

WAVERLEY BOROUGH COUNCIL

LANDLORD SERVICES ADVISORY BOARD

30 MARCH 2023

Title:

DECANT POLICY

Portfolio Holder: Co-Portfolio Holders for Housing Paul Rivers

Head of Service: Andrew Smith, Executive Head of Housing

Key decision: No

Access: Public

1. Purpose and summary

To introduce the purpose for a decant policy and review the draft updated version following lessons learnt from experience and a complaint and new financial thresholds.

2. Recommendation

It is recommended that the Board:

- review and make any comments on the draft Decant Policy to the Service Improvement Manager

3. Reason for the recommendation

To provide Board members the opportunity to comment on the updated policy and support the implementation of the policy.

4. Background

4.1 The process of having to move a tenant out of their home on a temporary or permanent basis is known as a decant. On average there are approximately five cases a year.

4.2 Waverley housing has a generic decant policy last updated in 2013. In addition, there was a specific local letting plan for the Ockford Ridge redevelopment. The service recognised that the Decant Policy needs to be updated to reflect lessons learnt and new financial thresholds.

4.3 The service recognises that decants, as with any move, can be challenging and should be treated with care and sensitivity. The policy lays out the commitments that made to tenants who must move home. Fundamental to this is

that each decant is treated on an individual basis with a designated member of staff identified who will consult and visit with the tenant to discuss expectations and requirements. Tenant's needs will be at the heart of the decision making.

4.4 The policy outlines what compensations and financial assistance a tenant may be entitled to depending on the circumstances of the decant.

4.5 The policy explains the impact of decants on tenancy type – permanent decant tenants will retain the type of tenancy they held in their original home (introductory or secure). Temporary decants tenants will retain the tenancy they hold at their original home and be issued a temporary license at the temporary home.

4.6 The policy also outlines the Council's right to pursue legal action where the tenant refuses to be accommodated elsewhere and reserves the right to offset payments against any debt to the Council.

4.7 On approval of the revised policy, information on the website will be updated and a project team will be set up to review and improve the decant procedure and communications. Tenants will be invited to be involved in the project in the spirit of co-creation.

5. Relationship to the Corporate Strategy and Service Plan

The report supports the Council's Corporate commitment to promote "Good quality housing for all income levels and age groups" and aim to "be the best council landlord in the South East and to be acknowledged so by our tenants."

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

Suggested text - To be delivered within current budget and resources.

6.2 Risk management

Failure to adopt or adhere to the Decant Policy could result in service delivery, legal/regulatory, reputational and financial risks.

6.3 Legal

Suggested text - The Policy reflects landlord obligations under Land Compensation Act 1973 (Section 30, 37 and 38), Landlord and Tenant Act 1985, Home Loss Payments Regulations 2008, Housing Act 1996 Part VI and Homelessness Act 2002. Reports should be sent to legal services for review at least 4 working days before the final agenda reports deadline.

6.4 Equality, diversity and inclusion

An Equality Impact Assessment has been completed, ensuring the policy includes the requirement to identify and accommodate the individual need(s) of tenant(s).

6.5 Climate emergency declaration

The Decant Policy may support the delivery of energy efficient initiatives, to reduce carbon emissions from energy use, where tenants are required to move whilst works completed.

7. Consultation and engagement

7.1 The policy was updated in consultation with Housing Development and Property Services Teams and reflect lessons learnt from tenant complaints.

8. Other options considered

8.1 Not applicable

9. Governance journey

9.1 Report to Landlord Services Advisory Board to be adopted by Executive Head of Housing in consultation with Co-Portfolio Holder for Housing.

Annexes:

Annexe One – Draft Decant Policy

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

Background papers are those that are referred to in the report, but are not published and accessible to the public.

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Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date