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Warwick District Council

Decant Policy

Version December 2022

Decant Policy

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1. Introduction

1.1. The purpose of the policy is to set out the assistance available when it is necessary to move residents from their existing home into temporary or permanent alternative accommodation in an emergency situation or to facilitate major repairs or modernisation, regeneration or redevelopment works where the property is to be demolished. This process is referred to as decanting.

1.2. The policy outlines arrangements for the rehousing and financial compensation of residents in line with the Council's allocation policy and legal requirements in order to deliver vacant possession of affected properties and ensure effective use of resources.

1.3. The council recognises the huge impact any such move may have on residents' lives, especially where the move is not through choice. This policy aims to provide residents with a clear understanding of the general approach to be adopted; provide an efficient and fair process for managing decants, set out the level of compensation (if any) that might be offered, explain the types of practical guidance and support that the council can provide to those affected; and to provide a clear approach to managing the decant proceedings. It will give residents an understanding of the steps the council will take to deliver vacant possession of properties where needed and secure for residents an alternative home where the council has an obligation to do so.

1.4. Aims and Objectives:

- Explain the circumstances in which a tenant will be required to move
- Ensure disturbance and home loss payments are made consistently and fairly
- Explain what levels of compensation and practical help might be offered
- Set out criteria for allocating vacancies to households who are required to move
- Minimise disruption to households affected
- Protect our most vulnerable residents.
- Clarify decision making processes

1.5 Definitions

Decant (decanted or decanting)

Where residents are required to move home either temporarily or permanently due to an emergency situation, major repairs, refurbishment, redevelopment, redesignation, or demolition of their home.

The Council

For the purpose of this document, this means Warwick District Council.

Tenant:

This means a tenant of the Council (and not a leaseholder in a right to buy property) who is being decanted from their home.

Residents:

All residents in the redevelopment area

Current legislation:

This means legislation current at the date of this policy

We, us, our:

Refers to the Council

Major refurbishment project

More than four dwellings.

2. Legal Framework

2.1. Relevant legislation:

- Homelessness Act 2002
- Housing Act 1985
- Housing Act 1996
- The Allocation of Housing (England) Regulations 2002
- Housing Act 2004
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Equality Act 2010
- Land Compensation Act 1973
- The Home Loss Payments (Prescribed Amounts) (England) Regulations 2020
- Planning and Compensation Act 1991
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning Act 1990

2.2. Related Documents of the Council

- The Housing Allocations Scheme
- The Tenancy Strategy

2.3. The legislation covers both local housing authority options and powers as well as resident rights and powers.

3. Whom the Policy Applies to

3.1 This policy applies to Council tenants and leaseholders and, in certain circumstances, owner occupiers and tenants of private and social landlords, who are required by the Council to move home so that major works or redevelopment can take place to their current home.

3.2 This policy does not apply to homeless applicants who have been accommodated temporarily under a duty arising from Part VII, Housing Act 1996 (as amended) or to any other form of Council licensee. Nor does it apply to people occupying properties as trespassers or otherwise unlawfully.

- 3.3 This policy also applies to owner occupiers whose homes are being purchased voluntarily or by compulsory purchase by the Council in order to progress a regeneration or development project.
- 3.4 Tenants will be eligible for rehousing if the property being demolished is occupied as their only or principal home at the time of the Council's decision to take forward the regeneration project/scheme and they are still residing at the property as their principal home at the time of rehousing. Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant investigations undertaken by the Council.
- 3.5 Council tenants are not eligible for assistance under this policy and will not be rehoused if the Council obtains an outright possession order against the tenant, which has been issued by a court, for a breach of their tenancy (for example, anti-social behaviour) or the tenant is found guilty of tenancy related fraud, unless the Council has determined there are exceptional circumstances. This does not apply to orders granted by the court which are suspended on certain terms (for example rent arrears with a payment plan or anti-social behaviour order with conditions of behaviour or adjourned possession proceedings).

