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# Decant Policy

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April 2019

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Tenant Services

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## **Contents:**

1. Introduction
2. Aims
3. Eligibility
4. Consultation & communication
5. Needs assessment
6. Rehousing options
7. Tenants returning to a new housing development
8. Compensation and costs
9. The tenant's role
10. Emergency decanting
11. Decanting where another landlord is carrying out work
12. Disputes/appeals
13. Equality & diversity statement
14. Statutory Home Loss Payments and Disturbance payments –  
General information

## 1. **Introduction**

This policy sets out the approach Stroud District Council takes to moving residents from its housing stock in order for work to be carried out to their property and where it is not safe or possible for the resident to remain while work is carried out or where it is damaged in an emergency such as fire or flood or where a decision has been made to remodel, redevelop or dispose of the property (decants for tenants or in some circumstances, rehousing home owners).

A decant is where a resident moves from their current home to another one, either temporarily or permanently.

Rehousing owner-occupiers will only be considered in limited circumstances where the Council acquires the property using compulsory purchase powers for example the Acquisition of Land Act 1981 and the Land Compensation Act 1973.

The property that the resident moves to may be Council owned, or a Registered Provider (RP) property or, privately owned. The resident may also decide to arrange their own accommodation on a temporary basis with friends or family.

## 2. **Aims**

The aims of this policy for residents decanting both temporarily and permanently are:

- To ensure decants operate in a fair, equitable and reasonable manner, in accordance with the current allocations policy.
- To deliver simple but effective consultation and feedback with decanting residents at the earliest opportunity and throughout the process.
- To enable decants to be carried out to minimise disturbance to residents.
- To establish a basis for making offers of support, both financial and practical, to residents obliged to decant.
- To enable the Council to make best use of stock through timely access for improvement, development and remodelling work or where a decision has been made for disposal
- To minimise rent loss to the Council by having a joint approach to decants in line with current allocations policy and the development/refurbishment process.
- That the best use is made of the Council's resources.

### 3. **Eligibility**

In line with the legislation and existing best practice, the following people will be eligible for assistance and possible rehousing: Tenants, their family members, partners and spouses living in the affected property 12 months prior to the date of agreement for the regeneration or development scheme, (including children).

The Council will not rehouse unauthorised occupants, sub-tenants, lodgers, licensees and other non-secure occupants. Those ineligible persons within the criteria of s 160ZA of the Localism Act 2011 and those deemed ineligible by the Secretary of State.

Owner occupiers within a designated scheme may be given assistance to find alternative accommodation; the options available to them are dependent on their individual circumstances and the equity available to them. The eligibility criteria also apply to owner occupiers.

### 4. **Consultation and Communication**

The Council acknowledges that moving home is a stressful experience, especially where the resident may feel their options are limited. This Decant Policy ensures that decants are carried out appropriately and efficiently with the minimum stress and difficulty.

If a decant is necessary the Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with tenants when they are substantially affected. Consultation must be at a time when proposals are still at an early stage and the Council will consult with all affected persons.

Under this policy, all consultation, feedback and communication will be termed Tenant Liaison - this covers all aspects of working with affected persons during re-development, refurbishment and improvement work, remodelling and disposal including engaging with other linked services such as Neighbourhood Management, Income Management, Contract Services, Housing Benefits, Housing Advice and Council Tax.

#### 4.1 **Provision of Information**

Every qualifying person(s) will be visited by the Tenant Liaison Officer and, if required, the Neighbourhood Management Officer or Support Co-ordinator as appropriate at the start of a project to discuss:

- What the proposed project is and why it is being undertaken.
- When it will be done.
- The decant policy and process (tenants and qualifying owner occupiers only).

- What choices there are and how these can be made.
- What we will do to help tenants prepare for any work and support whilst this work is being carried out.
- Whether there are any requirements for aids and adaptations to support the move.
- Any specific support that the tenant requires for the move.
- Named contact officer for the duration of the programme.
- Owner occupiers will be given specific advice on how the Council wishes to involve their properties in any scheme and the process that will be followed.

