

**Southampton City Council**  
**COUNCIL HOUSING DECANT POLICY -**  
**DECANTS AND PERMANENT REHOUSING DUE TO THE**  
**DECOMMISSIONING OF COUNCIL HOUSING STOCK –**  
**RENTED OR LEASEHOLD**

(January 2011 version)

**INTRODUCTION**

The January 2011 version replaces the April 2010 version and subsequent March 2008 version. It contains minor amendments as agreed at Cabinet Member Brief 31<sup>st</sup> January 2011.

This policy covers situations where one or more tenants or leaseholders of Southampton City Council, will lose their home permanently due to the demolition, redevelopment, re-designation of, or similar works to, that dwelling. This is whether the action is due to planned work, or to an emergency situation.

This policy does not apply to commercial or industrial property that may be affected by the decommissioning scheme.

This policy recognises the huge impact that the demolition, redevelopment, or re-designation of their home, and the consequent relocation, has on the people concerned. It aims to strike a balance between mitigating the impact on individuals by, and securing long-term benefits to the community from, the redevelopment that will be taking place.

We will deal with rehousing priorities using, for guidance, the criteria set out in the council's Lettings Policy and in this policy, and try to meet people's needs and wishes on their rehousing. We will do what we can in the circumstances and with the resources available. This will be combined with financial compensation for the loss of their original home.

If it is possible to give tenants or residents the choice of returning to the site they had to move from, then they will be given that choice.

It is recognised that this policy may affect our performance on voids (empty properties). Whilst every effort will be made to limit this, it is recognised that the needs of people losing their home takes precedence and we may have to hold certain properties empty for longer than we otherwise would.

This April 2010 version replaces the March 2008 one. It contains some minor amendments to the March 2008 version.

1. OTHER COUNCIL POLICIES AND PROCEDURES TO REFER TO:-  
Policy:  
- "Lettings Policy".

- “Decants for disabled people during work on council properties”.

Estate Management Procedures:

- “Temporary rehousing”.
- “Extra assistance at offer – a procedure for officers dealing with disabled, frail or vulnerable customers.”
- “Introductory Tenancies”
- “Demoted Tenancies”.
- “Rent arrears and money advice manual” (section 4 – transferred arrears).

Other documents:

Southampton’s Tenant and Resident Involvement Strategy – “Having Your Say”.

Nominations Agreement for Rented Homes of the Southampton Affordable Housing Partnership (2007 – 2012).

2. DEFINITIONS:-

- “We”, “us” or “our” as used in this policy, means Southampton City Council as the landlord or the freeholder of the property concerned.
- “Tenant” as used in this policy, means a tenant of Southampton City Council (including a service tenant), unless it specifically states otherwise.
- All references in this policy to tenants (council or private), residents, owner occupiers, leaseholders, and housing applicants, only applies to people who are having to move out of their home due to a decommissioning scheme, unless it specifically states otherwise. It is usually expected that this will be council housing stock, or leasehold property that was purchased from the council (usually under the “right to buy” scheme), for which the council owns the freehold.
- “Current legislation” means legislation current at the date of this policy.
- “Homebid” means the choice-based lettings system currently used by Southampton City Council.
- “In writing” includes the use of suitable alternative formats for people with a sensory, physical, or mental impairment(s).

**CONSULTATION AND INFORMATION**

3. TENANT AND RESIDENT CONSULTATION AND INVOLVEMENT:-

Tenant and resident consultation and involvement will fulfil any legislative requirements. It will also follow Southampton’s Tenant and Resident Involvement Strategy – “Having your Say”. In a non-emergency situation, this consultation will be completed before it is necessary for anyone to move out.

Consultation that forms part of the process of granting planning permission for

the scheme does not form part of this policy. For information on this please contact the Council's planning officers in the Development Control Team.

Local city councillors will be sent copies of letters consulting residents, and will be invited to any formal consultation meetings with residents.

The outcome of the consultation will be reported back to the tenants and residents in an appropriate format, and without identifying comments made by individual respondents. Councillors will be advised through the Council's usual democratic processes.

#### Council tenants:-

We have an informal consultation with tenants and residents first, giving general information and to gauge general opinion. This consultation period will be for 96 days (12 weeks) unless exceptional circumstances have arisen.

For council tenants, as at the date of this policy, Part 5, section 105 of the Housing Act 1985 (as amended) covers "consultation on matters of housing management". This includes the decommissioning of council housing stock. For council tenants, as at the date of this policy, Part 5, section 105 of the Housing Act 1985 (as amended) covers "consultation on matters of housing management". This includes the decommissioning of council housing stock.

This legislation requires a reasonable amount of time to consult with all council tenants. We will also do this with residents who are not council tenants. The formal s.105 consultation period will be in accordance with current legislation, and will be for a minimum of 28 days. The information listed in Appendix 1 to this policy applies to this formal period of consultation.

These time periods are in addition to any formal periods of notice which have to be given (see sections 6 and 7 in this policy).

During this consultation period, tenants will be informed of the Council's proposals for the scheme, including the phasing of work to minimise disruption, and will be able to make their views known to the council within this specified period. These representations shall be considered before the council makes its final decisions on this matter.

If possession proceedings are being brought under ground 10A of the Housing Act 1985 (as amended), i.e. "The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State ...", we will consult with tenants as a pre-condition of obtaining approval of the scheme concerned. As part of this process we will serve written notice of the scheme on every affected tenant under Schedule 2, Part 5 of the Housing Act 1985 (as amended). The tenants then have a minimum 28 days consultation period. The council must consider these representations before applying to the Secretary of State for approval of the scheme, and the Secretary of State must also consider the representations from the tenants before coming to a decision on the scheme.

Once the Council has come to a decision on the scheme, it will then come to a decision on the process to use to gain possession of the properties concerned.

The first option will be to come to a voluntary agreement on this with the tenants concerned. If voluntary agreement does not prove possible, then the Council has two options to use:-

- The compulsory purchase of the tenants interests in the property. This is likely to be the option taken on most decommissioning schemes.

..... Or .....

- The gaining of possession orders in the County Court (under the Housing Act 1985, as amended)

(See sections 6 and 7 in this policy for more information).

#### Owners, leaseholders, and private tenants of residential property:-

In general this consultation will happen alongside that carried out with our tenants. This is even though we have no statutory obligation to consult these groups outside of the planning, or the compulsory purchase, processes.

(For more information on compulsory purchase – see section 7 in this policy).

#### 4. TENANTS AND RESIDENTS – THE PROVISION OF INFORMATION:-

Any provision of information to tenants and residents will be done in line with legislative requirements, and with our Tenant and Resident Involvement Strategy – “Having your Say”.

Any information provided to people living in the same block, scheme or street will be provided simultaneously, or almost so. When affected households are advised of the decommissioning scheme that affects their home, they will receive a comprehensive package of information that they can refer to throughout the process. (See Appendix 1 in this policy).

In general, it is expected that an open meeting(s) for all residents, with carers, family members, or advocates as necessary, will be held. Information will also be provided in writing and, as required, in other accessible formats. Carers, family members or advocates can receive a copy of any correspondence, and information provided, with the formal consent of the resident concerned.

Local city councillors will be sent copies of letters and information on the scheme being sent to residents in general, and will be invited to any formal residents meetings.