4. Temporary and Emergency Decants

- 4.1. Council tenants who are required to move due to repairs or refurbishment will be offered a temporary move in most cases and will usually be required to move back once the work is completed. They will sign a declaration agreeing to return.
- 4.2. A permanent decant will be considered, but not guaranteed, if for example, the tenant is already on the housing register for a transfer to an alternative property.
- 4.3. Where a Council tenant must vacate their property in the event of an emergency situation rather than a programme of works, such as a fire, Council officers will help the tenant liaise with their family and friends or assist with making the necessary temporary or permanent rehousing arrangements.
- 4.4. For short periods or in an emergency, the Council may provide bed and breakfast/hotel accommodation, a guest room in a sheltered housing scheme if appropriate or in some cases a house, flat or bungalow on a temporary basis.
- 4.5. As far as possible, tenants will be offered the size and type of property which they would be eligible for under the Allocations Policy. Consideration will however be given to offering a property which is larger or smaller than required. Consideration will also be given to offering bungalows which are usually restricted to older or disabled applicants.
- 4.6. If the Council is unable to find suitable temporary accommodation within its own stock, an alternative property may be organised through a registered provider.
- 4.7. If tenants are offered a property on a temporary basis, they will be offered a licence/form of agreement and their original tenancy will continue. They will continue to pay rent on their original property and no rent will be payable on the temporary accommodation.
- 4.8. Arrangements for emergency or temporary decants will not be the subject of a

Cabinet decision but will be approved by the Head of Service or their nominated representative.

4.9. We will only make one offer of temporary accommodation and in making this we will take into account the following:

- Number / age of household members registered on our system
- Proximity of accommodation to home
- Length of the proposed move
- Medical needs of the household
- Aids and adaptations in line with existing fixtures at permanent home
- Cooking facilities / food provision
- Place of work / school
- Pets that are required as an aid to customers with a visual, aural, or sensory impairment, or any other disability
- Cost of the move.

4.10. If the offer for alternative accommodation is refused another booking will not be made and the tenant will be expected to arrange their own accommodation. We may also consider taking legal action for possession or injunction.

4.11. Special consideration will be given to tenants living in Independent Living properties and a further offer of alternative accommodation may be considered following refusal of an initial offer as a result of specific personal care needs.

4.12. We may not always be able to meet all tenant needs due to availability of accommodation and as such, we expect tenants to be reasonable in their expectations.

4.13. We do not generally include pets as members of a household, and we cannot guarantee that any temporary accommodation offered will allow them. We will try and source accommodation for pets but, if this is not possible, we may look to cover the reasonable cost of rehoming the pets for the duration of the planned or reactive move.

4.14. Tenants moving into any property which is not hotel accommodation, will be required to sign a licence or form of agreement before doing so.

Summary of Assistance:

Temporary accommodation costs	The Council is responsible for paying these
Rent	The Tenant is responsible for paying the rent and any other charges on their own home when in temporary accommodation
Council Tax	The Tenant is responsible for paying the Council Tax on their own home when in temporary accommodation
Utilities	The Tenant is responsible for paying Utility Bills on their own home when in temporary accommodation. However,

	meter readings will be taken when the reactive or planned move starts and ends, and we will reimburse usage.
Broadband/WiFi	The Tenant is responsible for paying these in their home however the Council will pay for any in temporary accommodation if necessary.
Laundry	If the Tenant is unable to do their laundry in the usual way, we will reimburse reasonable costs for using a laundrette. Reimbursement will only be made where receipts are provided.
Contents Insurance	The tenant is responsible for paying this for their own home and any temporary accommodation if necessary.
Meals	Where possible, temporary accommodation offered will have cooking facilities and, in such cases, we will not pay for food or meals. If the temporary accommodation does not have cooking facilities, then we will pay for breakfast and an evening meal we will also reimburse on production of receipts for food purchased as follows: <ul style="list-style-type: none"> • A total amount of £25 per adult per day and £15 per child per day (a child is anyone under 12 years of age) We will not pay for alcohol, cigarettes, cigars, tobacco, vaping, etc, toiletries, clothing, or lunch.
Other	At our discretion, we may where necessary, pay the cost of: - <ul style="list-style-type: none"> • Carpeting a decant property • Removals and/or storage of furniture • Disconnection and reconnection of utility supplies and the redirection of post Reimbursement will only be made where receipts are provided. Alternatively, we may arrange to pay the supplier directly.
Ad Hoc expenses	We will not pay for any other expenses that have not previously been agreed by us. Tenants wishing to claim for any

