

Cheshire West and Chester Council
Housing Management

Decant Policy

1 MANAGEMENT INFORMATION

Approval Date – V2	To be advised
Next Review Date	To be advised
Responsible Service Area	Strategic Housing and Commissioning
Responsible Director	Gemma Davies, Director Economy, Housing & Policy

Aim of Policy

This policy applies to all housing management services and homeless support services delivered on behalf of Cheshire West and Chester (CW&C) Council.

For the purposes of this policy, the definition of decant is to re-house tenants while their homes are being rebuilt, refurbished, demolished or undergoing remedial work. This policy aims to ensure that sufficient and reasonable support is available to Cheshire West and Chester Council tenants. In certain circumstances, this may require moving a tenant into alternative accommodation.

The key principles of the policy are to:

- Ensure that communication is sent out promptly and in a timely manner to the tenants involved;
- Ensure that tenants are supported throughout the decant process;
- Ensure that the work is carried out in an efficient manner;
- Minimise the inconvenience and disruption to tenants;
- Ensure that the decant period is as short as possible;
- Appropriately compensate tenants for any losses, costs or inconvenience caused by the decant. This would mean ensuring that tenants were not 'out of pocket' due to the move. Home Loss payments are only to be made in very certain circumstances;
- Reduce or minimise the potential health and safety risks to the tenant;
- Reduce or minimise any legal claims against ForHousing () or CW&C;
- Establish home loss payments where appropriate;
- Establish if other statutory payments are appropriate.

Definition of decanting

Decanting is when a housing organisation requires that a tenant be temporarily or permanently moved from their current dwelling. It applies in the following circumstances:

- Major repair works (e.g., treating dry rot, woodworm, chemical treatments, gas leaks, damp etc.).
- Structural work to the property.
- Major improvements or refurbishments which are extensive and leave the property uninhabitable. This does not include programmes such as kitchen and bathroom refurbishment, full rewiring works, damp proof courses etc.
- When any works carried out with the tenant in situ would exacerbate any medical condition that is evidenced by the tenant.

Please note – a permanent decant would need to take place in the following circumstances:

- The property is in a major redevelopment area and CW&C needs possession of the property to either redevelop or demolish the property.
- The property requires substantial modification (e.g., three small properties may be remodelled to make two larger properties).
- The property forms part of a building that is undergoing a change of use.

ForHousing will ensure that the new property is suitable for the tenants, and their household, needs.

If a tenant refuses to move

If a tenant refuses to move, where possible, ForHousing would seek to reach an agreement with the tenant. However, where this is not possible and it is essential that the works are carried out to the property, ForHousing will consider court action to seek possession of the property so that the works can commence. Court action will only be successful if it is decided that it is reasonable and that the tenant has suitable alternative accommodation to move to.

If a tenant refuses to move from the temporary accommodation back into their permanent accommodation ForHousing may either seek to allow them to remain if it is like for like and it is beneficial for both the tenant and ForHousing, or it may be necessary for legal action to commence if ForHousing do not approve the tenant remaining in the property they have been decanted to.

No Access

In cases where tenants are required to move out of their home on a permanent or temporary basis, the following guidelines will be followed:

- Initially all tenants who are being required to move due to repairs or improvements to their property will be contacted by letter by ForHousing.

- If tenants fail to respond, a letter should be sent making a one-to-one appointment. Failure to allow access at this point should result in a second letter being sent. If no access continues to be an issue, the Housing Manager should be informed so that appropriate action can be taken.

Compensation and expenses

Tenants who are to be permanently decanted and are not able to return to their properties are entitled to either a 'Home Loss' payment and/or a 'Disturbance Allowance' as per section 29 of the Land Compensation Act 1973. Home Loss payments can be provided to tenants who have lived in the property for 12 months or more and are being made to leave their property permanently. The Home Loss payment is £6100.

Tenants who are to be permanently decanted and have not resided at the property for a year are provided Disturbance Allowances. This is paid to the tenant to contribute to a reasonable expense of moving and is not limited to providing removal expenses only.

When a tenant is required to move on a temporary basis, ForHousing will financially assist them to move in to the temporary property and then back in to their permanent home. These costs include:

- The removal and transfer of the tenant's possessions;
- Removal and refit/storage of carpets (where necessary);
- Disconnection and reconnection of cookers, washing machines and refrigerators;
- Redirection of post;
- Telephone and Broadband disconnection and reconnection;
- Refitting of curtain rails;
- Storage of any belongings which do not fit into the temporary property;
- Refitting of any personal house alarms.

