



**GWASANAETHAU TAI
HOUSING SERVICES**

Eich cartref, eich barn, ein amcan Your home, your say, our mission

DENBIGHSHIRE COUNTY COUNCIL HOUSING SERVICES DECANT POLICY: Council Properties

DRAFT

REF:	
STAFF AFFECTED:	Community Housing Management Property Services Housing Care and Support Team
APPROVED BY:	Peter McHugh Head of Housing & Community Development
LEAD OFFICER:	Stephen Convil
VERSION:	1
ISSUE DATE:	1 October 2012
REVIEW DATE:	1 October 2014



DRAFT DENBIGHSHIRE CC HOUSING DEPARTMENT DECANT POLICY: Council Properties

	CONTENTS
1	Aim
2	Introduction
3	Underpinning Principles
4	Consultation
5	Assistance With Necessary Moves
6	Estate Based Improvements And Renovations
7	Demolition And Permanent Remodelling
8	Statutory Home Loss Payments
9	Notice of Seeking Possession
10	Temporary Decant Properties
11	Local Lettings Policies
12	Rehousing And The Waiting List
13	Legal Framework and Guidance
14	Equality and Diversity
15	Monitoring and Evaluation
16	Appendix 1: Meliden REEMA Properties
1	POLICY AIM
1.1	There will be occasions where the Council must ask tenants to move from their homes either temporarily or permanently so that improvement or demolition can take place. This is known as decanting. This policy is intended to set out the general approach which the Council will take when this happens.
2	INTRODUCTION
2.1	The Department is acutely aware that the physical dwellings it owns are the 'homes' of its tenants, created by considerable emotional investment over time in buildings, neighbourhoods and communities.
2.2	Denbighshire CC Housing Department is first and foremost a landlord, and owes a primary duty of care to its existing tenants. It must keep its property in good repair. On occasion, emergencies (fire, flood) will occur or the repair work required will be so substantial that no reasonable landlord would seek to proceed with certain repairs while the tenants continue to live in the property. In these circumstances a 'decant' move is required.
2.3	The Council is legally required to have an Allocations Scheme for those wishing to become tenants and owes duties for certain homeless households
3	UNDERPINNING PRINCIPLES
3.1	The principles of Denbighshire County Council's decant policy are to:
a	<ul style="list-style-type: none"> Consult appropriately, keep residents informed and listen and act on their concerns
b	<ul style="list-style-type: none"> provide residents with clear choices
c	<ul style="list-style-type: none"> fairly compensation to residents
d	<ul style="list-style-type: none"> respond to special needs

e	<ul style="list-style-type: none"> • minimise disruption to residents
f	<ul style="list-style-type: none"> • ensure effective property management, minimising repair costs and the time properties are unused
g	<ul style="list-style-type: none"> • provide good value for the money invested
4	CONSULTATION
4.1	Where decanting has been deemed necessary, all tenants will be consulted regarding the decant programme wherever possible up to 6 months or a minimum of 28 days before the work is to be carried out.
4.2	At this stage an occupancy survey will be completed. This will record the level of <i>actual</i> occupancy, including additional household members and will enable DCC to check that tenancy records are up to date.
4.3	A record will be made of the needs and lifestyle of those required to move and all reasonable efforts will be made to ensure that decant accommodation meets the needs of the household in terms of size and level of accommodation and does not adversely affect work/care arrangements/schooling/family support etc. DCC will aim to meet the specific needs of the tenant within reason and subject to financial constraints of the contracts.
5	ASSISTANCE WITH NECESSARY MOVES
5.1	Denbighshire realises that all decants are difficult and will provide staff to help support or where required to arrange necessary moves. This may include assistance with:
a	<ul style="list-style-type: none"> • Removals
b	<ul style="list-style-type: none"> • Storage
c	<ul style="list-style-type: none"> • Disconnection and reconnection of cookers and gas fires, telephones, washing machines and television aerials
d	<ul style="list-style-type: none"> • Carpeting: uplifting, refitting and/or replacement
e	<ul style="list-style-type: none"> • Curtains and blinds - refitting and/or replacement
f	<ul style="list-style-type: none"> • Redecoration - to approximately the same standard as the old - which may mean you will not get enough to fully redecorate your new home
g	<ul style="list-style-type: none"> • School uniforms (for a change of school)
h	<ul style="list-style-type: none"> • Loss of wages incurred in the removal
i	<ul style="list-style-type: none"> • Disability adaptations for special needs
j	<ul style="list-style-type: none"> • Phone disconnection and reconnection
k	<ul style="list-style-type: none"> • Redirection of post
l	<ul style="list-style-type: none"> • Satellite or TV aerial disconnection and reconnection
m	<ul style="list-style-type: none"> • Refitting of alarms
5.2	The above assistance should cancel out the need for any disturbance payments. If a household's unique circumstances mean that other necessary expenditure is incurred, they will be assisted to make a written application to the Head of Housing for an exceptional payment. The decision of the Head of Housing will be final.
6	ESTATE BASED IMPROVEMENTS AND RENOVATIONS
6.1	Where the Department is making general improvements to individual homes on an estate, to such an extent that tenants are required to move out on a temporary