	other expenses must first discuss them with us and obtain our written agreement.
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Reimbursement of any such expenses will only be made where receipts are provided.

Reimbursement may take up to 14 days once appropriate receipts and forms have been received.

If during a move a tenant believes items have been damaged by us, they must advise us (including providing photographs) within 72 hours of the move ending.

Temporary accommodation is only for the use of the tenant and household members that we are aware of and have agreed to move.

The provision of temporary accommodation will be cancelled, and tenants and household members required to leave, if any of them acts in a way that breaches the rules of the establishment, or the behaviour could be considered a breach of tenancy if they were in their own home. Further temporary accommodation will not be offered, and we reserve the right to recover any costs that we have incurred as a result of the breaches.

Tenants will be liable for any damage caused deliberately or negligently by a member of their household or a visitor to any temporary accommodation and any associated costs will be recovered from the tenant through our recharge process.

5. Longer term or Permanent Decants

- 5.1. This section applies to Council tenants where the Council intends to redevelop or refurbish properties themselves or undertake major repairs.
- 5.2. There is no statutory right to return to a site that has been redeveloped, but the Council will offer this option to affected tenants whenever it is reasonable to do so. Tenants will be given priority for allocations to new properties before any other housing applicants are considered. The Council cannot guarantee that all tenants expressing a preference to return will be able to do so. This would apply where the number of new homes is less than the existing number.
- 5.3. Where a property is being sold and not redeveloped, the statutory right to home loss and disturbance payments does not apply.
- 5.4. Where a tenant is allowed the option of returning to a redeveloped site, they do not have the right to move back to the exact home/plot from which they were decanted.
- 5.5. Where the Council intends to demolish then sell, or to simply sell the site for redevelopment, it is not able to offer the right to move back. This will result in a permanent decant.
- 5.6. The order in which tenants will be decanted and the properties offered will depend upon:
 - The schedule of demolition and building work

- The condition of the existing accommodation
 - The needs of the tenant and their household
 - The ability of the tenant to move elsewhere e.g., access to transport
 - The length of tenancy
 - The vacancies which become available.
- 5.7. The decision as to which tenants are offered which properties (for permanent decants) will be made in accordance with the Council's Allocations Policy or by the relevant Registered Provider. Households' circumstances will be assessed accordingly.
- 5.8. Once a decision to demolish or regenerate an area has been taken by Cabinet, consideration will be given to the processes used to gain possession of the properties concerned. The first option will be to come to a voluntary agreement with the tenants concerned. Otherwise, the Council will need to gain possession orders in the County Court (under relevant grounds on the Housing Acts).
- 5.9. Tenants who move to a different property on a permanent basis will be required to pay the rent of the new property (not their original rent) and adhere to the tenancy conditions of the new property.

6. Decanting leaseholders

The Council will consult its leaseholders (who will typically own a lease purchased under the right to buy) about any major works/demolition prior to any discussions around possible decanting. Once the necessity of decant has been determined however, the Council will start consultation on the proposed decant.

If such a situation arises, the Council will consult Leaseholders at the earliest opportunity and strive to agree an equitable solution voluntarily.