Home Loss for Owner Occupiers and Leaseholders

Where a property is owned by a leaseholder or owner occupier and it is due to be demolished, we will offer 10% of the market valuation of the home, between the minimum of £6100 and the maximum of £61,000.

These amounts are set out by law in the Land Compensation Act 1973 (Home Loss Payments Regulations updated 2008).

If a Compulsory Purchase Order is made, the District Valuer will conduct the valuation and the offer of home loss will be made on this valuation.

As with all expenses / compensation payments, tenants should be advised to keep copies of their receipts showing the money they have spent on the move wherever possible.

Outstanding payments e.g., arrears or recharges will be offset against any Home Loss payment offered.

Temporary Decant

When a tenant is being temporarily decanted, their tenancy is transferred to the temporary property. However, their rights as a tenant (Secure and Introductory) remain and the rent to be charged on the temporary property will not exceed the rent charged at their permanent address.

The temporary accommodation provided by ForHousing will be determined by the Housing Manager on the type of property required and the urgency of the requirement. Void properties will be utilised for decant purposes. In extreme cases, following the Housing Manager, approval temporary accommodation may be sought at a B&B or hotel.

All the properties used will be of a decent standard and will meet the Lettable Standard. As soon as ForHousing are aware that a decant property may be required, work should commence to identify a suitable property and the tenant must be consulted.

The tenant must be kept informed throughout the whole process and should be given an estimated timescale prior to work commencing which should be updated on a regular basis should additional works be required.

A license agreement should be undertaken for the temporary decant property, not a new tenancy agreement.

Legislation and Regulation Standards

Statutory / regulatory and standards which underpin the policy:

LEGISLATION	ISSUES
Housing Act 1985	Security of tenure Removal expenses Possession Landlord obligations
Housing Act 1988	Grounds for possession
Land Compensation Act 1973	Home loss Disturbance payments Re housing Duties
Local Government and Planning Act 1980	Amended the Land Compensation Act 1973
Planning and Compensation Act 1991	Home loss payment update
Housing Act 1996	Grants Allocations Homelessness Nominations

Equality Analysis

Date of approved EA	To be advised
Results of EA / Actions taken forward to mitigate any potential negative impacts	To be advised

Data Protection Impact Assessment

Data Protection Impact Assessment (DPIA)

Under the UK GDPR and the Data Protection Act 2018, you are required to carry out a DPIA when developing a new Policy or Procedure that will have a widespread or serious impact on data held on individuals. Careful consideration should be given as to whether the policy or process will have an impact on any processing of personal information that is large scale, involves profiling or monitoring, decides on access to services or opportunities, or involves sensitive data or vulnerable individuals. Information and support regarding this can be obtained from the Data Protection Officer (DPO).

Has a DPIA been completed?	To be advised
If a DPIA has been completed, was the DPO consulted?	To be advised
If a DPIA has been completed, were any risks identified?	To be advised

Consultation & Business Intelligence

To be advised

Monitoring Arrangements

ForHousing will monitor and report performance in compliance with this Policy through the in-house IT system, performance indicators and tenant satisfaction feedback.

This Decant Policy will be available to all ForHousing employees through the intranet and via ForHousing websites for tenants and partner agencies. Regular training will be provided to relevant employees on all policies and procedures.

Control Data & Approval History

Policy Owner:	CW&C: Alison Amesbury, Strategic Housing & Commissioning Senior Manager
Next review date:	February 2024

Issue	Approved By	Date
Approval – V1	ForHousing (HMC) SMT	30 th April 2018
Approval – V1	CW&C Cabinet Member - Housing	8 th September 2018
Approval – V2	CW&C, Cabinet Member Housing, Planning and Climate Emergency	17 th February 2022

Document Revision History

Date	Version Number	Key Changes
8 th September 2018	1	Original Version
15 th March 2021	2	<p>Under Policy heading corrected if the property is in a major redevelopment area and CW&C needs possession of the property not ForHousing.</p> <p>Under Temporary Decant corrected tenancy types under rights as a tenant from assured to Secure.</p> <p>Updated CW&C responsible Director name and title.</p>