#### 4.2 Resident Feedback

Feedback from residents about their preferences, expectations and opportunities to influence is sought mainly through individual visits and site meetings. Information may also be received from local tenants' representatives, The Tenants Voice, Neighbourhood Ambassadors, leaseholders (as appropriate) and Councillors.

In addition to the initial home visit from the Tenant Liaison Officer each household will, if required, have a home visit from the Housing Advice Team to discuss their options and choices (this may not be necessary/appropriate for all owner occupiers). Ongoing feedback throughout the duration of the development will be primarily through the Tenant Liaison Officer whose contact details will be provided. Further group and individual feedback will be carried out as required.

#### 4.3 Working Together

Any redevelopment or refurbishment requires tenants, home owners, officers and councillors to work together. Co ordination of communication and consultation will be carried out by the Tenant Liaison Officer who will be the main point of contact for residents. For larger schemes, consultation work and support may be provided by a specialist Tenant Liaison Officer either employed by the Council or a contractor.

This officer will work closely with the appropriate officers in Tenancy Management, Contract Services and Housing Advice to make sure information is shared and to assist in providing the necessary support and advice to the tenant.

### 5. Needs Assessment

As set out above, every qualifying person(s) will have an initial home visit from the Tenant Liaison Officer where their preferences, expectations and options will be discussed. This home visit will include an assessment of support needs and a property inspection.

Each resident (tenants and qualifying homeowners) will, where new council homes are being replaced, have the option to choose whether they move temporarily or permanently – this will be discussed and may be decided at the initial home visit or later in the process. Where the scheme is to be redeveloped for another tenure or sold then only a permanent move will be possible.

Current Tenants who are moved from their home which is being sold, repaired, refurbished, demolished and rebuilt by the Council as part of a planned maintenance programme, development programme or due to an emergency leaving the home uninhabitable will:

- (If refurbished or repaired) remain tenants of their original home. Where tenants are moving temporarily and can return to their existing home, a Decant license will be signed.
- (If demolished or sold) remain secure tenants.
- Where appropriate, have a license to occupy their decant property.
- Pay the lower of the two property rents i.e. the current property and the decanting property rent) until either the new home is built or they return to their refurbished home.
- Have the right to return to their original home on completion of the work or a new home on the development site if there is a suitable property to return to.

They may also be allowed if they choose, to remain in their decant property subject to room size qualifications.

In very exceptional circumstances properties may be purchased by the Council, for decants. These will not be available for permanent stays, only for temporary decants for the purposes of relevant schemes.

#### 5.1 Allocations Policy Assessment

All tenants needing to move, whether temporary or permanent will be required to register on Homeseeker Plus. This is to ensure fairness and equity with other residents in the district seeking accommodation and to ensure stock remains available for the Council to discharge its duties under current Homelessness Legislation. All tenants registering because of a decant will be placed in Gold band (or its equivalent under future allocations policy), once a decision has been made to remodel, redevelop, dispose or refurbish the property and to add Emergency band where demolition/start on site is within 1 month.

For those properties identified for redevelopment or disposal as part of the Sheltered Housing Modernisation Project or the New Homes and Regeneration programme the following process will apply.

- Tenants can be direct matched to sheltered housing properties across the district and to general needs properties within the same or adjoining Parishes.
- If more than one tenant is interested in being direct matched to a property, the Tenant Liaison Officer in conjunction with the Support Co-ordinator or Neighbourhood Management Officer, as appropriate will decide who is to be offered the property. This will be decided firstly on suitability (e.g. ground floor may be prioritised for person with mobility problems), and then by the length of tenancy i.e. if two people are interested in a particular property and there is no difference in suitability, then the person with the longest tenancy will be offered the property.
- Tenants will be placed in gold band for all other properties.
- Where a home owner qualifies for rehousing by the Council they will also be required to register on Homeseeker Plus and their options for shared ownership and privately renting will be explored.