If agreement is not possible, in some cases the Council may have a right to decant a leaseholder to enable major works to be carried out under the terms of their individual lease. Where the decant will be temporary, the Council will consider offering the leaseholder temporary accommodation on the same terms as it would one of its tenants.

In other cases, the Council may need to use compulsory purchase powers to acquire the lease. In these scenarios, the rights of the leaseholder to compensation and rehousing will be determined by the terms of their lease, relevant legislation, and the Housing Allocations Scheme. Information about compensation is given in section 17 below. A duty to secure suitable alternative accommodation may arise under section 39 of the Land Compensation Act 1973 in certain cases where displacement is permanent and, where compulsory purchase is used, the leaseholder may fall into Band 2 (when displacement is 6-12 months away) or Band 1 (when displacement is less than 6 months away) of the Allocations Scheme.

The options will have to be determined on a case-by-case basis. Ultimately if the Council's ability to discharge its repair and maintenance responsibilities (likely to include major works to the structure of the

building) were hindered by a leaseholder, the Council would be compelled to take legal advice.

Where a property is owned by a leaseholder and is due to be demolished, the Leaseholder is entitled to 10% of the market value of their interest, subject to a maximum and minimum (in accordance with section 30 of Land Compensation Act 1973 and the Home Loss Payments (Prescribed Amounts) Regulations 2021).

If the Leaseholder does not accept the valuation agreed between their valuer and or the Council's valuer, they will be deemed to have rejected the Council's offer to buy by agreement. The Council will apply for a Compulsory Purchase Order to be made.

7. Decanting occupants who are not Council tenants or leaseholders

The Council has no automatic right or responsibility to decant occupants who are not the tenant or leaseholder of the Council except in the circumstances described in sections 8 and 9 below. If such a situation arises, the Council will consult at the earliest opportunity and strive to agree an equitable solution voluntarily. If the occupants are tenants of a Council leaseholder, then the Council will negotiate directly with the leaseholder.

Where a repair to a Council property requires the temporary relocation of a neighbouring non-Council household, the Council will discuss and negotiate the terms of this with the neighbour.

8. Rehousing owners of residential properties

The Council will not automatically re-house owner-occupiers of residential properties which are purchased as part of a redevelopment scheme. Opportunities for owners who express a preference to return to the scheme will be explored but are not guaranteed.

Owners who live elsewhere will receive financial compensation in accordance with current legislation but will not be offered alternative housing on the scheme to purchase.

Former owners can apply to the Council's housing register and will receive housing advice including low-cost home ownership options. If their former home was purchased compulsorily, a duty to secure suitable alternative accommodation might arise under section 39 of the Land Compensation Act 1973 and they may, depending on the circumstances, qualify for Band 1 or Band 2 under the Housing Allocations Scheme.

9. Re-housing private tenants

If the Council is using compulsory purchase powers or making prohibition/demolition orders, a duty to secure suitable alternative accommodation for a displaced private tenant might arise under section 39 of the Land Compensation Act 1973.

Otherwise, private tenants on a redevelopment site will be offered advice and assistance if necessary, to find alternative privately rented accommodation and/or

to apply to the housing register by completing a housing application form.

The Council will aim to identify early in the process if there are any legal restrictions on the landlord being able to end the tenancy (e.g., notice periods required in the contract) as these may affect the timetable.

The Council reserves the right to consider obtaining a Compulsory Purchase Order to bring about the end of such private tenancy agreements.

10. Decanting tenants who have breached their tenancy

The Council will not refuse to decant a tenant due to rent arrears or other debt or Anti-Social Behaviour, however, any rent arrears owing can be deducted from home loss payments if these are applicable. If a tenant has rent arrears with a suspended possession order, they will be expected to pay rent in accordance with the terms of the Court Order.

The Council will not decant tenants who have a Court Order for outright possession.

11. Applying for rehousing

Everyone due to be rehoused under this Policy must provide adequate information for officers to determine their priority in accordance with the Council's Allocations Scheme by completing a housing application form. All households to be rehoused under this policy must be assessed by and then be registered with the Council.

