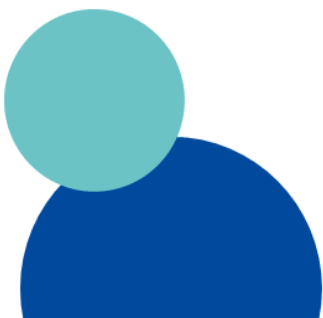




Waverley Borough Council
Decant Policy
Policy for requiring tenants to move home

Latest version number: v1.3
Latest publication date:
Lead Officer / Team: Service Improvement Team



1. Document Information & Governance

1.1 Approval & Publication:

Approving Body	Approval route requirement	Publication Type	Publication requirement	Review frequency	Document owner	Next Review Date
<i>Executive Head of Housing Service</i>	<i>There are no legal or constitutional requirements for approval</i>	<i>Internal/ external</i>	<i>Regulatory requirement to publish tenancy management policies</i>	<i>Biennial</i>		<i>October 2024</i>

1.2 Version Control Information:

Version	Version Status (Draft, Approved /Published Internally or Externally)	Date	Version Comment	Version Author
V1	Approved	2013		
V1.1	Draft	05/10/2022	Creation of the document	BG
V1.2	Draft	06/10/2022	Input from key stakeholders	BG
V1.3	Draft	06/01/2023	Approved by Annalisa Howson	BG
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			Legal comments	
V1.4	Final Approval			
V2	Published			
V2.1	Draft			
V2.2	Final Approved & Re-Publication			
V2				

1.3 Impact Assessments and Consideration:

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Equality Impact Assessment	Completed	5/10/2022	Policy takes into account tenant(s) needs.	BG
Data Protection Impact Assessment	Not required			

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Climate Change				

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2. Document Statement

This policy outlines Council's responsibilities when it is necessary for tenants to move temporarily or permanently from their property.

3. Scope and Purpose

3.1 Purpose

The purpose of this policy is to clarify what the Council will do when it is necessary for a tenant to move home due to major works on their current home or if their home becomes part of a redevelopment scheme. This process is known as a Decant.

Decants are necessary if:

- There are health and safety reasons why the tenant cannot be in the property while work is being carried out.
- Vital facilities such as heating and hot water will not be available for a prolonged period.
- The property is being demolished or sold, in which case permanent rehousing will be required.
- The property is due for major refurbishment work that cannot be carried out while the tenant remains living there.
- The property is being demolished as part of redevelopment programme in which case temporary or permanent rehousing will be required.

The Council will ensure that full liaison takes place with tenants at every stage of the process and suitable arrangements are agreed for moving into appropriate alternative accommodation whether permanent or temporary.

3.2 Our Commitment

- The Council recognises to move away from your home may be stressful, especially when you haven't chosen to move.
- The Council will provide tenants with clear choices, respond to any medical or social needs and minimise any health and safety risks.
- The Council will ensure that tenants are clear about the types of decants
 - A permanent decant occurs when the tenant is moved out of their home and there is no intention to return them to it.
 - A temporary decant is when a tenant is moved out of their home to enable work to be carried out, with the intention of returning them to the property as soon as possible. A temporary decant will also include tenants who have to move out of their home as it is being redeveloped and plan to return post development completion.

- The Council will ensure that tenants are kept informed and updated about the proposed plans at all stages.
- The Council will try to ensure that a positive relationship is kept between the tenant and the Council and will provide support where needed, answer any queries promptly and minimise the amount of disruption caused by the decant process.
- Offers of rehousing will meet the needs of the household or individual and reasonable preferences for housing will be taken into account.

3.3 Policy Overview

- The Decant Policy only relates to tenants and not leaseholders.
- All decants require particular care and sensitivity, especially the decanting of senior living properties.
- Where major works/redevelopment have been identified a programme of timescales, works etc will be developed and talked through with the tenant(s).
- Each move will be treated on an individual basis.
- Where permanent rehousing is required (permanent decant) the tenants will need to join the housing register. Allocation of a new home will be in line with the Council's housing allocation policy or with any relevant local letting plan in place.
- For major redevelopment project, a local lettings plan may be agreed to facilitate temporary and permanent moves.
- A designated member of staff will be identified as the key person for the tenant to contact with any queries or support issues.
- Information about the decant process will be available on the Council's website.
- The designated officer will consult and visit with the tenant/householder/s. They will clearly explain the process, tenants' choices, housing options, legal rights and responsibilities. Home visit will include an assessment of support needs and a property inspection.
- The Council will be clear about what compensation or financial assistance a tenant is entitled to.
- A Disturbance Allowance budget is available to recompense a tenant for reasonable costs which have not been covered by Waverley Borough Council. This may include cost for removal, altering of soft furnishings e.g. carpets, curtains, blinds and curtain rails.
- A Home Loss Payment budget is available to recompense a tenant who must move permanently.