The Tenant Liaison Officer will liaise closely with the Housing Advice Manager to allocate properties under this process. Where a property is required for other urgent cases, as determined by the Housing Advice Manager, then agreement will be reached between the two parties as to the most suitable allocation of that property.

By following this process, decanting tenants will have first choice to remain in the local area and will have a high priority for all other properties. This will result in tenants being able to move quickly whilst also giving other urgent cases the opportunity to be housed.

It is in a qualifying person(s) interests to take advantage of the bidding system as early as possible and support will be provided by the Housing Advice Team to maximise their opportunity for success.

If required, as soon as a resident is registered they will have a home visit or office appointment with a senior member of the Housing Advice Team. This appointment will provide the resident with detailed, bespoke advice and information on:

- Their areas of choice.
- The property types selected.

- Historical lettings information.
- Details of stock availability.
- Likelihood of rehousing under their selected preferences.
- Options and alternatives if first preference not available in the time scale.

## 5.2 Bedroom Needs Assessment

All applicants on Homeseeker Plus are subject to a bedroom needs assessment – residents decanting will also be subject to this. Any resident currently under-occupying their property can move to another property where they are also under-occupying, however, this will be limited to 1 spare bedroom per household. This means that some residents will still be required to downsize from their current home even though they continue to have 1 spare bedroom.

The Council may, in exceptional circumstances, grant an exception to policy for bedroom needs. For example, where there is a proven medical need for an extra bedroom or to enable best use of stock. Exception may also be granted for applicants bidding on bungalows or hard to let properties. All decisions regarding exception to policy are made by the Housing Advice Manager, in consultation with the Tenancy Services Manager and input from the Tenant Liaison Officer. In all cases an assessment of financial viability will be made and consideration given to whether recent welfare reforms will impact on the ability of the tenant to maintain the tenancy.

Where a resident is subject to a Final Offer (see below) this will be made by the Council and will be in accordance with the households bedroom needs assessment, there will be no under-occupancy granted in this case, regardless of the size of the original home.

## 5.3 Property Inspection

All decant properties will be inspected in line with the Council's voids process to make sure they are in an acceptable and safe condition. Where a new kitchen or bathroom is required this will be carried out as part of the void works following validation from the contract team. Taking and recording of electrical, gas and water meter readings are part of this process. As tenants will be dealing with their utility providers directly, they should also make sure they take their own meter readings to avoid any later dispute.

## 6. Rehousing Options

Each resident will be responsible for bidding for properties on Homeseeker Plus. Bidding patterns will be monitored by the Housing Advice Team. The Tenant Liaison Officer and the Housing Advice Team will provide advice and



assistance to enable residents to maximise their bids and chances of rehousing. Residents will be expected to bid on all property types in the areas of choice, including those with Registered Providers.

#### 6.1 Choice of area and accommodation type

Every resident will have the option to choose the geographical area in which they wish to move to within the district. However, there is no guarantee that properties will become available within the timescale in the area of their choice. Residents may have to consider alternative areas as the time for development/ disposal approaches.

Every resident will be able to specify the type of property they prefer e.g. flat, house, bungalow etc however, there can be no guarantee that the first choice property type will be available.

#### 6.2 Offers

It is the Council's aim to make sure all residents (tenants and qualifying homeowners) are made suitable offers based on their requirements and within a reasonable timescale to enable work to proceed. Where the Council has accepted that an owner occupier qualifies to go on the housing register they may also be subject to this offer process. Residents will be made 3 reasonable offers of suitable accommodation with the option of a 4th at the discretion of the Head of Housing Services. "Reasonable" and "suitable" will take into account the preferences of the resident as well as the availability of stock and demands from other households whom the Council has a legal duty to accommodate.

Where a resident has not bid within the timescale and has had the support to do so the Council retains the right to bid on their behalf and make suitable offers of accommodation on this basis.

