

## EXECUTIVE DECISION RECORD SHEET

**Name of decision maker:** Cllr Margaret Griffiths

**Portfolio:** Housing

**Date of Portfolio Holder Decision:** 16 May 2012

**Title of Decision:** Housing Decant Policy

**Decision made and reasons:** That the Housing Decant Policy is approved to enable operational decisions to be made.

**Reports considered:**

The Housing Decant Policy is attached to this decision record sheet.

The purpose of the policy document is to outline the process involved in the decanting of tenants.

There will be occasions where Dacorum Borough Council must ask tenants, for health and safety reasons which affect their ability to remain in the property, to move from their home either temporarily or permanently so that improvements, major repairs or demolition can take place. This is known as a decant.

Dacorum Borough Council will aim, where possible, to carry out works around tenants with the minimum of disruption, or where this is not possible, keep the decant period as short as possible.

**Has budget been approved?** No changes are requested to existing budgets. No additional budget is requested.

**Officers/Councillors/Ward Councillors/Stakeholders Consulted:**

A policy working group was established to consider each of the newly developed housing policies.

The policy working group consisted of Ward Councillors from the Housing and Communities Overview and Scrutiny Committee and representatives from the Tenant and Leaseholder Committee.

The policy working group met on 15 September 2011 to discuss the Housing Decant Policy.

**Monitoring Officer comments:**

At its meeting on 27 March 2012 the Cabinet delegated authority to approve the Housing Decant Policy to the Portfolio Holder for Housing.

**Deputy Section 151 Officer comments:**

The decant policy has been revised under Portfolio Decision as per the procedure approved by cabinet on 27<sup>th</sup> March 2012. Budgets exist to cover the costs of decanting tenants but these need to be kept under review as costs are affected by demand. Effective forward planning is therefore

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required for budgetary control purposes.

**Implications:** The development of a Housing Decant Policy is designed to ensure that where the need for a decant is identified that each is dealt with consistently and ensures that the necessary repair/improvement is undertaken as swiftly as possible minimising the disruption to the tenant.

**Risk:** By developing a policy and ensuring that where the need for a decant is identified each case is dealt with sensitively and swiftly; minimising the disruption to the tenant this will minimise the risk to the Council and Housing Landlord Service. Failure to deal with cases appropriately may result in claims being made against the Council; the development of a policy minimises this risk and the likelihood of any negative publicity and any compensation payments being made as a result of poor service.

**Value for Money:** Dealing with decants effectively and consistently will ensure that the appropriate level of resource is devoted to ensuring effective service delivery. Without an effective policy and procedure the likelihood of significant additional resources being devoted to each decant is possible.

The effective use of resources being devoted to each decant ensures value for money for tenants.

**Options Considered and reasons for rejection:**

**Portfolio Holders Signature:**

**Date:**

**Details of any interests declared and any dispensations given by the Standards Committee:**

**For Member Support Officer use only**

Date Decision Record Sheet received from portfolio holder: 15/05/12

Date Decision Published: 16/05/12

Decision No: PH/035/12

Date of Expiry of Call-In Period: 23/05/12

Date any Call-In received or decision implemented:

**BACKGROUND**

The Housing Decant Policy is the background to this executive decision sheet. The policy document is attached to this report.



# Housing Decant Policy

Housing Landlord

February 2011

Version Control	Version 9
Status of Policy	
Sponsor	Elliott Brooks, Assistant Director (Housing Landlord)
Author/Reviewer	Andy Vincent, Group Manager – Tenant and Leasehold
Approved	Date approved by Cabinet
Review Date	One year after above date

## 1. Policy Statement

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- 1.1 The purpose of this policy/procedure is to outline the process involved in the decanting of tenants.
- 1.2 There will be occasions where Dacorum Borough Council must ask tenants, for health and safety reasons which affect their ability to remain in the property, to move from their home either temporarily or permanently so that improvements, major repairs or demolition can take place. This is known as a decant.
- 1.3 Dacorum Borough Council will aim, where possible, to carry out works around tenants with the minimum of disruption, or where this is not possible, keep the decant period as short as possible.
- 1.4 It is our policy to treat all tenants fairly.

**2. Equality and Diversity**

- 2.1 We will ensure that this policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, age, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity policy.**
- 2.2 When applying this policy we will act sensitively towards the diverse needs of individuals and communities.**
- 2.3 When applying this policy we will take the necessary positive action to reduce discrimination and harassment in local communities.**
- 2.4 This policy and any other related publications of Dacorum Borough Council are available on request in other formats (e.g. in an alternative language, in Braille, on tape, in large type).**