- Where a refurbishment or redevelopment has occurred, the Council will liaise with the tenant on the layout of the property (where possible) in relation to decoration, fixtures and fittings.
- Where it is essential for major or redevelopment works to be carried out, we reserve the right to carry out legal action where the tenant/household refuses to be accommodated elsewhere.
- The Council reserves the right to offset payments against any debt to the Council.
- The Council will ensure fair recompense is paid on time where applicable.
- Permanent decant tenants will be offered the same type of tenancy as they currently hold – introductory (the remaining term) or secure tenancy.
- Temporary decants tenants will retain the tenancy they hold at their original home and be issued a temporary license at the temporary decant home. The tenants affected will continue to pay rent for their original home. Rent is not charged for the temporary accommodation.

3.4 Compensation and Costs

3.4.1 Disturbance Allowance

- A disturbance payment is to compensate a displaced tenant for the actual cost of moving from their home. Unlike Home Loss Payments, it is not paid at a fixed level. The Disturbance Allowance guidance is set out in the Land Compensation Act 1973 (Section 37 and 38). The aim is to cover reasonable expenses incurred by the tenant during moving.
- To qualify for a Disturbance Allowance the tenant does not need to have lived in their home for a year but must be the lawful tenant at the time of the decision to decant.
- Associated costs under the Disturbance Allowance may include:
 - Actual cost of removal.
 - Costs for altering soft furnishings including re-fitting and altering carpets, curtains, blinds and re-fixing curtain rails.
 - Cost of new curtains and carpets, provided the current ones cannot be adapted to fit in the new home
 - Disconnection and reconnection costs for telephones, cookers, redirection of mail
- The Council may offer tenants the option of managing and paying for some of these costs as an alternative to tenants making their own arrangements. Examples may include working with removal firms and carpet suppliers.

- If the tenant is moved on a temporary basis, a further Disturbance Allowance maybe payable when the tenant moves back into their original home.
- The Council requests that at least two quotes are obtained by tenants for the purpose of removals and cost of carpets.
- The Disturbance Allowance for new build/regeneration schemes is included in the overall project budget. For other decants the budget is set annually by the Executive Head of Housing.
- The Council reserve the right to offset the Disturbance Allowance against any debt to the Council.

3.4.2 Home Loss Payments

- If a tenant has to move out of their home permanently (permanent decant) due to demolition, improvement or redevelopment they may be entitled to claim a Home Loss payment. The statutory guidance for Home Loss Payments is set out in the Land Compensation Act 1973 Section 30.
- A Home loss payment is only payable where a displacement is compulsory.
- It is applicable to tenants who have lived in their property for at least one year as their only/main residence.
- Where a Home Loss Payment is made in respect of a joint tenancy, the payment is expected to be shared between tenants.
- Tenants may also be entitled to the Home Loss Payment if, instead of waiting for the formal decant process to take place, they take their own steps to find suitable accommodation. A voluntary displacement such as this counts as compulsory as the tenant believes that moving home was inevitable.
- The Council will adhere to the Government prescribed amount for Home Loss Payments.
- If there is an intention by the tenant to return to the home where the works have been carried out, then the Home Loss Payment will not be applicable.

3.4.3 Subsistence Payments

- Subsistence payments will be made to resident who are decanted to temporary accommodation that has not cooking facilities – B&B or hotel.

4. Data Protection and retention of information

All decants will be handled in accordance with the requirements of General Data Protection Regulations and the Data Protection Act 2018. The handling and

storage of personal data will be managed and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

5. Equality and Diversity

This policy aims to show that all tenants' differing needs and preferences are considered. Central to this is the personal visit to carry out a needs assessment at the beginning of the process, which allows the Council to:

- Identify those who may need more support, such as a full packing service or extra help.
- Ensure tenants are kept informed in the way most appropriate to them.
- Make suitable rehousing offers, with full consideration made of adaptations required.
- Location needs taken into consideration.

6. Legal Framework and Provisions

Land Compensation Act 1973 (Section 30, 37 and 38)

Landlord and Tenant Act 1985

Home Loss Payments Regulations 2008

Housing Act 1996 Part VI

Homelessness Act 2002

7. Document Improvement

The Council welcomes comments and feedback on its policies and procedures. Please contact Brenda Glover Service Improvement Team if you have any comments.

8. Related information

8.1 Other Related Council Policies / Information

8.2 Other Documents