

HOMES PDG
17 JANUARY 2017

DECANTING POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Claire Fry, Housing Services Manager

Reason for Report: To review the Decanting Policy.

RECOMMENDATION(S): Cabinet approves the revised Decanting Policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework.

Financial Implications: Any Home Loss Payment, disturbance payment or other compensation payments will be met from existing budgets within the Housing Revenue Account.

Legal Implications: In accordance with the statutory guidance for Home Loss Payments as set out in the Land compensation Act 1973, the Council must offer this payment where a permanent decant is required.

Risk Assessment: Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

1.0 Introduction

- 1.1 The review of this policy reflects changes in good practice. It provides a framework for staff which sets out the Council's approach to decant tenants from their current property due to an emergency such as fire or flood, major repairs, refurbishment or where development works are needed to their home.
- 1.2 The Decanting Policy was approved at the meeting of the Decent and Affordable Homes Policy Development Group on 18 March 2014. The policy is due to be reviewed by March 2018.
- 1.4 Tenants Together approved the draft Decanting Policy at their meeting on 8 December 2016.
- 1.5 Cabinet is asked to consider the proposed changes and to agree the adoption of the reviewed policy.

2.0 Proposed policy changes

- 2.1 The policy has been reviewed earlier than the expected due date to take into account the changes made to operational procedures. Minor amendments to the existing policy have been made.

- 2.2 The policy introduces a section on definitions. This provides a legal definition of the term decant and explains in more detail the different types of decants that may take place, for example permanent, temporary or emergency.
- 2.3 An additional clause has been added to the section relating to “Offer of accommodation”. This states that one direct offer of accommodation will be made by the Council in consultation with the tenant. However, if the tenant refuses to accept an alternative property, they will be given advice on their housing options. This may result in legal action taken to recover possession of the property.
- 2.4 The policy has introduced additional clauses relating to Home Loss Payments, stating that when a tenant is eligible for a Home Loss Payment, if they have any debts with the Council, any amounts payable will be offset against the amount granted. Where there are joint tenants, one Home Loss Payment will be shared equally between them.
- 2.5 Under Section 105 of the Housing Act 1985, the Council has a duty to consult tenants on matters of housing management. The policy has been updated to state that we will consult with tenants on housing management matters when it relates to the management, maintenance, improvement or demolition of dwelling houses let by the Council under secure tenancies.
- 2.6 The Council are committed to the principle of openness and transparency and for this reason, the policy now includes a clause relating to this. If for any reason there are any operational matters which impact upon the Council’s ability to operate this policy, they will ensure that information about this is given to tenants and other stakeholders.

Contact for more Information: Claire Fry, Housing Services Manager (01884 234920 cfry@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website