
Housing Decant Policy

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Housing Services

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Document Responsibility		
Name	Document title	Service
Tenant Relationship Manager	Housing Decant Policy	Housing Services

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Document Review and Approvals		
Name	Action	Date
Housing Committee	Consultation & Review	

INTRODUCTION

1.1 Purpose and scope

- 1.2 The purpose of the policy is to ensure an efficient and effective process for decanting tenants whether on a temporary or permanent basis, aiming to minimise disruption.

Stroud District Council, as a landlord, is obliged under the terms of its tenancy agreements to keep the structure of its properties in good repair and if improvement works or repairs cannot be carried out with tenants living in their homes then the Council is duty bound to offer a temporary or permanent move, dependent on the nature of the works.

Definitions

- **Decant:** The process of moving residents from their homes when works cannot be completed with tenants in situ due to major repairs, improvements, adaptations, demolition, refurbishment, or redevelopment. This can be temporary or permanent.
- **Temporary Accommodation:** Short-term housing solutions, including hotels or bed and breakfast accommodations, used when immediate relocation is necessary.

2. AIMS OF THE POLICY

The aims of the policy are:

To ensure decants operate in a fair, equitable and reasonable manner.

To deliver effective consultation and feedback with tenants at the earliest opportunity

To enable decants to be conducted with the minimal disturbance to tenants.

To outline the support both financial and practical that can be provided.

To minimise rent loss to the Council and to ensure that the best use is made of the Council's resources.

3. SCOPE OF POLICY

In line with legislation and existing best practice, assistance, and rehousing, where appropriate will be offered to tenants, their family members, partners, spouses, and children.

The Council will not rehouse unauthorised occupants, lodgers, licensees, and other non-secure tenants.

Owner occupiers and leaseholders may be given assistance to find alternative accommodation in exceptional circumstances dependent on their individual circumstances and equity available to them.

4 – TYPES OF DECANTS

Decants will generally fall into one of the following categories:

A temporary decant is when a tenant is moved out to enable works or redevelopment of the property to be carried out with the intention of returning.

A permanent decant is when a tenant is moved out of their home and there is no intention to return.

Nature of Decant	Expected Duration	Type of Accommodation	Compensation
Unplanned Emergency Decant	Up to 3 weeks	Family/Friends Hotel/B&B SDC housing stock	Accommodation and storage costs (inc food allowance and reasonable out of pocket expenses)
Unplanned Temporary Decant	4 to 52 weeks	SDC housing stock	Accommodation and storage costs Removal costs Disturbance costs
Unplanned Permanent Decant	Permanent	SDC housing stock Other social housing via Homeseeker Plus	Accommodation and storage costs Removal costs Disturbance costs
Planned Temporary Decant	4 to 52 weeks	SDC housing stock	Accommodation and storage costs Removal costs Disturbance costs
Planned Permanent Decant	Permanent	SDC housing stock Other social housing via Homeseeker Plus	Accommodation and storage costs Removal costs Disturbance costs Homeloss Payment

Unplanned Emergency Decants

Tenants are advised to take out their own home contents insurance and in the event of 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 a hotel. If the tenant does not have home contents and is not able to secure their own temporary accommodation then the Council will rehouse them in accommodation that is deemed appropriate. Once the extent of the damage has been assessed a decant plan will be agreed with the affected tenant(s). Where damage has been caused by actions or inactions of the tenant resulting in the need

for them to be decanted, the tenant will be recharged for any costs incurred by the Council in line with the Repairs & Planned Maintenance Policy..

Unplanned Temporary Decants

Where unplanned repair work is required that cannot be carried out whilst the tenant is living in the property then temporary alternative accommodation may be sourced.

Options that will be considered include:

- Staying with family or friends
- Use of hotel accommodation (subject to availability)
- Temporary accommodation available in our own housing stock

Unplanned Permanent Decants

A permanent decant may be required where there is extensive damage or disrepair and permanent rehousing is necessary or where work is expected to take a long time and have an effect on the tenants wellbeing.

Planned Temporary Decants

A planned decant may be required where structural works such as asbestos removal or other major repairs need to be carried out, but the tenant will be able to return.

The type of accommodation provided will depend on the anticipated duration of the repair works.

Planned Permanent Decants

A permanent decant may be necessary when there is a planned disposal of stock and or redevelopment of the estate. In these circumstances the Council will work closely with all tenants affected to support them through the process and to help them find alternative accommodation.

Existing tenants will be offered a new tenancy and the Council will match tenants to void properties that become available.

The Council will provide a package of support tailored to each household's needs.

For planned permanent decants the following principles apply:

Tenants will be given urgent priority need in order to facilitate a move as soon as possible.

Where a new development is planned, the rights of tenants to return will be subject to the specific approvals relating to the development.

5 – THE COUNCIL'S RESPONSIBILITIES

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 affected. For planned decants consultation must be timely and in the early stages of the process.

The Council acknowledges that moving home can be a stressful experience and the Decant Policy ensures that decants are carried out appropriately and with empathy and efficiency.