12. Redesignating Housing

This section only applies where a housing scheme, block or property is being redesignated (e.g., from age restricted to general needs) AND where there is no requirement for tenants to move to another home. It only applies to Council tenants.

All tenants concerned will be advised in writing of the redesignation and a record will be kept by the Council of all tenants that this may apply to.

If any affected tenant, within 2 years from the date that the redesignation begins, wishes to move to another property with the same designation their home used to have, they will be given priority in accordance with the Housing Allocations Scheme.

13. When will the Council start to rehouse affected occupiers?

The Council will produce a decant timetable on an individual scheme basis so that all affected households are aware of any deadlines. Whilst the Council will do all it can to rehouse households quickly, it will also be in the interests of households to consider properties that give them a realistic chance of rehousing within the timescales identified.

14. Amount of Payment

The amount of compensation available under a home loss payment is determined by Government regulations as set out in The Home Loss Payments (Prescribed Amounts) (England) Regulations 2020.

15. Communication and Consultation

- 15.1. Any major refurbishment project or regeneration scheme requires tenants, homeowners, officers, and Councillors to work together.
- 15.2. The Council will ensure affected residents have the details of how to contact the Council in relation to proposals and works
- 15.3. The Council has a duty to consult and actively engage with its tenants. Initial consultation with tenants will be at a time when proposals are at an early stage and the level of active engagement can vary. The Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with its tenants when they are substantially affected by a matter of housing management. This includes the decommissioning of Council housing stock. The Council must consider the views tenants provide before making any decisions on those proposals.
- 15.4. In general, consultation and communication with homeowners will take place alongside that carried out with the Council's tenants.
- 15.5. Information concerning a refurbishment or regeneration scheme will be available to all households at an early stage and further detailed information will be shared as soon as available. This information will include details of the works or scheme, timescales and, if appropriate, phases.
- 15.6. Formal consultation will be carried out in accordance with current legislation, and tenants will be given a minimum of 28 days in which to respond. These time periods are in addition to any formal periods of notice which have to be given. During this consultation period, all households will be visited or contacted by an officer of the Council and will receive advice and information on:
- What the regeneration/refurbishment of the area is about and why it is being undertaken
 - When it will be done
 - The decanting policy and process
 - What re-housing options there are and how to apply or progress your preferred rehousing option
 - What the Council will do to help households prepare for decanting and
 - Names and contact details of officers
- 15.7. The outcome of the consultations will be reported back to tenants and residents in an appropriate format (without identifying comments made by individual respondents).
- 15.8. The Council will carry out an Equality Impact Assessment in relation to each regeneration scheme and the use of this Policy. Action will be taken to mitigate the impact of any negative outcomes identified.
- 15.9. In the event of an emergency decant, a period of consultation is unlikely to be appropriate and therefore will be limited to discussions with tenants in respect of emergency alternative accommodation and securing possessions and any pets.

16. Involvement of Ward members

- 16.1. Major decant projects (those involving more than four properties) will involve

local district councillors who will be sent copies of letters consulting residents and will be invited to any formal consultation meetings with residents. They will receive a copy of the consultation outcome provided to the residents.

16.2. Ward Councillors can play an effective role in engaging and consulting with residents and are invited to support these activities, in particular in facilitating information exchanges and progressing activity by, for example, helping to ensure that plans and processes are understood and that residents are engaging with the Council.

16.3. The Council wants to build confidence in plans for new housing which will replace existing decommissioned properties. Ward members will be consulted at appropriate points in the plans for new homes on those sites.

17. Compensation

This section summarises the effect of legislation and it is necessary to refer to the legislation for a definitive statement of the law.

