

## EXECUTIVE DECISION RECORD SHEET

<b>Name of decision maker:</b>	Cllr Margaret Griffiths
<b>Portfolio:</b>	Housing
<b>Date of Portfolio Holder Decision:</b>	16 May 2012

<b>Title of Decision:</b>	Disposal of Tenants' Goods Policy
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**Decision made and reasons:** That the Disposal of Tenants Goods Policy is approved to enable operational decisions to be made.

**Reports considered:**

The Disposal of Tenants Goods Policy is attached to this decision record sheet.

This purpose of the policy document is to describe the Housing Landlord Service's legal requirements when removing, storing and disposing of customers' goods that have been left in empty properties, garages or communal areas. The council has certain duties under law towards the owner of any goods it takes into its possession or control.

Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 gives the Council certain rights to dispose of property left on Council premises after carrying out the appropriate procedures.

**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 3 March 2011 to discuss the Disposal of Tenants Goods Policy.

<b>Monitoring Officer comments:</b>	At its meeting on 27 March 2012 the Cabinet delegated authority to approve the Disposal of Tenants' Goods Policy to the Portfolio Holder for Housing.
<b>Deputy Section 151 Officer comments:</b>	The Disposal of Tenants Goods Policy has been revised under Portfolio Decision as per the procedure approved by cabinet on 27 <sup>th</sup> March 2012. In reference to Financial Regulations governing the security of assets, a separate policy exists to safeguard assets that are removed from properties and held on

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<p>council premises until they can be disposed of. This was revised in 2011 and complements the disposal policy to which this PH decision relates.</p>
<p><b>Implications:</b> The development of a Disposal of Tenants Goods Policy is designed to ensure that where is a requirement to dispose of tenants' goods, for example following an eviction or abandonment the Housing Landlord Service is following a consistent process in line with legal requirements.</p> <p><b>Risk:</b> By developing a policy and ensuring that there is a consistent approach when disposing of tenants' goods this will minimise the risk to the Council and Housing Landlord Service. Failure to deal with the disposal of goods 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 compensation payments being made as a result of poor service.</p> <p><b>Value for Money:</b> Disposing of tenants goods effectively and consistently if and when they come into the Council's possession 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 disposal is possible.</p> <p>The effective use of resources being devoted to each disposal ensures value for money for tenants.</p>
<p><b>Options Considered and reasons for rejection:</b></p>

<p><b>Portfolio Holders Signature:</b></p>  <p><b>Date:</b></p>
<p><b>Details of any interests declared and any dispensations given by the Standards Committee:</b></p>

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Date Decision Record Sheet received from portfolio holder: 15/05/12	
Date Decision Published: 16/05/12	Decision No: PH/036/12
Date of Expiry of Call-In Period: 23/05/12	
Date any Call-In received or decision implemented:	

## BACKGROUND

The Disposal of Tenant's Goods Policy is the background to this executive decision sheet. The policy document is attached to this report.

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# Disposal of Tenants Goods Policy

Housing Landlord

March 2012

Version Control	Version 2
Status of Policy	
Sponsor	Elliott Brooks, Assistant Director, Housing Landlord
Author/Reviewer	Lindsey Walsh, Team Leader, Tenant and Leaseholder Services
Approved	
Review Date	

## 1.0 Introduction

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- 1.1 This policy describes our legal requirements when removing, storing and disposing of customers' goods that have been left in empty properties, garages or communal areas. The council has certain duties under law towards the owner of any goods it takes into its possession or control.
- 1.2 Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 gives the council certain rights to dispose of property left on council premises after carrying out the appropriate procedures.

### 2.0 Definitions

- 2.1 The term 'goods' defines anything that we believe is worth money.
- 2.2 We will always dispose of perishable or hazardous goods as well as anything that appears to be rubbish.

### 3.0 Policy Statement

#### 3.1 Aims and Objectives

The council aims to:

- Treat customers in a fair and non discriminatory way in accordance with the council's Equality and Diversity Strategy
- Be effective; be clear about and accountable for our actions.
- Dispose of any goods left by a customer as quickly as possible, whilst complying with legal responsibilities
- Reduce storage costs and/or rent and void loss

#### 3.2 Legislation

##### 3.2.1 Section 41 of the Local Government (Miscellaneous Provisions) Act 1982

Section 41 gives the council the power to dispose of property left on Council premises for example in a council garage, council property or communal areas. The council are required to give 1 month's notice in writing to the owner of the property requiring him/her to collect it by a date specified in the Notice and if the owner does not do so, the property will vest in the Council on that date. This means that the council becomes the legal owners of the property and can dispose of it as it thinks appropriate.

If it appears that it is "impossible" to serve Notice on the date the property comes into the council's possession (i.e. because the whereabouts of the owner is not known), the council can dispose of the property one month from that date.