It is expected that each decommissioning scheme, where people are required to move home, will have a dedicated decant officer who will support and advise tenants and residents throughout. This means from the time tenants and residents are first informed of the scheme, to the time they are settling in to their new home.

#### 5. INFORMING OTHER DIRECTORATES WITHIN THE COUNCIL :-

A list of all heads of affected households, and their addresses, will be sent to the Communities, Health and Care Directorate, and the Children’s Services and

Learning Directorate, to advise them that they will be moving. This is so that they can check if any of these households contain any of their clients.

## **LEGAL CONTEXT**

### 6. THE NOTICE OF THE NEED TO MOVE HOME THAT WE WILL GIVE TO THE HOUSEHOLDS CONCERNED:-

People will be given as long a period of notice of the need to move home that is possible. This period of notice will also be at least in line with legal requirements.

For those with whom we can reach agreement, the period of notice can be agreed between the Council and the tenant or property owner. It will then be included in the documents used for this agreement.

With council tenants, where a voluntary agreement cannot be reached, the Council will decide either to pursue a compulsory purchase order or a possession order. Compulsory purchase is likely to be the option taken on most decommissioning schemes.

For owners of property and private tenants, unless we have reached a voluntary agreement with them, we will pursue a compulsory purchase order.

If we need to apply for a Possession Order for a council tenant, then it is the court that will decide when the tenant will need to leave the property. As at the date of this policy the legislation governing this is the Housing Act 1985 (as amended) - grounds 10 or 10A of Schedule 2.

If the Council decides to pursue compulsory purchase then we will comply with legislation covering the use of Compulsory Purchase Orders. As at the date of this policy this legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). This legislation governs the length of notice to be given.

(For more information see section 7 in this policy).

### 7. ACTION AND SANCTIONS THAT WILL APPLY IF - A VOLUNTARY AGREEMENT ON MOVING OUT IS NOT REACHED, OR IF A HOUSEHOLD REFUSES TO MOVE OUT:-

It will be made clear to tenants and residents that the Council requires vacant possession of their homes or, in the case of private landlords, their residential property.

The first option for the Council will be to try to come to a voluntary agreement on the arrangements for moving out with those concerned. If it is not possible to come to a voluntary agreement, the Council will take appropriate legal action to gain possession of the properties concerned.

The following legal action will apply (legislation as at the date of this policy):-

Tenants of Southampton City Council:-

Where it has not been possible to come to a voluntary agreement with the tenant, the Council will come to a decision on which legal route to use to gain possession of those properties. As at the date of this policy the options for the Council are either:-

*The gaining of a compulsory purchase order (CPO):-*

Compulsory purchase is likely to be the option taken on most decommissioning schemes. A compulsory purchase order (CPO) is made by the Council, upon the formal decision of the Cabinet or full Council. A CPO covers a defined area of land, and will include a schedule, a map of the affected area, and a statement of the reasons why it has been made.

If we decide to pursue a compulsory purchase order, we will abide by the current legislation governing this. As at the date of this policy, this legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). This includes formal mechanisms for accepting or objecting to compulsory purchase, and lays down what aspects can be negotiated on.

- A notice of compulsory purchase will be served on all occupiers and owners of the properties concerned, and on the land concerned. It will also be published in the local newspaper for two weeks. The notice will give a 21 day consultation period, during which time people may object to the compulsory purchase order (CPO) if they wish.
- The outcome of the consultation is passed to the relevant Secretary of State (central government) with the Council's application for the CPO. The Secretary of State needs to ratify a CPO before it is valid.
- If there have been no objections to the CPO, then the Secretary of State will ratify it (i.e. confirm that a CPO is made).
- If there have been objections to the CPO, the Secretary of State will either consider them by a written representation procedure, or hold a Public Inquiry. The Secretary of State will then confirm, modify, or reject the CPO. A decision by the Secretary of State on making a compulsory purchase order (or not) is binding on the Council.
- Following confirmation of the CPO, the Council will decide how they will acquire the land that comes under the CPO. They can do this by one of three options, a) by agreement, or b) by issuing a Notice to Treat/Notice of Entry, or c) by following the General Vesting Declaration (GVD) process.
- The Council's preferred option is likely to be the General Vesting Declaration process, where the property will be unilaterally vested in the Council, and compensation agreed at a later date.

*The gaining of a possession order:-*

A possession order is obtained against each tenant individually. These orders are awarded by the county court under the Housing Act 1985 (as amended).

- A notice will be served under Ground 10 or 10A of the Housing Act 1985 (as amended), followed by court action if it proves necessary.
- Alongside this we will, as this Act requires, offer “suitable alternative accommodation” to the tenant(s). This accommodation will be available at the time the notice is served.
- In making the decision on the suitability of the accommodation, we will take into account the provisions in Schedule 2, Part 4 of the Housing Act 1985 (as amended), when looking at each households individual circumstances.

Owners, and owner-occupiers, of residential property:-

The Council’s first course of action will be to try reach a voluntary agreement on acquiring the property, with vacant possession.

If a voluntary agreement cannot be reached, then a compulsory purchase order will be applied for. The process of gaining the order will be the same as stated for council tenants in the paragraphs immediately above in this policy.

Private tenants of an owner:-

The owner has the overall responsibility for getting vacant possession of their property from their tenant. However, if a voluntary agreement is not reached, the Council will apply for a compulsory purchase order covering that property. A copy of this order will be served both on the occupier(s) and the owner(s) of the property. The process of doing this will follow the same procedure as stated for council tenants in the above paragraphs of this section. A compulsory purchase order will bring to an end any private tenancy agreement.

8. THE “RIGHT TO BUY” OF ANY AFFECTED COUNCIL HOUSING STOCK:-

The Council has the right to halt the right to buy in certain circumstances. The decision whether to do this will be taken by the Council’s Cabinet. We will do this in accordance with current legislation which, as at the date of this policy, allows for the following.

Initial demolition notice:-

Under current legislation, i.e. the Housing Act 2004, sections 182 and 183, the “right to buy” of any affected council housing stock will be suspended from the date we serve an initial demolition notice on the council tenant(s) 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.

Before this notice is served we will have decided exactly what properties are to be included in the scheme concerned. This notice is served where we intend to

demolish the property concerned within 5 years. It will include the reasons, and the timescales, for the demolition.

Final demolition notice:-

The service of a final demolition notice, under current legislation, extinguishes the “right to buy” these properties completely. Any prospective “right to buy” purchases which are underway, but have not completed, will not now proceed. No new right to buy application on these properties will be accepted.

In order to serve it we must have agreed to, or be entitled to, acquire all the affected properties. In effect this means the notice can only be served once plans for the scheme are well advanced. This notice is only served where demolition is expected within 2 years.

Right to buy expenses:-

The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. We will pay these expenses where required to by current legislation, as at the date of this policy the Housing Act 2004. This compensation includes relevant legal fees, surveyors fees, and other disbursements which have already been paid. These will be paid back to the tenant.

## **FINDING A NEW HOME**

9. WHO WE WILL REHOUSE UNDER THIS POLICY:-

This policy specifically relates to those who have to leave their home because it is being decommissioned, and who we have agreed to rehouse because of this. Other housing applicants are dealt with solely under the council’s Lettings Policy.

Everyone to be housed under this policy must provide adequate information for officers to decide what their housing needs and requirements are. It is expected that the usual way of providing this information would be to complete a housing application form. These housing needs and requirements will be determined by officers using for guidance the criteria set out in the Council’s Lettings Policy and this policy.

Everyone due to be housed under this policy must have a record on the Council’s allocations system (see section 10 in this policy).

This policy does not include unauthorised occupants or squatters, who are dealt with under separate council policies.

Existing council tenants:-

Under this policy we will rehouse any council tenant who will be displaced by a scheme to decommission the housing stock they live in, with one exception.

This guarantee does not apply to anyone who we have been awarded an outright possession order against, by a court, for a breach of their tenancy conditions. Any such household will not be rehoused under this policy.

Owners of residential property who live elsewhere:-

Owners who live elsewhere, for example because they rent out the affected property, will receive financial compensation in accordance with current legislation. As they do not live in the affected property as their only or principal home, they will not be offered alternative accommodation under this policy.

Any concerns about whether or not an owner is living at a property as their only or principal home will be verified by relevant enquiries.

Owner-occupiers of residential property:-

It is not expected that we will have to rehouse many owner-occupiers under this policy. This is due to the advice they will receive to help them find an alternative property, the home loss compensation and disturbance payments they will receive, and the likely availability of low cost home ownership options.

Any owner-occupier who applies for rehousing under this policy will need to be living at the property as their only or principal home at the time of the public notification of the Council's decision to take forward the regeneration project/scheme – and they are still there at the time of the rehousing. They will be considered on a case-by-case basis by the Allocations Manager.

Any concerns about whether or not an owner is living at a property as their only or principal home will be verified by relevant enquiries.

Applying for housing under this policy does not affect any general application to the housing list that an owner occupier may have made, as this will be dealt with in the usual way under the council's Lettings Policy.

Private tenants of affected properties:-

Private tenants will be given advice and assistance by our housing advice service, if necessary, to find alternative privately rented accommodation. If they are within any categories or groups that we might have to assist under current homelessness legislation, then we will assess their application under that legislation.

For any private tenant who agrees to it, we will pass their details to our Homelessness Unit to allow for early prevention work with that household so they can avoid becoming homeless. It is however, still the responsibility of any private tenant concerned to make any formal application to our Homelessness Unit. If they do so make such an application, they will be assessed in the usual way, in accordance with homelessness legislation and government codes of guidance.

The project manager will identify early on in the process, whether there are any legal restrictions on the landlord being able to end a private tenancy (for

example, notice periods required in a contract), as these may affect the decant process and timetable. A compulsory purchase order will, however, bring any such private tenancy agreements to an end.

This policy does not affect any general application to the housing list that the private tenant may have made, as this will be dealt with in the usual way under the council's Lettings Policy. It is the applicant's responsibility to advise the Allocations Section of any change in their circumstances, including a change of address. The decant officer can help them to do this.

#### 10. APPLYING FOR HOUSING:-

Everyone due to be rehoused under this policy must provide adequate information for officers to decide what their housing needs and requirements are. It is expected that the usual way of providing this information would be to complete a housing application form. The decant officer will help people as necessary, to provide this rehousing information.

The housing needs and requirements of those to be rehoused under this policy will be determined by officers using for guidance the criteria set out in the council's Lettings Policy and in this policy.

It is expected that these applications will be processed as a matter of urgency, and the applicants promptly advised of the outcome.

Everyone to be housed under this policy must have a record on the Council's lettings system.

If there is any question over a person's eligibility for a secure tenancy due to their immigration status, relevant details will be passed to the council's solicitors to enable them to check this.

Each decommissioning scheme, where people are required to move home, will have a dedicated decant officer who will give advice, and support people through this process as appropriate. It is expected that a higher level of support will be needed if designated accommodation for older people is affected.

#### 11. WHEN WE WILL START TO REHOUSE AFFECTED HOUSEHOLDS:-

We will make every endeavour to rehouse tenants and residents within as short a time-span as possible. This is so that people are not left on the affected site for long once their fellow residents start to move out.

A decant timetable, or decant plan, will be set on an individual scheme basis so that all affected households, and all other involved parties, are aware of the deadlines involved.

Whilst we will do what we can to rehouse people in this situation quickly, it will also be in the interests of tenants and residents to consider properties and areas that give a realistic chance of rehousing within the timescales allowed.

Property in the process of, or awaiting, being decommissioned, with people still living on the affected site, will be provided with appropriate security measures to keep tenants, residents, and the property itself as safe and secure as is reasonably possible.

12. WHAT WE WILL DO IF WE NEED TO STOP OTHER HOUSING LIST APPLICANTS FROM BIDDING FOR PROPERTIES:-

This is an extreme measure to take in an area of high housing demand. As such, this measure will need to be approved by the Cabinet Member for Housing and Neighbourhoods before it is implemented.

This measure will only be carried out if the decommissioning scheme is on such a scale that those people needing decanting will not be housed unless we stop the existing housing list, or particular queues within it, from bidding. It will only last for as long as we need to rehouse the affected households.

In the event of such a situation occurring, we will offer property by the direct let process to households who come under this policy

13. THE LEVEL OF HOUSING PRIORITY (“POINTS”) TO BE GIVEN:-

All tenants and residents accepted under this policy will be awarded “exceptional points” as decant applicants in accordance with the Lettings Policy. Each application under this policy is to be approved by the Allocations Manager.

These points are awarded to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming decommissioning work.

The date of registration and eligibility for the housing list, for households being rehoused under this policy is the date on which the Cabinet of the Council approved the regeneration project/scheme affecting their home. However, due to the more complex situation they face, owner occupiers will only have their points added once a sale has been agreed with the Council to purchase their property.

These “exceptional points” are to be awarded as “short-term points” in accordance with the Lettings Policy. They will be awarded for an initial four months. Any extension of this time-period will need to be approved by the Allocations Manager, in consultation with the project manager of the decommissioning scheme.

14. SPECIAL PROVISION FOR REHOUSING COUNCIL TENANTS WHEN REDESIGNATING HOUSING:-

This section only applies where the housing scheme, block or property is being redesignated, e.g. from sheltered housing to general needs stock, and where people are not required to move home. It also applies to council tenants only.

The tenants concerned will be advised in writing of this provision. A record will also be kept on the allocations record system of all tenants that this may apply

to, so that their eligibility for this section of policy is clear even if they do not apply for it for two years.

If any affected council tenants, within 2 years from the date the redesignation begins, wish to move to another property with the same designation their home used to have, e.g. to move back into sheltered housing, then they will be given exceptional points as “decant” applicants in accordance with the Lettings Policy. Each application under this policy is to be approved by the Allocations Manager.

15. OFFERING AFFECTED HOUSEHOLDS PROPERTY OF THE SIZE AND TYPE THEY ARE ELIGIBLE FOR:-

(This section does not apply to council tenants who are under-occupying their current home. For this group please see section 17 in this policy).

People who are permanent members of affected households, including tenants and owner occupiers, who we will rehouse in accordance with section 9 in this policy, will be awarded “exceptional points” as decant applicants in accordance with the Lettings Policy. This means that they will be well placed for making a successful bid for, or being direct let, a property.