The resident has the right to refuse an offer, however, after 3 refusals of suitable properties the Council will provide 1 Final Offer which will be the first available property that meets the household's bedroom needs assessment and is as close to their areas of preference as possible. Residents will have the opportunity to discuss all suitable properties before a formal offer is made to minimise the possibility of refusal.

The Council can as a last resort commence legal proceedings (see below) if the tenant refuses the Final Offer but would in all cases seek to achieve a successful allocation before invoking its legal rights under Ground 10 or 10a of Schedule 2 of the Housing Act 1985 to commence possession proceedings. For owner occupiers, (subject to the offer process), the Council may use its compulsory purchase powers to acquire property as a last resort. This process would commence at the earliest stage to ensure

all options are identified quickly and are time sensitive to both the Council and the affected person(s)

### 6.3 Multiple Households

In the case of grown up children living with their parents, the option will be available at the discretion of the Tenancy Operations Manager or Housing Advice Manager to split households and offer two separate tenancies to free up family accommodation and allow independent living. This will only be considered if it does not result in a net loss of bed spaces for the Council. A tenant freeing up family accommodation as a result of a separate tenancy being offered to a member of their household will not be entitled to the incentive described in this policy.

### 6.4 Non-Social Housing

Residents may wish to move into privately rented property – the Housing Advice Team will provide support to achieve this, for example:

- Conducting property search.
- Negotiating with landlords/agents.
- Arranging housing benefit forms.
- Support with deposit and fees if eligible.

Options for shared ownership and market renting will also be explored if required.

## 7. Tenants returning to a new Housing Development

All tenants who have been decanted from their homes retain the option to return to the new development site, if a suitable property is available.

The right to return will be granted to tenants who were in occupation at the time of the initial home visit and who have made it clear to the Tenant Liaison Officer that they may want to return to the area that they were supported to decant from.

Returning tenants will be able to choose the property they wish to return to (subject to clauses regarding bedroom needs) in accordance with their length of tenancy prior to being decanted.

Tenants returning to a new housing development will pay the social rent for the new property that they are returning to.

The tenants with the longest tenancy will be given first choice, and so on until all returning tenants have been rehoused.

Remaining properties will be allocated in accordance with the Council's current allocations policy, giving regard to s106 and local lettings plans where they exist.

In the case of specialist accommodation this will be assessed and allocated according to need and will not be subject to the tenant choice above.

#### 7.1 Refusal to Move

In the event that a tenant does not wish to move but the level of work means that decanting is necessary, the Tenancy Operations Manager has discretion to:-

- Try to accommodate the tenant into another property within the project
- Use a mobile home within the curtilage of their home if this is available and feasible.
- Reduce the scope of the project to allow essential work to take place, whilst the tenant continues to live in their home.

If the tenant still refuses to move after the above options have been considered; the Head of Contract Services has the discretion to remove a property from a project. This could only happen if the work is not urgently required and it does not adversely impact upon other parts of the project.

The Council retains the legal right under Ground 10 or 10a of Schedule 2 of the Housing Act 1985 to commence possession proceedings as a last resort, once all other alternatives have been explored and reasonable offers of rehousing rejected. Possession will only be granted by a Court with the provision of suitable alternative accommodation.

### 8. Compensation and Costs

The Council has discretion to provide financial assistance towards tenants' removal expenses under the Housing Act 1985 when tenants are temporarily decanted to other Council property.

There are two types of payments that tenants will be entitled to under this policy:

- Disturbance Payments
- Home loss Payments

#### 8.1 Disturbance Payments (for both Temporary and Permanent Moves)

Disturbance payments cover 'reasonable expenses' involved in moving. For Tenants and qualifying owner occupiers that are being moved permanently, these payments should still be made in addition to Home loss payments.

The Council will accept disturbance allowance costs based on:

- One off moves: invoices and receipts supplied by the tenant or contractor, or by approved estimates from the contractor.

