
Adoption of the Decant Policy

Committee considering report:	Executive
Date of Committee:	20 October 2016
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	19 September 2016
Report Author:	Mel Brain
Forward Plan Ref:	EX3168

1. Purpose of the Report

- 1.1 To adopt the Decant Policy.

2. Recommendation

- 2.1 Executive approve and adopt the Decant Policy.

3. Implications

- 3.1 **Financial:** The Policy sets out the Council's approach to decant of secure tenants and licensees with security of tenure (including residents of Council-managed Gypsy & Traveller sites). The Landlord Compensation Act 1973 requires that Home Loss payments and Disturbance Payments are made in specific circumstances. The Policy reflects this and also sets out other financial assistance that may be available subject to certain criteria being met. It is intended that such costs would form part of the overall refurbishment/major works project costs for any such project.
- 3.2 **Policy:** The Policy sets out what the Council will do when it is necessary for a tenant or licensee to move home due to major works or redevelopment of their current home.
- 3.3 **Personnel:** There are no personnel issues arising from this report.
- 3.4 **Legal:** The Landlord Compensation Act 1973 requires that Home Loss payments and Disturbance Payments are made in specific circumstances.
- 3.5 **Risk Management:** There are no specific risks arising from this Policy.
- 3.6 **Property:** The Council has a very small number of tenants and licensees who are afforded security of tenure. This Policy sets out what the Council will do in the event that major works or refurbishment is proposed and the tenants or licensees are required to move to allow the work to take place.

3.7 **Other:** N/A

4. Other options considered

4.1 N/A

5. Executive Summary

- 5.1 The Council has a small number of tenants and licensees who are afforded security of tenure. This Policy has sets out how the Council will manage decant of these tenants or licensees in the event that major works or refurbishment works are required to the properties. The Council would be unable to decant tenants or licensees without having a policy in place.
- 5.2 In summary, the Decant Policy provides:
- (1) Information on how a decision to decant tenants or licensees will be made
 - (2) What would be deemed as suitable alternative accommodation
 - (3) How and when Notice would be served
 - (4) What rights the tenant or licensee would have to move back to the property once works are completed
 - (5) The circumstances in which statutory and discretionary payments may be made, including statutory Home Loss Payments and statutory Disturbance Payments
 - (6) The procedure that will be followed when decants are being made
 - (7) The appeals process.
- 5.3 The draft Decant Policy was previously considered by Executive on 28th July for approval to publish for consultation. The consultation has now been completed and the Decant Policy is now presented for adoption.

6. Conclusion

- 6.1 It is recommended that the Executive approve and adopt the Decant Policy.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Draft Decant Policy