However, people will only be taken into account for rehousing purposes, including assessing the size and type of property the household is eligible for, if they occupied the premises as their only or principal home at the time of the public notification of the Council’s decision to take forward the regeneration project/scheme – and they are still there at the time of rehousing.

Households being rehoused under this policy will be able to bid, or to be direct let, a property of the size and type they are eligible for under the Lettings Policy. This is therefore not necessarily for a property of the same size and type they are currently living in.

Owner occupiers being rehoused under this policy, and who are under-occupying their current property, will be only entitled to an extra bedroom if they are single people or couples, and then only to the maximum size of a two bedroom property.

If, even with “exceptional points”, a household does not have enough points to obtain a property they are eligible for, because the supply of that property is very restricted, then the following will apply. This is expected to only apply where the household is eligible for scarce, larger family housing (for example a 4 or 5 bedroom property), or where someone in the household has a physical, sensory or mental impairment which means they have very specific requirements for particular types of property.

- They will be given a boost in points, equivalent to two years waiting time points under the Lettings Policy. As at the date of this policy, this will be 24 points. These points are only given for the duration of this move, and not for any other application for housing.
- They will be able to bid for, or be direct let, a property that is the next best

alternative. This is to at least help to alleviate issues such as the number of stairs leading to, or crowding in, their current property. Once they have moved they can apply to the housing list for further rehousing, with their housing points and eligibility at their new address being assessed in accordance with the Lettings Policy, and not this policy.

If a household member is rehoused separately, or moves away, from the original household, then the size and type of the property the original household is eligible for will be re-assessed in the light of the household member(s) having moved out.

16. THE CHOICE OF THE AREA AND THE LOCATION OF THEIR NEXT HOME TO BE GIVEN TO AFFECTED HOUSEHOLDS:-

People accepted for rehousing under this policy, will be able to bid for another home using Homebid. The exceptions to this are if the numbers concerned are too large, or timescales too short, to enable rehousing by Homebid within the timescales required. In these cases, in any emergency situation, or where a person is unable to easily use Homebid given their particular circumstances, direct lets will be used.

Each decommissioning scheme, where people are required to move home, will have a decant officer who will advise and support people through the processes involved in finding a new home including, as necessary, the use of Homebid.

If Homebid is not to be used, for the reasons stated above, applicants will be offered property through a direct let outside of Homebid. In this case they should have as much choice of area and location as possible, subject to their choices giving a realistic chance of rehousing within the timescales allowed.

Under current legislation, if we have to apply for possession of the property under Grounds 10 or 10A of the Housing Act 1985 (as amended), we will be able to satisfy the court that there is a reasonable property (“suitable alternative accommodation”) for the household to move to before the possession order takes effect.

We will aim to ensure that one household on their own is not left in an otherwise empty block of flats. However we cannot do this if that household has not moved because they would not consider, or have refused, property that would have enabled them to have moved within a reasonable time period

If it is reasonably possible to give tenants or residents the choice of returning to the site they decanted from, then they will be given that choice. For example, if the new social housing on the site is of a suitable size and type for them.

If there is a choice to return to the site, then this will be agreed with any involved social landlord at the earliest possible stage. This choice will be made available to people when they are advised of the timetable for the decommissioning, unless there are very exceptional circumstances for not doing so, for example an emergency situation.

In order that people may make an informed decision on whether to return to the site, they should be given the following information as far in advance as possible of their having to make that decision:-

- What type and size of property they could expect to be offered.
- Whether this property will be owned by the council or an RSL, and what an RSL is.
- If the new tenancy agreement will have different requirements from their current one, e.g. on car parking, where washing can be dried, any different clauses on rent arrears, etc.
- What the layout and appearance of the site will be.
- What, if any, extra compensation, disturbance allowance or assistance with the move will they get if they move home twice, in order to return to the original site after being decanted.

17. COUNCIL TENANTS WHO ARE UNDER-OCCUPYING THEIR HOME:-

Those tenants, who are under-occupying their home in accordance with the Lettings Policy, will be encouraged to move voluntarily to a smaller property by explaining:-

- What size and type of property they would be eligible for, as an under-occupier, if they choose to move to a smaller property. This will be in line with the property they would be eligible for as an under-occupier under the Council's Lettings Policy.
- The advantages of living in a smaller home, for example, its being easier to manage or to heat.
- The extra choice that exceptional housing points for under-occupation, at the level stated in the Council's Lettings Policy, gives them.
- The incentive payments that they would get for giving up a larger property, in accordance with Council policy, and that this would be paid in addition to home loss compensation and disturbance allowances. (N.B. Any housing debt will be deducted from incentive payments in accordance with Council policy).
- The practical help they would get in moving to a smaller home, in accordance with Council policy.

It is only possible to award an applicant one set of "exceptional points".

Those applicants who will be moving to smaller accommodation should be awarded points for under-occupation in accordance with the Lettings Policy, as these are at a higher level than those for decant applicants. These points should be awarded with a date limit, of a maximum of 4 months away, in order to

enable the monitoring and review of their rehousing progress in line with that carried out under the Council's Lettings Policy.

Incentive payments will still be paid, and help to move given, in accordance with Council policy.

Any tenant moving under this policy may not leave anyone in occupation of their property, for example a lodger or an adult child, when they move out.

If a council tenant under-occupying a council property does not wish to move to a smaller property, then they will be able to bid for, or be allocated under the direct let process, a property of the same size and type that they already occupy.

#### 18. COUNCIL TENANTS LIVING IN A FLAT OR MAISONETTE DESIGNATED AS "DOG SUITABLE":-

We will offer these tenants another "dog suitable" property using for guidance the criteria set out in the Council's Lettings Policy and this policy, or they will be able to bid for one using Homebid. That is, unless they choose to consider a property that is not "dog suitable" because they do not, and do not wish to, keep a dog. (Sections 15 and 17 in this policy also applies here).

However they will be advised that, given the housing stock we have available to us, the need for a "dog suitable" property is likely to prolong the period of time taken to find an appropriate property for them.

If a decommissioning scheme will result in the overall loss of "dog suitable" property, as what is currently provided on the site is not being replaced, then we will take this into account in what property these households will be eligible for. This is because "dog suitable" flats and maisonettes are a very scarce resource in council and RSL stock in the city.

Consideration may need to be given for people to bid for, or be offered, properties they would not usually be eligible for. However this would only be after all other routes to rehousing have been exhausted.

#### 19. REHOUSING (OR NOT) WHERE THERE ARE CONCERNS ABOUT THE UNACCEPTABLE BEHAVIOUR OF AN APPLICANT:-

"Unacceptable behaviour" is behaviour that would mean having to consider excluding someone from the housing list in accordance with the Lettings Policy, or that relates to possible risk issues.

The exclusion for unacceptable behaviour under the Lettings Policy does not apply to applicants who have to be rehoused by law, as they are losing their home due to its being decommissioned. However, even here, they will still be excluded if they are in the immediate process of being evicted for breaching tenancy or lease conditions, i.e. their eviction is due on or before the date their property is needed back for the decommissioning scheme.

These applicants will still have the same degree of choice as other applicants. However there are two exceptions:-

- See section 21 in this policy –“If more applicants from the original site want to move back than there are rented properties for them”.
- If there are risk issues relating to someone moving to a particular area, location, or type of property, and other specialist agencies have placed restrictions on where they can go.