Based on each residents identified needs, the Tenant Liaison Officer will arrange for specialised contractors to carry out:

- a) The removal of furniture and effects from and back to the tenant's permanent home and any necessary storage and supply of storage boxes. A full packing service will be available for elderly, frail or disabled tenants to allow them to move, with on the day support as necessary. This includes clearing items out of lofts and sheds subject to a reasonable determination by the Tenant Liaison Officer. In exceptional circumstances temporary storage of items may be required. If this is the case then Stroud District Council would consider meeting these costs for a time limited period of not greater than three months from the tenants moving date.
- b) The lifting and refitting of carpets at the permanent address only.
- c) The relaying (not fitting) of carpets at the decant address or their storage.
- d) The provision and fitting of new good serviceable carpets at the permanent address from an approved supplier up to an approved upper limit per metre, if carpets are damaged (for example when foam backed carpets are lifted) or are unable to be cut down/re-used to fit this property. Tenants can get an upgraded carpet by paying the additional costs themselves.
- e) The replacement and fitting of laminate flooring if tenants' existing flooring is unable to be re-used – payment will be up to the same approved upper limit per metre as set for carpets. Tenants can get upgraded flooring by paying the additional costs themselves.
- f) The provision of new curtains up to a reasonable cost per pair where the existing curtains do not fit due to different window sizes.
- g) The removal and refitting of existing curtain tracks.
- h) The disconnection and reconnection of any existing telephones, television aerials and satellite dishes (providing Council permission had been given for their original installation).
- i) The redirection of post (following the tenants' completion of the postal redirection form).

- j) The disconnection and reconnection of existing kitchen appliances, or room heaters using Gas Safe or equivalent registered plumbers or electricians.

If tenants prefer to make arrangements themselves they can use their own supplier (for example, for removals, carpets and curtains). The Council will reimburse all reasonable costs in line with the policy above, provided that:

- It is supplied with details of the proposed costs prior to work being ordered.
- The costs are in line with what the Council would have paid had it made the arrangements itself.

Tenant requests for the payment of goods and services will need to be made within six months of their moving date. Payments will only be made against receipts.

Tenants who incur extra travelling expenses for work or educational travel only (not including social travel) as a direct result of being relocated out of their current area are entitled to make a claim for this additional cost for the period in which they are temporarily displaced (up to 12 months) at an Approved Mileage Allowance payment if using a car, motorbike or moped or by providing bus/rail tickets. The Council has discretion to meet other reasonable expenses based on individual circumstances.

It is essential that tenants have adequate support to be able to move without having to meet costs themselves upfront or being out of pocket. However, in particular circumstances where excessive costs may apply for the moving of exceptional flora or specific animals such as (and not limited to) fish or birds we would only make payments if tenants have previously received written permission for a pond or garden works. Where permission has not been granted this is less likely and will remain the final decision of the Head of Housing Services. N.B Council Tax and Utility bills will not be included.

Where tenants are permanently decanted to another social housing property they may be entitled instead to a statutory disturbance payment under the Land Compensation Act 1973. Such a payment must be claimed from the Council and follows the principles set out in the Council's discretionary policy for temporary decants above.

## 8.2 Tenants staying in their home whilst work is carried out

Tenants who wish to remain in their home when major refurbishment work is taking place (such as the dismantling and replacement of external walls, external or internal cladding of their walls and are not at risk as deemed by

a qualified Health and Safety specialist) will get a disturbance payment equivalent to a full week's rent per week of the work.

Tenants will be expected to continue to pay their rent during the refurbishment work and will receive a lump sum payment upon completion. Arrears, court costs, rechargeable repairs, Council Tax arrears and Housing Benefit Overpayments will usually be deducted from this payment.

### 8.3 Home Loss Payments for Council Tenants

A Home Loss payment is a statutory payment made to compensate tenants for having to **permanently** move out of their home and may be given in addition to the statutory disturbance payment referred to above. It is **not** payable for tenants who temporarily move out of their home and are able to return to their original property once the work is completed. However, if their area is being demolished and rebuilt and they return, they would be entitled to Home Loss as they would be returning to a totally new home.