If the council do not form the view on the date when the property comes into the council's possession that it will be impossible to serve a Notice,

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but do so after making reasonable enquiries, then instead of vesting in the council one month after the date when it came into our possession, it will vest in the Council 6 months from that date.

At any time before the property vests in the Council, the owner may collect it on payment to the Authority of such sum as we may require in respect of costs incurred in looking after the property.

### 3.2.2 The Regulatory Reform (Fire Safety) 2005.

We are required to assess the risk of fire in our properties and take adequate precautions to reduce the risk. We have a duty to keep communal areas in a safe condition and to remove any goods in case they cause a fire risk. Furthermore, the **Housing Act 2004**, places a duty on landlords to carry out thorough risk assessments, including fire risk assessments.

Relevant internal policy and practice is as follows:

- Estate Management Policy
- Tenancy Management Policy
- Rent Arrears and Write Off
- Anti Social Behaviour Policy

### 3.3 Scope of the Policy

This policy applies when processing all cases of abandonment, Clear Landings Procedures, evictions, tenant absence and the disposal of any goods left by tenants and leaseholders, for all of the council's social housing rented properties, communal areas belonging to the council and separately rented garages.

## 4.0 Disposal of Goods

- 4.1 We will make every effort to trace the owner of goods left either in a property or in a communal area. We may ask neighbours if they know the whereabouts of the owner.
- 4.2 When we contact customers with a notice we will give them a reasonable period of time to collect the goods. The notice period will be one month but sometimes we will move goods straight away to prevent a fire risk. If we believe that a customer may not understand the notice, or may find it difficult to collect goods themselves, we will contact someone who can help such as a family member, support agency or advocate. We will also provide the notice in other languages or formats where appropriate.
- 4.3 The following processes/guidelines will be carried out/adhered to as part of the implementation of this policy;
  - The council will, at all times, follow the guidelines set down in the procedures that accompany this policy in relation to the disposal of goods.

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- Where rubbish or goods worth less than £100 are left in the property, the council will assume that they have been abandoned and will dispose of them as part of the normal void process.
- Goods that might reasonably be thought of as having sentimental value (e.g. family photographs) will be retained and dealt with in accordance to procedure.
  - Where there is reason to believe that any goods are owned by a third party (e.g. goods on hire purchase), every effort should be made to trace the rightful owner and notify them that the goods are ready for collection.
  - When a tenant cannot be traced, important documents such as passports or benefit books should be returned to the issuing office. Any post left in the property should be redirected to the sender.
  - Every effort will be made to dispose of any goods within the shortest amount of time available to ensure the property can be re let as quickly as possible.
  - If it has been necessary to store goods, while waiting for them to be collected, the council reserves the right to make a charge to cover the cost of storage. The charge will be variable, according to the volume of goods stored.

### 5.0 Council Responsibility

- 5.1. Overall responsibility for the implementation of this policy lies with Assistant Director, Housing Landlord
- 5.2. The Team Leader , Tenant and Leasehold Services is responsible for the day-to-day management and implementation of the disposal of goods policy, for the application of the policy and procedures, monitoring and reviewing performance and making recommendations for improvement.
- 5.3. All staff have a responsibility for the delivery of the disposal of goods policy.

### 6.0 Customer Responsibility

- 6.1 Customers must accept their responsibilities regarding goods as stated in their Tenancy Agreement or Lease Agreement these include:
  - removing all possessions from the property at the end of a tenancy;
  - co-operating in keeping common areas free from obstruction; and
  - following health and safety advice.
- 6.2 The council has a legal duty to make sure that all fire escapes and fire routes are kept clear at all times. It is, therefore, important that communal areas are kept free from any obstruction or fire risk. Communal parts include stairs, corridors and washing areas. A fire risk could include obstruction from a large item, such as furniture or a large box, as it could block a fire exit or escape route. Arson is another risk and abandoned goods are a danger as they could quite easily be set alight.

### 7.0 Consultation

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The council will consult on an annual basis with the staff, outside agencies and tenant groups to promote continuous improvement and develop good practice in this policy.

**8.0 Review**

The council will review its Disposal of Goods Policy on a 3 yearly basis, unless changes in legislation or regulation require an earlier review.

**9.0 Training**

9.1. The council will provide all staff responsible for implementing this policy with comprehensive training.

9.2. Training will be given to:

- New staff
- Existing staff on an annual basis as a refresher/update as required
- All relevant staff after change to policy/legislation
- To relevant outside agencies
- Any other times as identified by the Group Manager or Team Leaders

**10.0 Equality and Diversity**

10.1 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.

10.2 When applying this policy we will act sensitively towards the diverse needs of individuals and communities.

10.3 When applying this policy we will take the necessary positive action to reduce discrimination and harassment in local communities.

10.4 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).