



Medway Council Permanent Decant Policy

1 Introduction

- 1.1 This policy covers occasions when Medway Council Landlord Services has to move tenants from their homes permanently due to the redevelopment, disposal, or change of use of a property or block. This is known as a permanent decant.
- 1.2 This policy is intended for ad-hoc or one-off situations; for large scale regeneration projects, project specific policies will apply.
- 1.3 It is recognised that this policy may affect Medway Councils performance on voids (empty properties), especially if void properties have to be 'held' to facilitate a decant. Every effort will be made to limit this.
- 1.4 A permanent decant will only be considered as a last resort, when it is deemed impossible or unreasonable for a tenant to remain in occupation and with the recommendation of the Deputy Head of Housing Management and the authorisation of the Head of Housing Management.

2 Purpose

- 2.1 The purpose of this Permanent Decant policy is to
 - Act quickly once a decant has been deemed necessary
 - Minimise disruption to tenants
 - Ensure tenants are compensated fairly
 - Support tenants throughout the process
 - Provide clear, accurate and up to date information
 - Provide good value for money

3 Scope

- 3.1 This policy does not cover emergency situations such as fire or flood where the immediate provision of temporary accommodation may be required, but can be applied if permanent rehousing is subsequently required following the emergency.
- 3.2 This policy applies to Medway Council Housing tenants only and does not apply to leaseholders or commercial tenants. This policy applies to all Medway Council staff involved in Landlord Services.

4 Legislation and Guidance

4.1 External

- Housing Act 1985
- Housing Act 1988
- Equality Act 2010
- Land Compensation Act 1973

4.2 Internal

- Medway Council Allocations policy

5 The Policy

5.1 Consultation and Information

5.1.1 The Council will ensure that affected tenants are kept informed throughout the decant process. The tenant's Housing Officer will be the main point of contact and will provide information which includes the following:-

- Why the decant is necessary, what will happen and when, and;
- Any compensation the tenant may be entitled to and/or any other support the council can offer.

5.1.2 Affected tenants will be consulted in detail on their requirements, in particular where a tenant has specific needs that need to be taken into consideration.

5.1.3 Where more than one tenant is affected in a block, street or estate, information will be provided simultaneously wherever possible.

5.1.4 The Housing Officer will act as main point of contact for the tenant throughout the process and will provide up to date information, and assistance where required.

5.2 Statutory Home Loss Payments

5.2.1 Subject to certain eligibility criteria, when a tenant is required to move home on a permanent basis they are entitled to a statutory Home Loss Payment. This is prescribed in law under the Land Compensation Act 1973 and the amount is reviewed annually by Government.

5.2.2 Payment will be made after the keys for the vacated property have been returned to Medway Council. The tenant does not have to formally request this payment, and any rent arrears will not be deducted from this payment.

5.3 Disturbance Expenses and Payments

5.3.1 Disturbance payments cover 'reasonable expenses' involved in moving. There is no minimum or maximum amount in law for disturbance payments. Examples of expenses include:

- Removal costs
- Redirection of post

- Disconnection and reconnection of appliances and utilities
- Replacing (or re-sizing) flooring, carpets and curtains
- Redecoration
- Installation of disability adaptations
- Reasonable requests for minor alterations

5.3.2 This list is not exhaustive and any reasonable expense will be considered, and where agreed, met by Medway Council.

5.3.3 Removals will normally be arranged directly by Medway Council. The tenant can organise removals themselves if they prefer, subject to them providing three written quotes to the Council, from which the Council will approve the cheapest.

5.3.4 To ensure tenants are not out of pocket for longer than necessary expenses will be reimbursed promptly subject to necessary proofs, receipts etc.

5.3.5 Claims for reimbursement must be made within 28 calendar days of the expenditure being incurred.

5.3.6 Disturbance payments will not be off-set against rent arrears or any other debt to Medway Council.

5.4 Tenancy Status

5.4.1 Tenants will be required to sign a new Tenancy Agreement. The type of tenancy offered will reflect the tenancy held at the time the decant takes place. For example a secure tenant will be offered a new secure tenancy, a flexible (fixed term) tenant will be offered a new flexible tenancy.

5.5 Type of property offered

5.5.1 Suitable properties will always be identified from within Medway Council's own stock wherever possible.

5.5.2 If a decant is urgent and no suitable property can be identified from within the Council's own stock, other options may be considered, including rehousing by a different Registered Provider.

5.5.3 Properties offered for a permanent decant will generally be on a 'like for like' basis with the tenants original home.

5.5.4 Tenants that are overcrowded will be offered a property that meets their needs in terms of size (i.e. larger)

5.5.5 Tenants that are currently under-occupying will be eligible for a like for like offer, but will be encouraged to consider a property that meets the households current needs (i.e. smaller), and will be eligible for the Medway Council downsizing incentive, in addition to the Home Loss and Disturbance payments outlined above.

5.6 Refusal to Move

- 5.6.1 Medway Council will work with affected tenants to try and ensure that the properties offered are acceptable to the tenant. If however a tenant refuses two or more reasonable offers, Medway Council will reserve the right to take legal action to seek possession. Legal action will always be accompanied by a further offer of alternative housing.

6 Role, Responsibilities and Authority

- 6.1 The Assistant Director of Physical and Cultural Regeneration will retain the overall responsibility for the implementation of this policy.
- 6.2 The Head of Housing Management is responsible for the operational delivery of this policy and the associated procedures and has the responsibility for ensuring that this policy complies with Regulatory and Legislative requirements and in meeting the Council's Business Plan and budget.
- 6.3 All staff involved in tenancy management activities are responsible for implementing this policy.

7 Monitoring, Review and Evaluation

- 7.1 Senior management will monitor the effectiveness of this policy.
- 7.2 This policy will be reviewed every two years, or in line with legislative or regulatory changes.

Policy Version Control Sheet
Policy Title: Decant Policy Policy Author(s): Housing Manager This Version: October 2018 Projected Date of Review: October 2020 Cross References : Allocations policy, Tenancy management policy, Downsizing Incentive Policy Amendments Made: