

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Services Cabinet Committee

Date: 7 June 2021

Reporting officer: Jody Bulman, Service Manager (Housing Landlord Services)

Subject: Draft Tenant and Leaseholder Decant Policy

Purpose and summary of report:

To inform Housing Cabinet Committee of the proposed Tenant and Leaseholder Decant Policy and to seek comments prior to the policy being agreed by the Cabinet Member, Housing Services.

Recommendations:

1. For Members of the Housing Services Committee to discuss and provide feedback on the draft Tenant and Leaseholder Decant Policy for the Cabinet Member, Housing Services, to consider prior to authorising the policy.

1. Introduction

- 1.1 The Corporate Plan 2019-23 sets out the objective of 'delivery of new homes that allow residents and their families to stay and grow in the borough. Specifically relating to council homes, to achieve this objective, it means that on occasions there will be a need to demolish or refurbish existing council properties to ensure that we can achieve our objectives and deliver innovative, good quality, and energy-efficient homes. When these occasions arise, we look to decant existing tenants from their current homes to new ones.
- 1.2 As a Council, we acknowledge and recognise that decanting tenants or leaseholders from their homes on either a temporary or permanent basis can be distressing and unsettling, and therefore we want to ensure that the process is as stress-free as possible.
- 1.3 In addition to doing the very best for our tenants and leaseholders, there are legal requirements that we must meet as part of our decant processes, such as statutory notices that must be served and home loss payments set at specific levels by legislation. Therefore to ensure that we are both legally compliant and delivering the best possible service to our tenants we need to have a policy in place to support staff, tenants, and leaseholders with the process.

2. Policy

- 2.1 A copy of the Decant Policy can be found in Appendix 2. The decant policy covers both temporary and permanent decants setting out what we hope to achieve from a decant, how we will manage the process, how we will engage with those affected by a decant, what support we will provide and what home loss payments individuals can expect to receive. The policy takes into account relevant legislation and guidance to ensure that home loss payments are set at the correct levels and that any decants are followed in a lawful process.
- 2.2 The decant policy covers decants for both tenants and leaseholders as the legislation for both are different in relation to home loss payments and failure to leave the property. The policy also highlights any potential Right to Buy (RTB) implications and ensures that tenants are given an opportunity to exercise their preferences concerning RTB.
- 2.3 The decant policy sets out what support we will provide to tenants and leaseholders in both a practical and financial capacity. This will support staff to be able to clearly explain what the Council's role and responsibilities are in relation to decants, with a focus on making the process as stress-free as possible. In addition to the statutory home loss payments we will:
 - 2.3.1 Provide assistance with registering on the Council's Housing Register.
 - 2.3.2 Provide assistance to view alternative accommodation.
 - 2.3.3 Provide assistance with completing forms relating to change of address.
 - 2.3.4 Provide assistance with rearranging care or support if applicable.
 - 2.3.5 Where no friends or family are available, arranging packing and removals.
 - 2.3.6 Clearance of unwanted items.
 - 2.3.7 Arranging lifting and refitting of carpets and curtains.
 - 2.3.8 Help and / or advice in closing down utility accounts and opening new accounts.
 - 2.3.9 Help and / or advice on notifying change of address.
 - 2.3.10 Provide a package of support both before and after the move tailored to individual needs.
 - 2.3.11 Provide advice on what entitlement there is to disturbance and home loss payments (where appropriate).
- 2.4 A key element set out in the policy is the commitment that we will engage with tenants and leaseholders at the earliest opportunity and will continue to engage throughout the whole decant process, ensuring that we provide a 'tenant/leaseholder liaison officer' as a single point of contact so that tenants and leaseholders know exactly who they need to contact if they have any queries or concerns. In addition, we will inform tenants/leaseholders of how to appeal any Council decision they feel is unjust or to make a complaint about the level of service they receive.

- 2.5 This policy has been reviewed and agreed by Director (Housing), New Homes Strategy and Development Manager, Development Consultant, Service Delivery Manager (Repairs) and Legal, therefore we are now seeking comments and the support of the Housing Cabinet Committee before the policy is implemented.

3. Budget

- 3.1 There are no budget implications. The decant payment levels are set out in legislation and the Development Team budget for decant costs within their overall development budget.

4. BACKGROUND PAPERS

- 4.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
	Failure to implement a clear policy following legislation could result in the inconsistent management of decants and unlawful processing which could result in legal challenge if the incorrect process was followed.
Legal	Failure to follow legislation could result in incorrect Home Loss Payments or legal challenge if the incorrect legal procedure is followed.
Finance and Value for Money	N/A
Risk Assessment	Failure to have a Decant Policy in place, could result in the Council not complying with legislation, which would increase the risk of a legal challenge should the incorrect process and/or payments be applied to any future decants required.
Data Protection Impact Assessment	<p data-bbox="432 584 1535 685"><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p data-bbox="432 703 1535 853">a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p data-bbox="432 871 1535 936">b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p data-bbox="432 1003 1535 1068">c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p data-bbox="432 1144 1535 1294">a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p data-bbox="432 1312 1535 1424">b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. N/A</p> <p data-bbox="432 1442 1535 1543"><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p data-bbox="432 1570 1535 1693">#1 PEOPLE: Quality Living - Delivery of new homes that allow residents and their families to stay and grow in the borough. Homes of differing types, tenures and size will have been provided that enhance the character of the borough's rural and urban areas.</p> <p data-bbox="432 1711 1535 1816">#1 PEOPLE: Quality Living - provide a proactive, supportive and financially efficient housing servic. High quality tenant management, experienced through a service making full use of its assets.</p>
Climate Change	N/A
Crime and Disorder	N/A

Digital and website implications	N/A
Safeguarding children and vulnerable adults	N/A