Information concerning the problematic behaviour, or risk attached to, the applicant will be passed on to a receiving housing office, or in a nomination to a housing association. It is expected that in these particular circumstances, any housing association that the applicant is nominated to will not refuse their nomination, unless very extenuating circumstances apply to the property concerned.

Any relevant agencies known to be involved with that household will also be advised of their move and new address. This could be, for example, the Community Safety Team, “Taking Control”, or those involved in the management of any risk they might pose.

Applicants who owe a housing debt to the Council will, if it is not cleared, take that debt with them to their new address in accordance with Council policy on the recovery of housing debt. When an offer of a property is made, any such debts will be recorded in the information sent either to a receiving housing office, or in a nomination to a registered social landlord.

Before any home loss compensation is paid to a tenant, the Council will look to deducting any housing debts owed to the council from this payment. The Council will not deduct any housing debts from any disturbance allowance or disturbance payments. (See sections 30 and 31 in this policy).

## 20. APPLICANTS WHO WANT TO RETURN TO THE ORIGINAL SITE, AND NOMINATING THEM TO THE PROPERTIES THERE:-

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 section will be included in any local nominations agreement made with the housing association for a specific site.

Unless the move is due to an emergency situation, tenants and residents will be informed of the following, in writing, before they move out:-

- Whether they will be able to return to live at that site and, if so, the timescales involved.
- The options for renting or buying the property concerned.
- What type, size and tenure of properties will replace the original home.

- What the appearance and layout of the overall site will be like.
- If they make a second move in order to return to the original site:-
  - Home loss compensation is paid only once, and will thus not be paid again for this second move.
  - Disturbance expenses are paid only once, and will thus not be paid for a second move.  
(See sections 30 and 31 in this policy for more information on these payments).

The aim here is to assist people to make an informed choice about their housing options at the earliest stage possible.

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.

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 a scheme-by-scheme basis. All affected households will be advised in writing of this deadline, and who to advise of their choice.

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.

It is expected that the nominations of people from the original site to the new scheme will be accepted by any housing association that the property belongs to, in accordance with the Nominations Agreement for Rented Homes of the Southampton Affordable Housing Partnership (as at the date of this policy, this is the 2007 – 2012 version).

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.

21. IF MORE APPLICANTS FROM THE ORIGINAL SITE WANT TO MOVE BACK THAN THERE ARE RENTED PROPERTIES FOR THEM:-

This concerns situations where there are not enough properties in total, or not enough of the particular size and type that people are eligible for. This is expected to be a rare occurrence.

Applicants who are eligible, and who wish to pursue the option, should be offered the first choice of buying into any low cost home ownership option on the site.

Under this policy, people can be offered property of the size and type they are eligible for (see section 15 in this policy). However people wanting to return to the original site will also be given the option of considering property of the same size and type that they originally occupied, if that increases their chances of being able to move back. This will not apply where such a property is not appropriate in law, for example if they would be statutorily overcrowded.

With regard to the rented properties on the site, where there are fewer of a particular size or type of property than returning applicants for them, the Allocations Manager will decide who will be offered what property. In doing this, including prioritising these applicants, the Allocations Manager will have reference to the following factors:-

- Whether a household would not normally have been housed, because they were, or would have been, excluded in accordance with the Council's Lettings Policy.
- The points a household would have been awarded had they been ordinary applicants for the site.
- How long a household has been living on the original site as their only or principal home.

Applicants have a right to a review of their application in accordance with the Council's Lettings Policy.

22. IF WE CANNOT REHOUSE A HOUSEHOLD BY THE TIME THE DECOMMISSIONING WORK IS DUE TO START:-

We will do everything possible to avoid this situation occurring. However unforeseen circumstances, for example an emergency situation, may mean that this could happen.

This section applies where we have been unable to offer suitable alternative accommodation to an applicant eligible for it under this policy. If we have offered this and they have refused, then the sanctions in section 7 of this policy will apply instead of this section.

It is important that we avoid the expense of holding up the contract for this work. Due to this we will offer several options to temporarily alleviate the situation for any affected households, but only implement them if they agree to them, and they involve less expense for that particular household than delaying the contract for this work. These options will be decided at the time by the project manager, and in accordance with the council's financial regulations.

**REHOUSING**

23. WHAT WE WILL DO WHEN OFFERING A PROPERTY TO AN AFFECTED HOUSEHOLD:-

- Send them an offer letter which will confirm:-
  - ~ That they are being rehoused due to the decommissioning of their existing property.
  - ~ Whether their move is permanent or temporary.
  - ~ Whether they are due to move back to the original site when the work there is completed.
  - ~ The timescales involved.
  - ~ What home loss compensation, disturbance allowance or payments, and help with the move (in general), they can expect to receive.
- Provide an accompanied viewing of the property they are being offered.
- Have available a dedicated decant officer who will advise and support them through the processes involved in considering an offer of accommodation.

24. EXTRA TIME ALLOWED FOR PEOPLE TO MOVE HOUSE:-

For disabled tenants, or disabled members of a tenant's household, see the Council policy – "Decants for disabled people during work on council properties".

25. THE NEED FOR ADAPTATIONS TO ANY COUNCIL PROPERTY BEING MOVED INTO:-

Needs assessments will be done at the earliest possible stage, for all the affected tenants and residents due to move into another council, or into a rented housing association property, to establish whether anyone will need adaptations carrying out in their next home. The decision on what adaptations, if any, are needed is the responsibility of the specialist housing occupational therapist.

For further information on adaptations, see:-

- The Council policy - "Decants for disabled people during work on council properties".
- Section 22 in this policy – "If we cannot rehouse an applicant by the time the decommissioning work is due to start".

26. THE TYPE OF TENANCY THAT AFFECTED HOUSEHOLDS WILL GET WHEN THEY ARE REHOUSED:-

People being rehoused will be advised of the type of tenancy they will be granted if they are to be rehoused into council or housing association property, and what this means for them in practice. Tenancies will be granted in

accordance with current legislation, and this section is written to reflect legislation as at the date of this policy.

An existing secure council tenant, moving to another council tenancy, will be given another secure tenancy. If they move to a housing association property they will be given the equivalent, an assured tenancy.

An existing introductory council tenant, moving to another council tenancy, will be granted another introductory tenancy for the remainder of their probationary period. If they move to a housing association property they may be granted an assured shorthold tenancy in accordance with the policy of that landlord. In this situation, provided there are no tenancy issues, it will convert to an assured tenancy at the end of their probationary period.

An existing demoted council tenant will, if they transfer to another council property, no longer be a demoted tenant. They will be granted an introductory tenancy of their new home, as immediately prior to their move they were no longer a secure tenant. The review date for this introductory tenancy will be set at the 12 month anniversary of the start of the new tenancy. If moving to a housing association, they may initially be given a shorthold assured tenancy in accordance with the policy of that landlord.

When rehousing demoted council tenants, any receiving housing office or housing association will be advised that they were demoted as a sanction in response to their antisocial behaviour, and what that behaviour was.