Every tenant identified as requiring a decant will be visited by a member of the Tenancy & Sustainment team at the beginning of the process and will be supported throughout.

The extent of any tenants vulnerabilities will be taken into account when the decant is being planned to ensure the tenants needs are met.

6 – THE TENANTS RESPONSIBILITIES

When a tenant is being decanted they will be expected to pack their own belongings unless they are vulnerable, in which case a packing service can be arranged.

If a tenants in being transferred to alternative Council accommodation, they are responsible for clearing their belongings from the property and the garden and for giving vacant possession of the property. If the Council have to clear the property or garden after the tenant has moved out they may be recharged for this.

The tenant may be required to give access to contractors before the move takes place

7 – SUITABLE ALTERNATIVE ACCOMMODATION

Wherever possible, the Council will offer like for like accommodation but this depends on availabilities of properties and the urgency with which a tenant needs to move.

The Council will also discuss preferences in terms of location with tenants.

Where the tenant is currently under occupying, they will normally be offered a smaller property that meets their current needs.

If a tenant refuses to move or refuses suitable offers of accommodation and other options are not feasible then the Council has the legal right to gain possession of the property for decanting purposes.

8 – TENANTS STAYING IN THEIR HOME WHILST WORK IS CARRIED OUT

If tenants wish to remain in their own home whilst major refurbishment work is carried out and a Health & Safety Professional has deemed they are not at risk then this will be accepted. In this case tenants may receive a disturbance payment dependent on the the loss of amenities, which will be paid in lump sum once works are completed. If there are any rent arrears these will be deducted from this payment.

9 – FINANCIAL SUPPORT

Disturbance Costs

Tenants who are required to move due to demolition , redevelopment or improvement works have a statutory entitlement to disturbance payments.

The purpose of the payments is to reimburse tenants for all reasonable costs they will incur as a result of the move.

Examples of costs include

- Removal costs
- Disconnection and reconnection of white goods

- Telephone/Satellite/ Internet connections
- If the decant is from a property with a gas supply to a property with an electric only supply then the Council will provide a new cooker up to an agreed maximum value.
- Redirection of mail
- Adaptations within the home
- Carpets and floor coverings where uplift is not possible.

Compensation for Improvements:

Any improvements the tenant has made to the property, such as a new bathroom will be compensated if the tenant has received our prior written permission. This will be in line with the Right to Compensation for Tenants Improvements scheme and criteria.

Home Loss Payments

Where the Council requires a tenant to move permanently due to demolition or redevelopment there may be an entitlement to a Statutory Home Loss Payment, to compensate them for the upset and distress of losing their home.

Section 30 of the Land Compensation Act 1973 sets out the provision for the statutory Home Loss Payments to compensate tenants, subject to certain eligibility criteria. This mandatory lump sum payment is reviewed annually and confirmed in the Home Loss Payments England Regulations.

To qualify for the Home Loss Payments the tenant must:

- Be the occupied tenant
- Have occupied the property as their main and principal home for a minimum of 12 months at the date of the displacement
- Be moving as a result of the proposed works

More than one person in the household is not entitled to the Home Loss Payment. In these circumstances the payment is shared equally between those on the tenancy agreement.

If tenants have not occupied their property for at least 12 months then the home loss payment will not be applicable.

If tenants are evicted prior to being decanted they will not receive a home loss payment.

If the tenant has rent arrears or other debt owed to the Council, these will be deducted from any Home Loss Payment due.

Practical Support

As well as financial support tenants will be supported by a Tenancy & Sustainment Officer throughout the decant process and this practical support will include:

- An initial visit to discuss the reasons for decant
- A home visit to complete an assessment of support needs
- Additional support for vulnerabilities that have been identified.
- Assistance to view properties
- Assistance to arrange move

When a tenant is decanted temporarily for improvement works rent will be adjusted to the decant property with no rent due on their principal home during this period, however if there are rent arrears on the principal property these will still be expected to be paid.

10 – HOME OWNERS

The Council may wish to buy privately owned properties. The Council will always seek to purchase properties through negotiation, however may consider the use of compulsory purchase powers if appropriate.

Compulsory Purchase

Where the Council is unable to acquire a property through negotiation at a reasonable cost and decides to pursue a compulsory purchase the value of the property will be assessed at market value, but the homeowner may be entitled to other payments which may include home loss payments and disturbance costs.

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.

11 – Complaints

The Council's Housing Complaints Policy is available to any tenant who is unhappy with the service that has been provided and can be accessed by emailing Tenant.Complaints@stroud.gov.uk

12 - Equality & Diversity

The policy aims to ensure that all needs and preferences are considered. The personal visit which will carry out a needs assessment at the beginning of the process will ensure that the process is person centred.

RELEVANT LEGISLATION

- Housing Act 1985
- Housing Act 1988
- Land Compensation Act 1973
- Town & Country Planning Act 1990
- Social Housing Regulation Act 2023
- Equality Act 2010

ACKNOWLEDGEMENTS

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APPENDICES

- A. Click and type: Forms, templates, other documents, where relevant. Delete section if not required

REFERENCES