17.1. **Home Loss Payment** – this is a statutory fixed payment, under Sections 29-33 of the Land Compensation Act 1973, paid in recognition of personal upset and distress caused by displacement. Council tenants and leaseholders may be eligible where they are decanted; owner-occupiers and private tenants may be eligible where the Council is using compulsory purchase powers or making prohibition/demolition orders; and private tenants may be eligible where they lose their home because the Council acquired it from their landlord by agreement. It will only be paid for permanent moves, where the following criteria are met:

- The resident has occupied the property as their sole or main residence for a period of one year prior to the date of displacement; this may include a previous period when the resident was a resident in the property under another person's tenancy
- The move is permanent and as a result of redevelopment, regeneration, or compulsory purchase
- Lodgers and non-secure licensees do not qualify for home loss payments
- Sub-tenants do qualify for a home loss payment but if they share any accommodation with the tenant e.g., kitchen or bathroom or living room, they are only entitled to a share of the home loss payment. If the sub-tenant occupies self-contained accommodation within the tenant's house a full home loss payment must be paid to each person
- Joint tenants are only entitled to one home loss payment
- If a permanent move is a voluntary decision as a result of repair work, the resident is not entitled to a home loss payment
- If a resident is evicted prior to being permanently moved, they will not receive a home loss payment
- If the resident is a statutory successor, the home loss payment entitlement period

begins from the start date of the original tenancy rather than the succession date

- Where a resident is not entitled to home loss for permanent displacement, they may still be entitled to a disturbance allowance (see below)

17.2. Qualifying residents are entitled to a lump sum payment per household as a home loss payment. The amount is prescribed by The Home Loss Payments (Prescribed Amounts) (England) Regulations 2020. Owner-occupiers who own the freehold or a lease with at least three years to run are entitled to 10% of the value of their freehold or lease up to a maximum specified in the Regulations and any other resident is entitled to a fixed sum specified by the Regulations.

17.3. Claims will be processed as soon as the resident takes up occupation of their new home. Given the thresholds are subject to change annually by the Secretary of State, the levels of payment will be reviewed each time this policy is used.

17.4. In exceptional circumstances the Council may be able to make a partial advance payment.

17.5. Any rent arrears will be deducted from the home loss payment.

17.6. A tenant will not qualify for any home loss compensation payment if:

- They are living in the affected property on a temporary tenancy (under Part VII of the Housing Act 1996) because they are homeless
- They are there on a decant move from another address and have been living at the property concerned as their only or main residence for less than a year
- They moved in after the decision to carry out the decommissioning work was formally made by the Council and they were advised in writing of this decision
- they have an introductory tenancy.

Council tenants who are not entitled to a home loss payment only because they have not lived in the affected property long enough to qualify in law may receive an ex-gratia lump sum payment. The amount to be compensated will be at the Council's discretion. This only applies if the tenant is not listed in the group of tenants who do not qualify for a home loss compensation payment and listed in this Policy.

If a tenant is due to move out temporarily, and then return to the original site, the home loss payment will only be paid once, in accordance with legislation. Where the Council is redesignating its housing stock and the tenant chooses to leave the property but does not have to, home loss compensation will not be paid.

Housing and Council Tax benefit claimants

National Housing Benefit regulations state that home loss compensation is counted as capital for Housing and Council Tax benefit purposes. It is the legal responsibility for claimants to advise the relevant authorities as soon as they receive this increase to their capital. A list of recipients of home loss compensation paid due to the decommissioning of Council housing stock will be disclosed to the relevant authorities.

17.7. **Disturbance Payment** – this is intended to compensate residents, under the Land Compensation Act 1973, for their actual expenses with moving, up to a maximum payment level. It is applicable to both permanent and temporary decants and is payable to the same range of residents as are entitled to home loss payments. The resident need not have lived in the property for 12 months but has to be the occupier at the time of the decision to move. The basis of the disturbance payment is to ensure the resident is not financially out of pocket due to the move