If an owner, or a private tenant, of an affected property, is being permanently rehoused into council property they will be granted an introductory tenancy for the full 12 months probationary period. If they move into a housing association property instead, they may be granted a shorthold assured tenancy for a probationary period in accordance with the policy of that landlord. In this situation, provided there are no tenancy issues, it will convert to an assured tenancy at the end of their probationary period

## **HOME OWNERSHIP OPTIONS**

### **27. LOW COST HOME OWNERSHIP SCHEMES:-**

Low cost home ownership schemes include shared ownership, shared equity, "homebuy", and part buy/part rent schemes.

Where low cost home ownership is available on the original site then residents wishing to return there will be given information about it. Those who are eligible for the scheme(s) on the original site are to be given priority for the properties concerned, as one way of helping to promote a cohesive community there.

All residents affected by the decommissioning scheme will be given general information about low cost home ownership options as part of the information they will receive on their rehousing options.

28. HELP FOR OWNER OCCUPIERS TO CONTINUE HOME OWNERSHIP:-

Loans schemes with private financial institutions:-

Where there is an affordability gap facing low income owner occupiers, between the value of the compensation package and the cost of purchasing an alternative home, the Council may explore the viability of appropriate loans schemes with private financial institutions, if this is appropriate in terms of resources and circumstances, and private financial institutions are willing to consider this.

We will advise, in writing, any owners offered such assistance:-

- Of what form, in general, this assistance will take.
- What commitments, in general, are involved.
- The Council's role in providing this assistance.
- The private financial institution's role in providing this assistance.

This information will be in general terms, and will not include any personal financial information or form part of any contract with any organisation.

Consideration will be given to paying home loss compensation in advance in order to help the owner concerned to remain in home ownership.

Low cost home ownership schemes:-

Advice and information will be given to owners about the low cost home ownership options available to them. They will be given individual (non-financial) support and assistance to pursue these options. As at the date of this policy these options are co-ordinated by "Homes in Hants", run by Swaythling Housing Society.

Consideration will be given to paying home loss compensation in advance in order to help the owner concerned to remain in home ownership.

Households who want to return to the original site:-

Households returning to the original site will have the first choice of the properties available (see section 20 in this policy). This includes for low cost home ownership options for those interested in, and eligible for, this.

**FINANCIAL MATTERS**

29. THE PROPERTY PURCHASE PAYMENT MADE TO THE OWNER(S) OF RESIDENTIAL PROPERTY TO PURCHASE THAT PROPERTY:-

The first option for the Council will be to try to come to a voluntary agreement on the valuation and purchase of the property concerned. If it is not possible to come to a voluntary agreement, the Council will use the mechanisms provided by current legislation dealing with compulsory purchase. As at the date of this policy, this legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

The process of valuing and purchasing property affected by a decommissioning scheme will be dealt with by the Council's solicitors. The Council will be the purchaser of the property bought due to a decommissioning scheme. It may then dispose of, or sell on, that property to the housing association or developer who will be carrying out the actual decommissioning scheme.

The amount paid for a property will be the market value of that property, i.e. it is based on the amount the property might be expected to realise if sold on the open market by a willing seller. Any appeal on the valuation of the property will be to the Lands Tribunal.

If there is an outstanding mortgage or loan secured on the property, then the mortgagee (usually a bank or building society) will be paid off first.

If the value of the property is less than the outstanding debt on the mortgage, then nothing of this money will be paid to the owner.

The lender will still have the right to pursue the owner for any monies outstanding even after the payment for the property is made.

The amount paid for the purchase of the property concerned will not affect the amount of home loss or disturbance allowance, or disturbance payments, paid to affected owner occupiers.

### 30. HOME LOSS COMPENSATION:-

#### What is home loss compensation:-

Home loss compensation is a sum paid to a tenant or owner occupier to reflect and recognise the distress and discomfort of having to move out of their home. As such this is paid in addition to a disturbance allowance or payments. Home loss compensation is paid only once.

Home loss compensation will be paid according to the relevant legislation. As at the date of this policy this is the Land Compensation Act 1973 and the Planning Compensation Act 1991. The processing of claims will also be dealt with in accordance with the Council's financial regulations.

Where the Council requires a tenant or owner occupier to move home to enable the decommissioning of Council property, it will in most cases pay home loss compensation.

Trespassers and squatters will not be paid home loss compensation.

#### Claiming home loss compensation:-

A home loss payment must be claimed in writing or, for disabled people, in an equivalent format. It is expected that people will be given advice and assistance to make such an application, as it is a legal requirement. The amount paid is laid down in law.

The time limit for claiming home loss compensation is the statutory limitation of six years.

A home loss payment will be paid within three months of their making an application for it, and provided the household has moved from the original property. Consideration may be given to paying home loss compensation in advance in cases of exceptional hardship, or in order to help an owner occupier to remain in home ownership.

If there is a dispute that cannot be settled by an appeal to the Council's property valuers, regarding entitlement to home loss compensation, the case will be heard in the county court.

#### Housing and Council Tax Benefit Claimants:-

As at the date of this policy, 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 of housing benefit and council tax benefit claimants to advise the housing and council tax benefits service as soon as they receive this increase to their capital. We will remind them of this legal duty when the payment is made.

In order to assist this process, a list of recipients of home loss compensation, paid due to the decommissioning of council housing stock, will be disclosed to the housing and council tax benefit service. This is because the money involved can affect a person's benefit entitlement, and it is therefore reasonable for this information to be shared in this way.

The following sections concern how home loss compensation applies specifically to each tenure group:-

#### Tenants of Southampton City Council:-

As at the date of this policy, home loss compensation is paid as a lump sum. For a tenant it is £4700 (as of March 2010). It will be paid only once, and will be paid to the statutory tenant. Only one payment is made to joint tenants.

A tenant will qualify for home loss compensation if:-

- They have occupied that accommodation as their only or main residence for a minimum period of one year.  
.... and ....
- They have to move out of the property permanently, either because of improvement or development works that we will be carrying out, or because their home is being demolished.  
.... Or ....
- They have to move out temporarily to allow for the extensive re-modelling or re-designing of their home, and they will return to a dwelling that is wholly different in character to their original one. This means to a dwelling that has lost its original identity. For example, a tenant who moved out of a three

bedroom dwelling and returned to one that had been re-modelled into a one bedroom dwelling.

Home loss compensation is subject to the tenant giving up their tenancy of the property to be decommissioned (i.e. subject to the tenant losing their home). As such it will only be payable once the tenant has handed in the keys of their old property to the Council, unless in exceptional circumstances.

Before any home loss compensation is paid to a tenant, the Council will look to deducting any housing debts owed to the council from this payment. The Council will not deduct any housing debts from any disturbance allowance or disturbance payments.

A housing debt is one which arises from our "tenant/landlord" relationship. Rent arrears, heating charge arrears, service charge arrears, supporting people sheltered charge, and unpaid maintenance recovery charges are housing debts. Council Tax debts are not housing debts, and so will not be deducted from this payment.

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

- They are living in the affected property on a temporary tenancy via the Homelessness Unit, and have been living there as their only or main residence for less than a year.
- 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.

Tenants who have not lived in the affected property long enough to qualify in law for home loss compensation, will receive an ex-gratia lump sum goodwill payment which is pro-rata to the statutory home loss compensation. This only applies if they are not in the group of tenants who do not qualify for a home loss compensation payment, as listed above in this section.