	basis, normal practice would dictate that one or more empty/void properties on the estate would be renovated first and then used, (decanted to) in rotation, to temporarily house other tenants on the estate as their properties were systematically worked on.
6.2	At the completion of the works programme, the 'decant' properties, will be returned to the normal pool of void properties from which the Housing Department meets it's legal obligations to people in the 'reasonable preference' categories on the Waiting List.
6.3	The legal principle is that the tenant retains their original property as their main and principal home, but moves temporarily to another residence for the limited duration of works.
7	DEMOLITIONS AND PERMANENT REMODELLING
7.1	Complex situations arise when it becomes necessary to demolish a property or properties.
7.2	Given the financial costs and the upheaval to tenants involved, the decision to demolish is only taken, with the greatest care, when repair is not technically possible, or the cost cannot be justified.
7.3	The essential point is that although a particular property may disappear, the landlord and tenant relationship between the Council and the tenant (and their household) remains in place. The Council should prioritise the best interests of their tenants, while balancing the needs of the community.
7.4	The Council is required to provide a replacement home of a temporary or permanent nature to its tenant(s). This means that displaced tenants will have to be given priority within the Allocations scheme, in turn displacing applicants identified as having a high priority on the Waiting List.
7.5	The Council accepts that applicants will have to wait longer as vacancies are occupied by decanted tenants for whom the Council retains a contractual obligation.
7.6	In an ideal world, each demolished property would be replaced on a like for like basis, with tenants being housed temporarily elsewhere and then move back, as in a renovation programme (above). In reality this may not always be possible.
7.7	The economic and social realities which existed at the time of the construction of the demolished properties will have changed over the intervening generations. This means that the needs of the wider community will have changed and the design of the replacement homes on the same site will invariably be different.
7.8	The legislative and financial realities will have changed also. The Authority is obliged to gain the maximum social benefit from the replacement homes and major changes through welfare reform mean that the council will need to look at a wider range of house types for future developments which meet the social and economic needs of communities.
7.9	Essentially this means that it is not guaranteed that like for like replacement will take place, with identical properties replacing the former homes. Depending on the particular site fewer properties may be built, conversely better design and build

	may produce more homes.
7.10	Invariably not all tenants can cope with a prolonged period of uncertainty and will wish to move on permanently, as soon as possible, taking advantage of enhanced priority within the Allocations Scheme for a transfer. The Council understands this and will try and offer suitable alternative accommodation on a permanent basis, within, or as near to, existing properties, as far as resources allow.
7.11	A tenant's circumstances may have changed since they moved into the property which is scheduled for demolition and may prefer to move to a more appropriate type of property, e.g. a smaller or larger property may be required. The Council will do what it can to facilitate such a move, again within the locality
7.12	In both of the above cases, if the Council offers preferable accommodation these will become the Tenants new principal, permanent residence.
7.13	If tenants wish to return to the replacement properties on the general site of their former homes, they will be facilitated to do so, within certain limitations.
7.14	If the same numbers of a particular type of property, e.g. family homes do not exist in the new development, priority for allocation will be given to households who are the best fit, at the time of allocation.
7.15	If there are unallocated replacement properties, which are requested by decanted applicants, even if their household structure would not be allocated such a property within the Council's general Allocations Scheme, this will be permitted to decanted tenants.
7.16	If there are more applicants than available replacement properties, then priority will be given during allocation to the decanted tenants who have held tenancies of the demolished properties for the longest
7.17	Reasonable discretion will be utilised by the Council's Allocations Officers to give priority to decanted tenants for other replacement properties on the site of their former homes e.g. age limits for sheltered accommodation
7.18	All reasonable steps will be taken to rehouse all decanted tenants within their general geographical areas of preference.
7.19	It should be noted that Denbighshire Housing's annual turnover of properties is limited, particularly in certain locations.
8	STATUTORY HOME LOSS PAYMENTS
8.1	A Home Loss Payment is compensation for personal upset caused if a tenant is compulsorily moved out of their home. In cases of demolition, tenants will be entitled to Home Loss Payments. This amount is currently set nationally at £4,700.
8.2	To qualify for a Home Loss Payment the tenant must have lived in the property for more than one year, as their only or main residence, at the date of the appropriate demolition order being granted.
8.3	Rent arrears may be set off against any home loss payment prior to payment (of any residue).
8.4	To qualify for a Home Loss Payment the tenant must not be subject to an eviction