**3. Principles**

- 3.1 The Policy shall operate within the following principles:
  - To manage the decant process in an efficient and equitable manner
  - To cause the least disturbance to residents who are obliged to decant on a permanent basis
  - To be delivering a responsive and supportive service
  - To assist residents in moving (as defined by this policy)
  - To ensure that accommodation is provided with similar adaptations where an individual has particular needs and their existing home has been specially adapted
  - To ensure that all residents are offered a 'suitable' property where possible
  - To ensure the disruption to residents' lives is kept to a minimum and where 'home loss' and 'disturbance' payments are applicable these are made to them in a timely manner
- 3.2 Where major works or health and safety issues are identified, the Maintenance Officer, in consultation with the Group Manager of Property and Place, shall decide whether the works

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can be carried out with the tenant in occupation, or whether the tenant needs to be moved out. The following factors will be taken into consideration:

- Health and safety
- Proposed timescales for works
- Security issues

3.3. Where the nature of the work would not normally require that the tenant is moved out of their home; but other factors such as health issues may impact upon the ability of the tenant or their family to remain; recommendations for the tenant to be decanted will be considered by the Housing Panel in conjunction with the Group Manager – Tenants and Leaseholders.

### 4. References

The legislation and policies listed below will be taken into consideration:

- Housing Act 1985, section 11 repairs
- Housing Act 1985, Schedule 2 Grounds 8 and 10
- Land Compensation Act 1973
- Planning & Compensation Act 1991
- Home Loss Payments (Prescribed Amounts) (England) Regulations 2008
- Human Rights Act 1998
- Data Protection Act 1998
- Equality Act 2006
- Housing Allocations Policy

### 5. Permanent Decant

A permanent decant is where a tenant is moved to alternative accommodation on a permanent basis on the following grounds:

- Demolition of the property currently occupied
- The property size is to be altered which would then render it no longer suitable for the existing household composition
- If the property is due to be disposed of, in line with the Housing Landlord Service's Disposal Policy.

### 6. Temporary Decant

Temporary Decant is where a tenant is moved to alternative accommodation on a temporary basis where:

- Major repairs (for example due to flood or fire) needed to the property cannot be carried out with the tenant in occupation as a result of significant disruption to the tenant and as a result of the scale of the building works. Major works could be classified as those

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where there is extensive loss of amenities, such as the tenant being unable to use the kitchen, toilet facilities, or for other Health and Safety works such as asbestos removal and complete rewiring.

- If the Council's Medical Advisers states that the tenant or a member of his/her family is unable to remain in the property whilst the works are being carried out.

**NB: If the person to be decanted is a leaseholder, he/she shall be advised to make his/her own arrangements and claim the alternative housing costs via their insurance.**

### 7. Decant and Under-Occupation

Tenants who live in properties larger than their housing needs are under-occupying. These tenants will be decanted into a property of a size considered suitable to their housing needs.

### 8. Compensation

- 8.1 The Housing Landlord Service will compensate households required to decant from their existing home. The level of compensation agreed is identified in the Compensation Policy and in some cases within legislation. Where tenants are not required to move; or choose to have any work done around them, they will not be entitled to compensation.

Any compensation payment will be used to reduce any outstanding rental or housing debt in the first instance before a payment is made to a tenant.

8.2 Council Tax

Decanted tenants will be expected to pay the appropriate Council Tax for the property to which they have been decanted.

8.3 Right to Buy

If the decanted tenant is given a secure tenancy of the property that they have been decanted too (their tenancy type will reflect the type of tenancy they had before the decant) they will be able to exercise their right to buy.

- 8.4 Where a tenant is being required to decant, but has an outstanding Right to Buy allocation, they must withdraw the application in order to enable a move to a decant property. They will be able to submit a fresh Right to Buy application at their decanted or permanent home.

Dacorum Borough Council will not be able to preserve the valuation after an application has been withdrawn. A new/fresh application will need to be made at the decanted or permanent home.

### 9. Responsibilities

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### **The Group Manager, Tenant and Leasehold**

Has the overall responsibility for ensuring the process runs effectively. Monitoring all decants to ensure temporary decants are not overlooked and a smooth transfer back to the secured tenancy is effected.

### **The Group Manager, Property and Place**

Is responsible for ensure the work to the property is undertaken in as timely a manner as possible and that communication is facilitated with the Tenant and Leasehold Group and Strategic Housing to ensure rent loss is minimised.

### **Team Leaders**

They are responsible for ensuring that the processes are followed in accordance with the procedure.

### **Housing Officers**

They are responsible for supporting the tenant(s) through the decant process. Ensuring that moves are facilitated and the tenant(s) is kept informed of the anticipated return date for the property.

### **Maintenance Officers**

Are responsible for identifying and reporting to the Group Manager Property and Place that a tenant will require a decant due to the work required to a property. Maintenance Officers will also be responsible for liaising with the Empty Homes Co-ordinator to ensure that if a move is to be permanent that the property is let as soon as possible via the Moving with Dacorum scheme.

## **10. Review of the Policy**

This policy will be reviewed every two years or sooner if necessary and following consultation with tenants.

## **11. Records**

The computerised property record with details of the decant must be updated