If a tenant is due to move out temporarily, and then return to the original site, the home loss compensation payment will only be paid once, in accordance with legislation. The tenant will be advised of this provision before they make the decision as to whether to return to the original site or not.

Where the Council is redesignating its housing stock, and the tenant may choose to leave the property but does not have to, then home loss compensation will not be paid.

#### Owner occupiers of affected properties:-

As at the date of this policy, home loss compensation is paid as a lump sum. The amount payable to the owner of a freehold, or of a lease with at least three years unexpired, is 10% of the market value of their interest in the property. The

maximum amount payable is £47,000 (as of March 2010). This payment is paid to the owner, and only one payment is made to joint owners. It is paid once only.

Owners who do not live in the affected property they own, for example if they rent it to tenants, will not receive home loss compensation.

NOTE: The sale (“disposal”) of a property by the owner in accordance with, or in advance of, a Compulsory Purchase Order (CPO), will be classed as an “exempt disposal”, and the Right to Buy discount will not be due to be repaid – in accordance with sub-sections 155, 160, and 161 of the Housing Act 1985.

#### Private tenants of residential property:-

Private tenants who have lived at the property as their only or main home for a minimum period of one year will receive home loss compensation. This will be at the same level as that paid to Southampton City Council tenants (see above in this section).

Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant enquiries.

The non-resident owner of the property concerned (the private tenant’s landlord) will not receive home loss compensation.

### 31. DISTURBANCE ALLOWANCES AND PAYMENTS:-

#### What is a disturbance allowance or disturbance payments:-

This is what is paid to a tenant or owner occupier for the reasonable financial costs incurred, and any losses sustained, in connection with having to move home. As such this is paid in addition to home loss compensation.

Where the Council requires a tenant or owner occupier to move home to enable the decommissioning of council property, it will in most cases pay for their disturbance.

Disturbance allowances and payments will be paid in accordance with current legislation. As at the date of this policy, this is the Land Compensation Act 1973. The processing of claims will also be dealt with in accordance with the Council’s financial regulations.

Trespassers and squatters will not be paid any disturbance allowance or disturbance payments.

#### The calculation of a disturbance allowance or payments:-

A disturbance allowance is a lump sum, calculated to cover eligible items, paid to those required to move home. Disturbance payments are individual payments made for each eligible item.

The Council will usually pay in the form of a lump sum disturbance allowance. This allowance will be calculated to cover eligible items.

In exceptional circumstances, for example a household with exceptional needs arising from a physical, sensory, or mental impairment, consideration will be given to paying for other exceptional items on an individual basis.

In effect paying for disturbance covers the reasonable costs relating to household items that have to be moved out of, or disconnected from, the old property and moved into, or refitted or reconnected in, the next one. These items must belong to the household concerned.

Appendix 2 in this policy shows the items (where they apply) that a disturbance allowance, or disturbance payments, will cover. The list in Appendix 2 is not exhaustive, and people may claim repayment of other reasonable costs associated with their personal removal. Disturbance payments (not the lump sum allowance) will only be made after a valid receipt, showing VAT where this is applicable, is received for each item claimed for.

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

The Council is entitled to refuse to pay all costs where it is felt that some of the claim is unreasonable.

If there is a dispute over whether the Council will pay for an item or an amount claimed for, and if agreement on this cannot be reached, then either the person concerned or the Council can apply to the Lands Tribunal for a decision on this.

#### Housing and Council Tax Benefit Claimants:-

As at the date of this policy, national housing benefit regulations state that disturbance payments and allowances are not counted as capital or income for housing and council tax benefit purposes.

#### The following sections concern how the payment of a disturbance allowance or disturbance payments applies specifically to each tenure group:-

##### Tenants of Southampton City Council:-

Disturbance payments will be paid only once.

Any housing debts owed to the Council by a tenant will not be deducted from their disturbance allowance or payments, the Council will however look to deducting these debts from their home loss compensation.

Owner occupiers of affected properties:-

This group will receive their disturbance allowance, or disturbance payments, in line with that made to tenants of Southampton City Council (see above in this section).

Private tenants of residential property:-

Private tenants who have lived in the property as their only or main home for a minimum of one year will receive a disturbance allowance or disturbance payments. This will be at the same level, and for the same items, as that paid to tenants of Southampton City Council (see above in this section). They will not receive any payment for fixtures and fittings provided or owned by their landlord.

Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant enquiries.

Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant enquiries.

The non-resident owner of the property concerned (the tenant's landlord) will not receive any disturbance payments or allowance.

## **PRACTICAL HELP**

32. PRACTICAL HELP FOR COUNCIL TENANTS TO MOVE HOME:-

This help is in addition to the financial help of the home loss compensation and the disturbance payments. Each scheme will have a dedicated decant officer who will support and advise council tenants through this process as appropriate.

Assistance with using the Homebid system:-

In situations where the Homebid system is being used to find people another home, then appropriate help and advice will be offered to those needing it in order to use the system effectively.

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.

See also the Estate Management Procedure: "Extra assistance at offer – procedure for officers dealing with disabled, frail or vulnerable customers".

Housing benefit claims:-

If a tenant is in receipt of housing benefit, the Council will consider whether it can pay housing benefit on two homes at once, if there is a period of overlap in the moving process. The decant officer will assist people in applying for with this. However, whether this can be paid is dependent on housing benefit regulations, as laid down by the government, in force at that time.

### Packing and removals:-

The reasonable expenses of this will be met by a disturbance payment. See section 31 in this policy.

Before the move is due, tenants will be provided with information on:-

- The process of choosing a removal company, and booking a move.
- What is the tenant's responsibility to do, 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; for example pets, jewellery, and hazardous chemicals, materials or items.
- What the tenant is responsible for removing to their new property (those items the removals company will not move, or be insured to).

For those who need (and agree to) this help, the decant officer will assist with the booking of the removal.

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

For visits to the tenant after the move, and later settling-in visits, see "Settling-In" below in this section.

### Clearance of unwanted items:-

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 cost of clearance and disposal will be charged to the tenant.

Everyone is to be advised of this in advance of the moving date.

### Care packages:-

The decant officer will work with social services and the NHS with the aim of ensuring that all elements of any care package remain intact during and after the move. This could include, for example, day centre care, community nurse visits, or "meals on wheels".

### Advising of their new address:-

The tenant will be advised that it is their responsibility to tell everyone, and every organisation, who needs to know their new address. This includes advising Council Tax, Housing Benefits and the Benefits Agency.

Each decommissioning scheme will have a decant officer who will support and advise them through this process as appropriate. If the tenant has moved into accommodation designated for older people, then the scheme manager or warden will support and assist them with this task as required.

The standard of any empty council or RSL property moved into by a tenant who has lost their original home due to its being decommissioned:-

For tenants having to leave their original home due to a decommissioning scheme, it is expected that any council or RSL property they sign-up for will be in an immediately liveable-in condition as regards its cleanliness, state of repair, and the condition of any garden, which will be cleared and cut back if necessary, before the new tenant moves in.

With regard to decorating, the new tenant's disturbance allowance will include the reasonable costs of decorating their new home. However the incoming tenant will be offered the option of having those rooms decorated which do not meet the decorating standard for re-let properties. The cost of this will be deducted from their disturbance allowance, and they will sign to agree this before the work is started. The new tenant will be given a reasonable choice of wallpaper and colours. As long as the property is in a liveable-in condition, the actual decorating can be done soon after the tenant has moved in, if the timescales of the decant process make this necessary.