	order from the courts based on breach of tenancy, or subject to an anti-social behaviour order or contract.
9	NOTICE OF SEEKING POSSESSION
9.1	DCC will always seek to reach a voluntary agreement with all tenants. However in exceptional circumstances a Notice of Seeking Possession may be served to ensure timescales and costs associated with improvement works, demolition (and/or) new build are not disrupted.
9.2	The notice does not require a tenant to leave their home immediately and is a safeguard to protect DCC's interest in cases where negotiations on re-housing fail between the authority and the tenants.
9.3	In the vast majority of cases, legal proceedings will not progress beyond the issue of Notice. Only a possession order granted by a court can end a council tenancy by this process.
10	TEMPORARY DECANT PROPERTIES
10.1	Whereas the Council will endeavour, where possible, to match the size of the permanent replacement property with the original now demolished property, the same guarantee is not given for temporary decant property.
10.2	It should be noted that the Council has a very limited turnover of vacant properties, as well as limited sources of alternative suppliers of affordable accommodation (Housing Association or private landlords).
10.3	Where alternative accommodation is offered to meet the temporary needs of a decanted household, it will be on the basis of the size of a household at the time of decant, not the size of the property decanted from.
10.4	The Council shall make a reasonable offer of decant accommodation.
10.5	There will be a right of review by an independent senior officer.
10.6	Should any tenant refuse a reasonable offer of accommodation the Council can commence legal proceedings but would only do so as a last resort.
10.7	Where a tenant is being moved to and from accommodation, on a temporary basis, the Council will undertake the removal of household goods, or cover the costs.
11	LOCAL LETTINGS POLICY
11.1	It is established good practice when new properties come on stream to employ a local lettings policy, outside the standard Allocations Scheme, to attempt to create a balanced community.
11.2	Decanted tenants, who wish to return to replacement properties, will be given a high degree of priority within any Local Lettings Policy within Denbighshire.
12	REHOUSING and the WAITING LIST
12.1	The Council is also required by law to give priority within its Allocations scheme to those in the 'reasonable priority' categories.

12.2	These include those who are statutorily homeless, in hazardous housing, or have severe medical problems.
12.3	There are circumstances, however, such as when the Council is expanding or replacing it's stock, for the long term benefit of the entire community, where it must temporarily prioritise it's obligations to it's existing tenants over other groups placing them at the front of the queue for available accommodation.
12.4	Particularly when upgrading its properties, priority for rehousing will be given to local people wishing to stay in the area. The tenure and mix of redeveloped property should reflect the principle that existing tenants who wish to stay in the area should be able to continue to do so; in accommodation that meets their needs.
12.5	Existing tenants who are displaced from their homes, shall be given priority, within the Allocations Scheme, for any suitable accommodation which becomes available within the Council's stock, unless overridden by absolute emergencies (e.g. fire, flood, explosions or life threatening medical conditions or highly disproportionate delayed hospital discharges, or other emergency situations designated by the Head of Housing.) This will mean other applicants will have to wait longer.
13	LEGAL FRAMEWORK AND GUIDANCE
13.1	Housing Act 1985 Housing Act 2004 Land Compensation Act 1973 Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2008 Housing Act 1996 Homelessness Act 2002
13.2	This policy was correct at the date of issue and is has been drafted according to current legislation. Any subsequent changes in legislation or best practice will be adhered to and included in future updates. The delivery of this policy is via a series of specific procedure notes, which are maintained by the owner department.
14	EQUALITY AND DIVERSITY
14.1	This policy is designed to comply with the Council's Equalities and Diversity Policy
14.2	Denbighshire County Council is committed to treating people with dignity and respect. This applies to colleagues, residents and members, all of whom undertake not to discriminate directly or indirectly or victimise because of age, gender, gender reassignment, disability, race, colour, ethnic/national origins, religion or belief, sexual orientation.
14.3	All information/ literature will be made available in Welsh, other formats, or translated, upon request.
14.4	Front line staff will signpost customers to external advice agencies providing additional help and support with regard to equalities, ensuring full use of available resources.
14.5	This draft policy will be subject to an equalities impact assessment.
15	MONITORING AND EVALUATION

