

**Cheshire West and Chester Council**  
**Housing Management**

**Decant Policy**

**1 MANAGEMENT INFORMATION**

Approval Date – V3	2 <sup>nd</sup> July 2024
Next Review Date	1 <sup>st</sup> July 2027
Responsible Service Area	Strategic Housing and Commissioning
Responsible Director	Gemma Davies, Director Economy and Housing

### 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 Decant Policy will take affect when alternative options have been explored e.g. staying with family or friends.

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 landlord requires a tenant be temporarily or permanently moved from their current home based on the level of works required and applies in the following circumstances:

- Emergency major incidents (e.g, flood, fire, gas explosive) which have made a property unsafe and uninhabitable.
- Major remedial treatment (treating damp, dry rot, woodworm, chemical treatments) which would make a property unsafe and uninhabitable.
- Structural work to the property (major structural flooring, subsidence, etc).
- If there is a Category 1 hazard as per the housing health and safety rating system (HHSRS) which is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in properties.
- Other major works which could not be completed safely while the property is occupied or would exacerbate any medical condition that is evidenced by the tenant,

Works identified as part of a damp and mould survey will be assessed if they can be carried out safely whilst the property occupied. Carrying out any intrusive and / or dusty works in any home as part of property maintenance is unavoidable so when carrying out this type of work, we will work with tenants to understand their individual needs and aim to work together to meet these. For short-term disruption discretion will be considered to offer respite where tenants or members of their household have medical support or care needs which would be adversely affected during the time the works are carried out.

Planned property improvements do not fall within the scope of this Decant policy as these are prearranged with tenants who occupy the property. (eg kitchen and bathroom refurbishment, installation of new windows and external doors, full roof replacement, full rewiring works, works, install damp proof courses, etc.).

**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.

To minimise the disruption of a decant as well as understand the needs of each tenant and their household, we will undertake a decant assessment and agree a plan. The tenant(s) will be kept informed throughout the decant process to identify and offer any additional support requirements.

## **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 into 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 and CCTV.

## **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.

## **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.

## 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

## Inclusive Decision-Making Framework (IDMF) Analysis

Date of approved IDMF analysis	28/01/2024
Actions taken forward to mitigate any potential negative impact	N/A

## Equality Analysis (Tenants)

Results of EA / Actions taken forward to mitigate any potential negative impacts	<p>Policy document to be provided in alternative formats.</p> <p>For Housing staff to undertake equality and diversity training on an ongoing basis to support the delivery of this policy.</p>
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## 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?	Yes
If a DPIA has been completed, was the DPO consulted?	Yes
If a DPIA has been completed, were any risks identified?	Yes, low
If risks were identified as part of the DPIA process, have mitigation actions been identified?	Yes

## Consultation & Business Intelligence

The policy was created in consultation with CW&C tenants and representatives of CW&C and ForHousing.

## 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

<b>Policy Owner:</b>	CW&C: Lucy Heath, Head of Housing
<b>Next review date:</b>	1 <sup>st</sup> July 2027

Issue	Approved By	Date
Approval – V1	ForHousing (HMC) SMT	30 <sup>th</sup> April 2018
Approval – V1	CW&C Cabinet Member - Housing	8 <sup>th</sup> September 2018
Approval – V2	CW&C, Cabinet Member Housing, Planning and Climate Emergency	17 <sup>th</sup> February 2022
Approval – V3.1	CW&C, Cabinet Member of Homes, Planning and Safer Communities	2 <sup>nd</sup> July 2024

## Document Revision History

Date	Version Number	Key Changes
8 <sup>th</sup> September 2018	1	Original Version
15 <sup>th</sup> March 2021	2	<p>Under Policy heading corrected if the property is in a major redevelopment area and CW&amp;C needs possession of the property not ForHousing.</p> <p>Under Temporary Decant tenancy types under rights as a tenant from assured to Secure.</p> <p>Updated CW&amp;C responsible Director name and title.</p>
April 2024	3	Information on damp included within policy.
28 <sup>th</sup> June 2024	3.1	<p>Revised version following tenant feedback:</p> <ul style="list-style-type: none"> <li>• Improved layout to policy document.</li> <li>• Included section about making best use of stock.</li> <li>• Included more detail in appeals process section.</li> <li>• Informed on the various decant options.</li> <li>• Informed on support available to tenant.</li> <li>• Included the refitting of CCTV.</li> <li>• Made clear that this policy document can be provided in alternative formats.</li> <li>• Informed about the ongoing equality and diversity training being provided to staff in the delivery of this policy.</li> </ul>