This mandatory lump sum payment is fixed by Section 30 of the Land Compensation Act 1973. **The Government reviews the figure annually in October.** Tenants would become eligible for Home Loss payment following a formal decision to demolish, remove or dispose of their homes having been made by Housing Committee. Tenants have the option of transferring prior to this based on their rehousing needs. However, if they do so, they would not be entitled to any form of compensation (Home Loss or Disturbance).

This Home Loss payment is for an eligible tenant/joint tenants who has lived in their property as their principal home for at least 12 months prior to the date of agreement for the scheme and is required to move out of their home permanently as a result of the property being demolished, sold or the scheme remodelled to remove their property. See section 3 for information on eligibility, in all circumstances the home loss payment is limited to one per household, not per tenant – joint tenants will therefore receive one payment between them.

If a decision in principle has been agreed to refurbish, remodel, redevelop or dispose of a property, the Council may assist a tenant to move prior to a formal Committee decision. In this situation where the Council has asked the tenant to move and the Tenant Liaison Officer is assisting a tenant to move the tenant will be eligible for disturbance payments. Also once Committee has made a formal decision then the tenant will become eligible for a Home Loss payment.

A tenant who has succeeded to the tenancy of the property cannot count the previous length of residence of the deceased tenant towards their qualifying period.

In the case of joint tenants the sum will be divided equally between them. A claim must be made within 6 years of the move and paid within 3 months of the claim. In line with good practice, the Council will aim to make payments within 10 working days of receipt.

Tenants who have any other housing related debt such as rent arrears, Council Tax arrears, Housing Benefit overpayment, court costs and rechargeable repairs will have these deducted directly from this lump sum payment.

#### 8.4 Home Owners

The Council may wish to buy privately owned properties where, for example, adjacent (and sometimes attached) properties are being repaired, refurbished or demolished and rebuilt or sold by the Council.

The Council will always seek to purchase private properties through negotiation; however it may consider the use of compulsory purchase powers where appropriate.

#### 8.5 Negotiated Purchases

Where the Council is seeking to purchase the home of a private resident whose property would be part of a redevelopment, refurbishment or remodelling scheme or where a block has been agreed for disposal, the purchase price offered will be based on market value and terms will be agreed by the Head of Property Services.

#### 8.6 Compulsory Purchase

Where the Council is unable to acquire a property through negotiation at a reasonable cost and decides to pursue the use of compulsory purchase powers the value of the property will be assessed at market value, but the homeowner may also be entitled to other payments (Heads of Claim) as set out in the relevant legislation. These may include home loss payments and disturbance.

In addition the Council may also have a duty to rehouse the home owner, where no suitable alternative accommodation is available on reasonable terms.

Homeowners are referred to the Council's Corporate Asset Management Plan for its policies on acquisition and the use of compulsory purchase powers and the sources of advice and information set out in paragraph 12 below, as this is outside the scope of this policy.

#### 8.7 Discretionary Payments

Discretionary payments are payments made over and above the Council's legal obligations and can be used as an incentive to move, for example, where a tenant does not qualify to receive a Homeless payment as they have been resident for less than a year. The costs/benefits of making a discretionary payment will be balanced against those of taking legal action to secure a move.

The Council needs to be satisfied that making a discretionary payment is a reasonable approach and will therefore balance the costs of the discretionary payment against the costs of legal action.

A discretionary payment can only be authorised by the Head of Housing Services.

### 9. The Tenant's Role

Where a tenant is being decanted, they will be expected to pack up their own belongings unless they are vulnerable or have special needs in which case, a packing service will be arranged. Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, having been emptied and defrosted, if necessary, before the removal company is due to arrive.

If the tenant is being transferred to alternative accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to the value of them. The cost of clearance and disposal of any such items will be recharged.

The tenant is required to provide access to contractors, as necessary. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged, in accordance with the appropriate policy.