17.8. The payment will be made after production of receipts and paid to the resident. Where appropriate, consideration will be given for payments to be made directly to a company (e.g., for removal expenses). In such cases, two estimates will be required, and the company will be paid following receipt of an invoice. Disturbance payments will not exceed the value of home loss payments as specified in statutory law at the time of the move. The list of items that is considered reasonable in relation to Council tenants under the Land Compensation Act 1973 is shown below:

- Removal costs from the current home to the new home. For vulnerable residents this may include additional support, such as furniture packing and unpacking.
- Redirection of mail for each authorised surname living at the address
- Telephone and internet disconnection and reconnection.
- Disconnection of television aerials and satellite dishes connected to either an existing television or that allows the proper operation of television equipment. Reconnection only applies with the express approval of the landlord at the new address.
- Washing machine, cooker, dishwasher and plumbed fridge disconnection and reconnections to be carried out by a suitably qualified tradesman.
- Curtain and carpet options: It is generally expected that relocating residents will refit existing carpets where possible and the costs of this will be covered by the Disturbance Payment. However, where this is not possible, the costs of new carpets to an equivalent standard will be covered through the Disturbance Payment. The existing carpet will be assessed, and a quote obtained on this. Any additional rooms in the new home will be carpeted but the cost will be deducted through the Home Loss Payment if applicable.
- Special locks and alarm refitting if these are currently fitted at the old property. They must be dismantled and refitted by a qualified locksmith or recognised Alarm Company and all locks and alarms must meet the relevant British Standard for security. Front door and window grilles would not be covered.
- Home improvements that have been notified and approved by the Council, less the cost of depreciation.
- Dismantling and re-fitting of fitted resident-owned furniture (such as kitchen units and wardrobes).
- Any extra cost of new school uniform if moved to a different area, which necessitates a change of school (supported by letters from the respective schools)
- Where the costs of adaptations in the home were previously met by the tenant, the Council will reimburse the tenant subject to relevant receipts being available
- Reimbursements for wage or salary loss on the day of removal, provided

loss of earnings is certified by the employer, for up to 2 members of the household

- Other reasonable costs incurred by the tenant if approved in writing by the Council prior to the costs being incurred, for example, travel to viewings and replacement of sheds and outside furniture that cannot be dismantled.

17.9. Council tenants facing permanent rehousing will be entitled to compensation comprising both a Home Loss Payment and a Disturbance Payment.

17.10. Council tenants facing temporary rehousing are entitled to compensation by way of a Disturbance Payment only and will not be entitled to a Home Loss Payment. Payments relating to storage and home-to-school transport will be considered on a case-by-case basis.

17.11. All compensation payments will require a written claim form from residents (and in the case of Disturbance Payments, production of original and company signed receipts) and will be paid upon them moving into suitable alternative accommodation

17.12. All payments (including those made at the discretion of the Council beyond those required by law) may be offset, wholly or partly, against debts owed. Exceptions to this will be considered on an individual case basis. Where the above criteria are not met, the Council may consider discretionary payments on an individual basis.

18. Practical Help for Council Tenants to move home

18.1. This help is in addition to any financial help and is available to Council tenants where Council Housing is being decommissioned. Each scheme will have a dedicated officer who will support and advise Council tenants through this process as appropriate.

a) Assistance to view the property offered to them

Every applicant will be given the opportunity of an accompanied viewing of any property that they are offered.

b) Housing Benefit Claims

If a tenant is in receipt of Housing Benefit, the Council will consider whether housing benefit is payable on two homes at once if there is a period of overlap in the moving process. An officer will assist the tenant in applying for this.

c) Packing and Removals

The reasonable expenses of this will be met by a disturbance payment. Before the move is due, tenants will be provided with information on:

The process of choosing a removal company and booking a move.

What the tenant's responsibilities are to be ready for the removal; for example, to empty, defrost and clean their fridge and freezer before the removal company is due to arrive.

What a removals company will not want to move, or will not be insured to move, for example pets, jewellery and hazardous materials or items.

What the tenant is responsible for moving to their new property (those items that the removals company will not move).