This means that these properties will, in some respects, be let to a more generous standard than that used for an ordinary letting.

We may review this standard on a case-by-case basis, for example where an incoming tenant is keen to do their own decorating or, with council permission, to do some home improvements.

Priority will be given to ensuring these properties are quickly brought to this standard.

The project manager (or similar) will negotiate with any housing association whose property is to be let to people displaced by the scheme, to ensure that it is also in an immediately liveable condition as regards cleanliness, state of repair, and condition of any garden, and that these particular incoming tenants are also offered the option for decorating (as for council properties above).

Tenants own fixtures, fittings, household appliances, carpets and curtains:-

Appendix 2 in this policy provides a list of the more common examples of what can be covered by a disturbance allowance or disturbance payments.

The tenant's cooker and other household appliances can be disconnected from the old address and reconnected at the new one, in most cases by the Council, providing that they are safe to reconnect again. This will be at a charge to the tenant. Anyone who disconnects and reconnects any cooker or other household appliance must be registered to do such work in accordance with the appropriate legislation.

Disturbance allowances and payments will cover the reasonable replacement costs of carpet or laminate flooring that cannot be moved, subject to certain conditions (see Appendix 2 in this policy).

With regard to fitting new carpets or laminate flooring at the new address, if the tenant is an older person, or would find it too difficult to organise due to a physical, sensory or mental impairment, then the Council or its contractor will undertake this, with the tenants consent. The cost will be deducted from any disturbance allowance or payment due.

If the tenant is an older person, or has a physical, sensory or mental impairment and, because of this, is unable to take down and/or re-hang their curtains or window blinds, and has no-one to help them do this, then appropriate assistance will be given by the Council or its contractor. This can include:-

- Altering curtain or blinds fixings to fit, if this is possible, but not altering the material of the curtains or blinds themselves.
- Fitting new curtains or blinds, with the tenants consent, and deducting the cost from any disturbance allowance or payment due.

Where this work is carried out by the Council, it will be done by an authorised member of staff or an approved contractor.

Tenants taking their own fixtures and fittings with them to their new address will need to obtain permission to re-install them from the Council or their new housing association landlord – before any work is carried out.

#### Settling in:-

The decant officer (or equivalent) will visit on the day of the move to check all is running as smoothly as possible. Their contact details will be left with the tenant. They will also undertake an initial settling-in visit within five working days of the move.

Provided the decant officer remains on site after the move, they will carry out a follow-up visit within fifteen working days of their initial settling-in visit. It is expected that they will visit several times in the following six months to check whether the household is settling-in. When they cease to be involved with the household they will pass their records on to the local housing office, or new housing association landlord concerned.

If the decant officer will not remain on site, then they will hand over their records to the local housing office who will carry out visits according to the above timetable.

#### More intensive support:-

If a tenant is an older person, or identified as being particularly vulnerable, for example due to a physical, sensory or mental impairment, and likely to have difficulty with the move because of this, then they are likely to need more support than the visits outlined in the paragraph on “Settling In”, above in this policy.

Those visits will still be carried out, but in addition, every attempt will be made to put together a tenancy support package to help them cope better with this situation, if the tenant agrees that they need this. This could, for example, could be carried out by a warden or scheme manager in a sheltered housing scheme, or by a floating support service.

As part of this process, any agency already involved with the household will be contacted on their behalf, and asked to provide extra assistance to them.

It is expected that this support be continued for particularly vulnerable or older people for up to six months after their move. It should only stop once the person is clearly coping with the move to their new home and its after-effects.

Community development work for new housing sites:-

Where people are moving back to the original site, which now has a different population or tenure profile, it is expected that work to develop the community will be carried out by the new owner or landlord of the site. It is expected that this work will include these returning residents.

**33. PRACTICAL HELP FOR OWNER OCCUPIERS TO MOVE HOME:-**

We are not obliged by law to provide any practical assistance to owners to move home in this situation. However each decommissioning scheme, where people are required to move home, will have a decant officer who will support and advise any resident through this process, although they will not give financial or mortgage advice.

The legal agreement with the Council for the purchase of their property will include the requirement to clear all belongings from the property.

People returning to the original site will also benefit from any community development work carried out there (see section 32 in this policy).

If the person is an older person, or identified as being particularly vulnerable, and likely to have difficulty with the move because of this, they will (with that person's agreement) be referred to adult social services and/or an appropriate floating support service.

General advice will be given for those who would like to receive it, in conjunction with the Council's Housing Advice Service, on:-

- Housing options.
- Accessing a solicitor, and getting information on their legal rights.
- Benefits entitlement.
- Completing forms and legal paperwork.

- Checklist of what to do to move home.
- The processes involved in compulsory (or voluntary) purchase.
- Accessing financial advice, including ensuring they have somewhere safe to deposit any capital sums received.

## **MANAGING EMPTY PROPERTIES, GARAGES AND PARKING SPACES**

### 34. MANAGING EMPTY PROPERTIES ON THE SITE:-

It will be decided on a scheme by scheme basis at what stage the empty properties become the responsibility of the developer or contractor carrying out the decommissioning scheme. This will include taking on the responsibility for the security of the site. Until then the council will be responsible for its property.

As soon as households begin to move from the affected site, appropriate security measures will be applied to the empty properties and to the site as a whole. This is to ensure that the safety of people remaining on the site, and those living nearby, is not compromised by the presence of the scheme.

### 35. WHETHER WE WILL USE A POOL OF INTERIM ACCOMMODATION:-

Where all or some tenants are to return to the original site, it will be decided on a scheme by scheme basis whether there will be a pool of interim accommodation for temporary use by tenants waiting for their new home to be developed. This is likely to depend on the size of the decommissioning scheme, and whether it will be carried out in stages or not.

Any interim accommodation will be let using the same void standard as described in section 32 in this policy.

### 36. GARAGES AND PARKING SPACES RENTED FROM THE COUNCIL BY AFFECTED HOUSEHOLDS:-

Each garage and parking space tenant moving home due to the decommissioning scheme will need to either give at least one week's notice to end their tenancy of, or update their address and contact details for, that garage or parking space.

If a garage or parking space tenant is moving temporarily and then returning to live at the site, then they can end that garage or parking space tenancy and have it held open for them until they move back to the site. While any garage or parking space is held open for them in this way, then the tenant concerned will not be able to use it or to permit anyone else to use it.

## **MONITORING**

### 37. MONITORING THE DECANT PROCESS:-

It is expected that the rehousing of these tenants and residents will be monitored in order to keep a check on the progress and cost of their rehousing, and to be of use when planning for any future decommissioning schemes.

This monitoring will be the responsibility of the Allocations Manager, who will be provided with any necessary statistics and information by the project manager and the local housing office concerned.

After they have moved, it is also expected that all decanted tenants will, where reasonable to do so, be asked their opinions on the following:-

- Their new home, the standard it was offered to them in, and (if newbuild) its features.
- How they felt the decant process went.

The purpose of this is to learn from any issues raised and to assist in future planning of any redevelopment or decommissioning schemes.