The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure that they are not abandoned in the property after they have moved out.

If the household has home contents or other insurance, the tenant is advised to notify their insurance company/ies about the change of address.

Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken.

To support the move, the Tenant Liaison Officer will visit to help resolve any minor issues which may arise. He / she will visit again, periodically and definitely, within six weeks of the move. If necessary, where there has been a temporary move, he / she will visit periodically whilst the tenant lives in the decant property.

#### **10. Emergency Decanting**

Our tenants are advised to take out their own home contents insurance. In the event that there is a fire, flood or storm damage, the tenant would be expected to check their own insurance policy to see if this would support a temporary move to Bed and Breakfast accommodation. The Housing Service will liaise with family and friends or assist with making the necessary arrangements, as appropriate. If the tenant does not have their own insurance, they may be rehoused in temporary accommodation by the Council, as is deemed to be appropriate. Once the extent of the damage has been assessed, a decant plan can be devised taking account of relevant circumstances and this will set out all appropriate arrangements. Where damage has been caused by the actions or inactions of the tenant resulting in decanting, the tenant(s) will be recharged for any costs associated with the refurbishment in line with the income and recharge policy

#### **11. Decanting where another landlord is carrying out work**

Residents may be moved from their home to allow the area to be redeveloped or properties repaired by a Registered Provider (RP). In cases where this involves Small Scale Voluntary Transfer to the RP, decanting arrangements will be governed by the particular RP's decant policy. This issue will be built into any formal offer negotiated between the RP, Council and tenants – with the help of their Tenants Voice. A transfer can only take place following a ballot of affected tenants with the majority who vote agreeing to the transfer.

In such a case all decanting arrangements and Home Loss payments would be the responsibility of the new RP landlord.

**12. Disputes/Appeals Procedure**

If a resident is not satisfied with the amount recompensed through this policy, they should write a complaint to Stroud District Council. In addition, they may have the right of appeal under the Land Compensation Act 1973 and any claims should be made to the Upper Tribunal. Its address is:-

**Lands Chamber  
45 Bedford Square  
London  
WC1B 3DN  
Tel: 020 7612 9710  
Fax: 020 7612 9723  
Email: [lands@tribunals.gsi.gov.uk](mailto:lands@tribunals.gsi.gov.uk)**

**13. Equality and Diversity**

This policy aims to show that all tenants' and owners' differing needs and preferences are taken into account. Central to this is the personal visit to carry out a needs assessment at the beginning of the process, which allows the Council to:-

- Identify those who may need more support, such as a full packing service or on the day help.
- Ensure tenants are kept informed in the way most appropriate to them.
- Make suitable rehousing offers, with full consideration made of adaptations required.

The disturbance policy aims to make sure that no-one is out of pocket or disadvantaged as a result of being required to move out of their home. Tenants can choose to take advantage of the Council making the arrangements and paying directly to the contractor, or if they wish, they can organise their move themselves.

By aligning this policy with the current allocations policy the Council is ensuring there is no advantage or detriment to residents affected by the decanting process and that decanting residents are treated fairly and equitably alongside applicants on the housing register, including those the Council has a statutory duty to rehouse.

**14. Statutory Home Loss Payments and Disturbance Payments – General Information**

It should be noted that the information set out in this policy note regarding statutory Home Loss and Disturbance payments is not exhaustive. It is a simplified guide and cannot cover every situation that may arise. It is not

intended to be a complete guide to the law and should not be regarded as a substitute for professional legal advice.

Further guidance for both home owners and occupiers on matters such as statutory Home Loss and Disturbance payments is available in 'Compulsory Purchase and Compensation – Compensation to Residential Owners and Occupiers (Department of Communities and Local Government 2008). This is available from the Department of Communities and Local Government website. This notes that applicants should seek advice from a professionally qualified person such as a surveyor or solicitor. To be referred to a local experienced chartered surveyor for up to 30 minutes free advice, applicants can contact the Compulsory Purchase Helpline on 0870 3331600.

