

Representation from Aylesbury Leaseholders Action Group  
To  
Overview & Scrutiny Committee meeting 10/03/14

Millions of pounds of public money has been and will be spent on this regeneration with the aim of benefitting the Aylesbury's existing community. However, it would appear that we are not to be counted amongst the beneficiaries of the regeneration. In contrast, we are being forced to move from our homes and uprooted from an area, which is home to us, our friends, families and support networks. The Council's refusal to acknowledge the market value of our homes valued by independent RICS surveyors and uncertainty surrounding rehousing options is creating much anxiety for Leaseholders.

The splitting up and dispersal of our community is not what we signed up for when we were asked in the surveys of our views regarding the regeneration. We were promised new homes and we participated in the plans for our new homes.

**Summary of current issues**

1. Market value – The Council is refusing to agree with valuations made by independent surveyors appointed by leaseholders. These surveyors are qualified RICS members, who must abide by strict professional codes of conduct. Their valuations are based on fixed and established criteria. Negotiations are ending in a stalemate whereby surveyors are told that disagreements over the market price should be settled by a Lands Tribunal court. Needless to say, leaseholders are unable to afford the cost of legal representation in initiating such a process.
2. The Council is refusing to pay fees for some leaseholders to be represented by independent surveyors. This is a mandatory requirement under Compulsory Purchase Order conditions and the fee-cap it has introduced is unlawful.
3. Rehousing – Firstly, it must be said that if leaseholders were receiving the market value for their homes then there would be no need for rehousing.
  - Rehousing options and eligibility criteria are not clearly set out:
  - There are offers of shared ownership, comparative value transaction and rehousing but the terms of these options are not clear.
  - Leaseholders have reported restrictive conditions on shared ownership agreements and the council has ruled out comparative value transactions claiming that it has no other properties in its stock of a comparative value.

- The eligibility criteria for these options and rehousing as a tenant is not clear. There is a financial assessment procedure which gives no detail as to how leaseholders are assessed. On the Heygate it is understood that of 179 leaseholders just 14 qualified for rehousing, it is unknown how many Aylesbury leaseholders have been accepted or declined.
- We understand that a development agreement has just been signed for the regeneration of the remainder of the estate. However, no leaseholders have been consulted or involved in informing the negotiations surrounding this. Therefore it is unknown what provision has been made in the agreement for the rehousing of leaseholders within the development.

### **Steps we are seeking in order to resolve issues**

We request the committee considers the following steps in order to resolve the issues and ensure leaseholders are treated fairly:

1. The council stops acting like an unscrupulous property developer and agrees the market value valuations made by leaseholders' independently appointed RICS surveyors.
2. Remove the arbitrary fee-cap on surveyor's fees. This is unlawful and is in breach of guidance which recommends that a time-cost basis (hourly rate) should be used for the calculation of surveyor's fees in CPO cases. Again these hourly rates are governed by the RICS and is standard practice across the board. We request that the fee-cap is lifted and that surveyors charging on a time-cost basis are allowed to represent leaseholders.
3. Open and transparent negotiations involving the sharing of information i.e. list of agreed settlements with leaseholders to date and disclosure of full valuation criteria/valuation reports. Disclosure of the provisions of the development agreement signed with Notting Hill concerning the rehousing of leaseholders, i.e. what provision has been made in this agreement for the rehousing of leaseholders within the development. In light of the shortcomings in the form of restrictive covenants imposed by L&Q on phase 1 we would like to read the small print of the Notting Hill provisions.
4. Retained equity options for leaseholders on new homes and existing council homes- without the restrictive covenants that have been placed on them to date. i.e. restrictions on capital uplift or succession rights. There should also be a restriction/cap on service charge fees for the first 5 years.
5. A comparative value transaction - vacant council properties elsewhere in the borough should be identified and offered to leaseholders on a like-for-like basis at no financial cost. If necessary this could include a retained equity option but not shared ownership – we have worked hard to become 100% homeowners. There is no reason why we should have to regress to paying rent in addition to paying a mortgage.

6. No means testing for Leaseholders who wish to return as council tenants when they lose their homes. Being knocked off the homeownership ladder is difficult enough, being forced to relocate many miles away from our established community adds a further devastating dimension to this forced displacement. Giving leaseholders the security of knowing that if all else fails they will at least have the guarantee of being able to relocate to a council home in the borough, provides a level of certainty in what is an extremely distressing time for most of us.

We would like to thank the Committee for enabling us to raise these issues. We look forward to it considering the resolutions we seek to ensure that the mistakes of the Heygate regeneration are not repeated here too.

Beverley Robinson

Spokesperson  
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9<sup>th</sup> March 2014