fund (HIF) Grant implications	
59	The council has received £3.75 million grant from the HE HIF fund in order to carry out infrastructure improvements that will facilitate the development of the remaining 609 new homes in the Townhill Park Regeneration

	scheme. The infrastructure works include the improvements to Meggeson Avenue completed in October 2020 and the delivery of the new park (Townhill Green) by March 2022, both of which are planning requirements.
60	HE requires quarterly monitoring returns which include details of both the implementation of the infrastructure programme and in addition progress on the housing redevelopment, programmed to run until 2030. Delays to the programme such as a pause in the decommissioning programme must be reported to HE, with reasons for their consideration and approval. Failure to deliver the 609 new homes may result in repayment of all or part of the HE grant.
61	In addition, the council was required to make a £10.3M contribution towards the development of the housing programme. This funding was approved by Council in February 2019. This funding is to cover the remaining costs of decommissioning and to facilitate sites for redevelopment including carrying out demolition. This budget is separate from the 1000 Homes budget. The funding currently requires reprofiling over the years 2021-22 to 2024-25.
Decision	
62	The November 2017 Cabinet approval delegated future decisions (in recommendation (v)): 'Subject to approval of (iv), to delegate to the Head of Capital Assets, following consultation with the Leader and Service Director, Adults, Housing and Communities approval of further changes to the order of the Decommissioning Plan for Townhill Park Regeneration Scheme contained in Appendix 3, subject to any necessary statutory consultation.
63	Legal Services have advised that this decision can be made by the Director of Place. The July 2020 Council approval of the 1000 Homes Programme delegated decisions to: '... delegate authority to the Director of Place following consultation with the Cabinet Member for Homes and Culture, Executive Director Communities, Culture and Homes, the Executive Director Finance and Commercialisation and the Service Director Legal and Governance.'
64	The practice has been that papers are taken to the 1000 Homes Board where the decision is discussed and if agreed by the parties and the Service Director Legal and Governance, papers are then approved by the Director of Place.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
65	Changes to the exiting timetable for decommissioning do not in themselves incur additional capital and revenue costs.
<u>Property/Other</u>	
66	Changes to the exiting timetable for decommissioning do not have particular property implications.

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
67	The Council has statutory and common law duties to consult both on the proposed policies and on the decommissioning programme for Townhill Park Regeneration Scheme.
68	The Statutory duties to consult are under S.105 of the Housing Act 1985 and S.137 of the Housing Act 1996. This duty states that the Local Authority must have a written published statement of consultation arrangements for secure and Introductory tenants who are likely to be substantially affected by housing matters. This statement of arrangements was published in accordance with these requirements and the statutory part of the consultation complied with the arrangements.
69	The Council also has general housing management duties which cover a number of individuals including leaseholders and has consulted on all those likely to be affected by any housing management change in policy.
70	Should future proposals for the redevelopment plots include disposal of land an application will need to be sent to the Secretary of State for approval after consultation has occurred pursuant to Part V of schedule 2 of the Housing Act 1985. This consultation is instead of undertaking the S.105 consultation for those plots but will be undertaken in exactly the same manner as required under the consenting regime.
71	There is also a common law duty to consult from a legitimate expectation deriving from past practice of the Council. The Council has fully consulted with all stakeholders and affected individuals and bodies. The outcome of that and the relevant statutory consultation, as set out in this report and background papers, must be considered in reaching a final decision on the proposals within this report.
<u>Other Legal Implications:</u>	
72	<p>In taking this decision, the decision-maker must also be aware of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due regard' to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment and victimization and other conduct which the Act prohibits; • Advance equality of opportunity; and • Foster good relations between people who share relevant protected characteristics and those who do not. • The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Case law has established the following requirements for the PSED to be exercised lawfully: <ul style="list-style-type: none"> • The equality duties are an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation; • The relevant duty is on the decision maker personally. What matters is what he or she took into account and what he or she knew. The decision maker cannot be taken to know what

	<p>his or her officials know or what may have been in the minds of officials in proffering their advice;</p> <ul style="list-style-type: none"> • It is important to record the steps taken by the decision maker in seeking to meet the statutory requirements in order to demonstrate that the duty has been discharged; • The decision-maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy. It is not sufficient for due regard to be a “rearguard action” following a concluded decision; • In order to be able to discharge the duty the decision-maker must have information about the potential or actual equality impact of a decision. This information will often be gained in part through consultation; • The duty must be exercised in substance, with rigour, and with an open mind. It is not a question of ticking boxes; while there is no duty to make express reference to the regard paid to the relevant duty, reference to it and to the relevant criteria reduces the scope for argument; • General regard to issues of equality is not the same as having specific regard, by way of conscious approach to the statutory criteria; • Officers reporting to decision makers, on matters material to the discharge of the duty, must not merely tell the Minister/decision maker what he/she wants to hear but they have to be “rigorous in both enquiring and reporting” to them; • Although it is for the court to review whether a decision-maker has complied with the PSED, it is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself; • The duty is a continuing one. <p>Members should in particular note that the duty is for them personally. It is not sufficient to rely on officers to discharge the duty by the preparation of the ESIA and this report. Members must themselves read and actively take into consideration the ESIA and the consultation materials.</p>
RISK MANAGEMENT IMPLICATIONS	
73	<p>As outlined in the 1000 Homes Programme report to Council in July 2020 a best practice approach will be taken to risk. A high-level overarching risk register is in place for the 1000 Homes Programme and each individual project also has its own Risk Management Plan and these will be refined through the development of the programme. Risks such as those linked to planning which include securing approval for the densities required and nitrates issues will be continually reviewed. The council can conduct a further review and update of the financial risk analysis of the situation prior to appointment at the build stage prior to final decisions.</p>

POLICY FRAMEWORK IMPLICATIONS	
74	The proposals in this report reflect the Council's Corporate Plan, the Green City Charter, Southampton City Council Housing Strategy 2016-2025 and the Core Strategy.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	Harefield, Bitterne Park

<u>SUPPORTING DOCUMENTATION</u>	
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Appendices	
1.	Townhill Park Consultation. Changes to the Decommissioning Timetable 2020/21. Data, Intelligence & Insight Team – January 2021. V3 June 2021
2.	Location Plans for the Decommissioning Plots at Townhill Park and the individual proposed changes
3.	Questionnaire: Consultation on the order of decommissioning in Townhill Park
4.	Equality and Safety Impact Assessment (ESIA)

Documents In Members' Rooms

1.	n/a
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents
Other Background documents available for inspection at: n/a

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
None	