For those who need (and agree to) this help, an officer will assist with the

booking of the removal. In cases of financial hardship, the Council may consider paying a removal company direct. Where this happens, the Council will then deduct the amount paid to the company from the disturbance payment due to be paid to the tenant concerned.

d) the tenant is responsible for clearing their belongings from the property and for ensuring vacant possession of that property. Any items left behind will be cleared and disposed of. Tenants will not be able to reclaim them or the value of them once they have been left in the property. The costs of clearance and disposal will be charged to the tenant.

e) Care packages

An officer will work with relevant services with the aim of ensuring that all elements of any care package remain intact during and after the move.

f) Advising organisations of new address

It is the tenant's responsibility to advise all relevant persons and organisations of their new address.

g) Settling in

An officer will visit on the day of the move to check all is running smoothly. They will also undertake an initial settling in visit within 6 weeks of the move. Where households have been identified as requiring additional support, the number and frequency of settling in visits will be increased.

19. Practical Help for Owner-Occupiers to move home

The Council is not obliged by law to provide any practical assistance to owners to move home. In the case where homes in an area are being decommissioned, an officer will be appointed to support this process although they will not provide mortgage or financial advice. Any legal agreement with the Council for the purchase of their property will include the requirement to clear all belongings from the property. If the owner is an older person, has disabilities or is in another way vulnerable, and likely to have difficulty with the move because of this, they will (with that person's agreement) be referred to adult social care and/or an appropriate housing support service. General advice will be available from the Council's Housing Service on:

Housing options

Accessing a solicitor and getting information on legal rights

Benefits entitlement

Completing forms and legal paperwork

Checklist of what to do when moving home.

The processes involved in compulsory (or voluntary) purchase

Accessing financial advice, including ensuring that there is somewhere safe to deposit any capital sums received.

20. Disabled Council Tenants and adaptations

If the new property does not require any adaptations, the tenant will be expected to move into the property as normal.

If adaptations are required before the tenant can move in, the tenant is expected to move as soon as those are completed.

In each case, the tenant will need to sign an undertaking to the Council agreeing to accept the property once the adaptations have been carried out.

The decision on the adaptations required is the responsibility of the Council having regard to reports and advice from a qualified occupational therapist.

21. Managing empty properties on site

- 21.1. This will be determined by the Head of Housing on a site-by-site basis. The point of handover to developers or contractors will be for negotiation. Until that point, the Council remains responsible for the property. Security will be considered once the decision has been made to decommission the site. Appropriate security measures will be applied to properties and to the site as a whole.

22. Garage and parking spaces rented from the Council

Tenants who have a garage or dedicated parking space should give at least one weeks' notice to end their tenancy of (or update their address and contact details for) that. If the tenant is moving temporarily and returning to live at the site, they can continue to have it held in their name.

23. The 'Right to Buy' of affected Council stock

The Council has the right to halt the right to buy in certain circumstances.

- 1) Initial demolition notice: in accordance with legislation, the right to buy of affected Council Housing stock will be suspended from the date an initial demolition notice is served on the Council tenants concerned. It will stay suspended for as long as this notice remains in force. The suspension of any right to buy claim means, in law, that the Council cannot be required to complete the transaction.
- 2) Final demolition notice: This extinguishes the right to buy of these properties completely. Any prospective right to buy applications which are under way will not proceed. No new right to buy applications on these properties will be accepted.
- 3) Right to buy expenses: The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. The Council will pay these expenses where required by legislation.
- 4) Preserved Right to Buy (PRTB): Right to buy is attached to the person rather than to the property. If a secure tenant is being permanently decanted, they will sign a new secure tenancy agreement and continue to have the right to buy. The calculations for any right to buy application will begin from the start date of their original secure tenancy and will continue into their new tenancy.

24. Equal Opportunities

An Equalities Impact Assessment, specific to the area of regeneration, will be completed for each major scheme.