15.1	Denbighshire County Council is committed to excellent services, and learning from the experiences of our tenants and service users. Consequently monitoring and evaluation will be carried out at a number of stages:
15.2	After the planning and consultation process but before moves to 'temporary' accommodation After moves to 'temporary' accommodation After moves to permanent accommodation
15.3	We will make every effort to learn and improve at every stage in the process
16	APPENDIX 1: Meliden REEMA Properties
16.1	The purpose of this Appendix is to set out special provisions for the tenants of Denbighshire County Council's REEMA system build properties, in and around Fford Ty Newydd, Meliden, Denbighshire.
16.2	Meliden REEMA tenants will be allocated maximum Management Points (50) within the Council's Allocation current Scheme. If another allocation scheme is adopted then equivalent highest priority will be allocated.
16.3	Maximum management points will inevitably put Meliden REEMA tenants at the forefront for consideration for any Council, or Housing Association nomination, vacancies in Meliden/Prestatyn, or any other allocation area within Denbighshire. Such priority will allow those tenants who wish to make only one permanent move to do so. The crucial limiting factor will be the availability of vacancies in Meliden/Prestatyn, which is historically very low.
16.4	Tenants who wish to return to the redeveloped Meliden REEMA site will be offered reasonable decant accommodation until this is possible.
16.5	There is no statutory right to return to a site that has been redeveloped, but we will offer this as an option to the original tenants whenever it is reasonably possible to do so. This promise will be included in any local nominations agreement made with any housing association or other body which tenants wish to work with to re-develop the site.
16.6	The plans to redevelop the site will be dependent upon securing funding from Welsh Government and other partners to build new housing stock. The Council shall work with residents to develop its plans for the site and where possible will agree with residents at the time of the decant the following considerations which shall be confirmed in writing before they move out:
a	<ul style="list-style-type: none"> Whether tenants intend to return to re-developed site
b	<ul style="list-style-type: none"> Tenants rights and entitlements
16.7	If Tenants make a second move in order to return to the original site:
a	<ul style="list-style-type: none"> Home loss compensation is paid only once, and will not be paid again for the second move.
b	<ul style="list-style-type: none"> Practical Assistance will again be provided to move out of decant property similar to assistance provided to move in
16.8	Households returning to the original site will have the first choice of the properties available, subject to the type and size of property they are eligible for being on that site. This includes any low cost home ownership options for those interested in, and eligible for, this. If more than one applicant requests the same rented property,

	the Council's Allocations Manager will make the decision as to who is offered it.
16.9	There will be a deadline set, by which time affected households will have to inform the Council in writing whether or not they want to return to the original site. This deadline will be decided on progress made by contractors on finishing the redevelopment project. All affected households will be advised in writing of this deadline, and who to advise of their choice.
16.10	Those returning to the original site will be nominated or allocated to their new home at the earliest possible stage. This will be as soon as there is a numbered plot to allocate to, and certainty on the type and size of property to go on it. This early action is both to ensure the allocation is clearly on record, and to help reassure those displaced by the decommissioning of their original home.
16.11	It is expected that the nominations of people from the original site to the new scheme will be accepted by any housing association if residents wish to work with an RSL to develop the site.
16.12	It is expected that these returning households will be involved in the design and finishes of their new home, and the overall scheme, where this is possible. It is also expected that the landlord of any new scheme of any size will assist in developing the new community moving into their new property.

DRAFT