

# CROYDON COUNCIL HOUSING

## Decant Policy

The policy outlines the Council's approach to the management of decants and can be applied to all Council owned properties.

This policy does not apply to Regina Road, which has a distinct decant policy agreed by the Mayor and can be accessed separately.

## Contents

1. Purpose .....	2
2. Statement of Intent .....	2
3. Scope .....	2
4. Legal Framework.....	2
5. Definitions.....	3
6. Associated Policies.....	3
7. Vulnerable Tenants .....	3
8. Types of Decant .....	4
9. Tenancy status during a decant .....	5
10. Allocation principles.....	5
11. Compensation for tenants who are decanting. ....	6
12. Removal and Storage of Personal Possessions.....	7
13. Pets .....	7
14. Returning to properties .....	7
15. Damage to temporary accommodation. ....	8
16. Performance Management .....	8
17. Reasonable Adjustments.....	8
18. Equalities statement .....	8
19. Complaints .....	9
20. GDPR and Data Protection Act 2018 .....	9
21. Roles and Responsibilities .....	9
22. Consultation .....	10
23. Monitoring and Review .....	10
24. Document Control.....	10

## 1. Purpose

- 1.1 This policy outlines the Council's approach when it has decided that residents must be moved temporarily or permanently.
- 1.2 The Policy is to be read in conjunction with Council's Housing Allocations Scheme 2019.

## 2. Statement of Intent

- 2.1 The Council is committed to meeting its legal, regulatory and contractual obligations to tenants in respect of decanting. This includes consultation, compensation, and assistance with all aspects of any decant, whether temporary or permanent.
- 2.2 The Council will ensure that decants are carried out in a fair, equitable and reasonable manner and will seek to minimise disturbance to residents.
- 2.3 Tenants who require decanting will receive financial assistance as set out in Section 11 of this policy.
- 2.4 The Council is responsible for making the best use of its resources and minimising the period that a property is vacant.

## 3. Scope

- 3.1 This policy applies to secure tenants of Croydon Council only and is not applicable to Leaseholders. Additionally, those who live in temporary accommodation are not covered by this policy. **(The residents living in this type of accommodation are covered under the suitability criteria, and as such may request a suitability assessment).**
- 3.2 The Council is not obliged to re-house unauthorised occupants, sub-tenants, lodgers, licensees, and other non-secure occupants.
- 3.3 The policy covers decants that are required on a temporary or permanent basis. If repairs cannot be carried out with the resident living in their property, Croydon's policy is to offer temporary decants until residents can move back to their homes. However, on occasions where a property requires demolition or extensive repairs it may be necessary to offer a permanent decant.
- 3.4 The policy does not cover redevelopment schemes, which are covered by scheme specific policies and letting and decant policies that form a part of a separate agreement.

## 4. Legal Framework

The main pieces of legislation or regulation which underpin this policy are:

- Housing Act 1985
- Housing Act 1988

- Housing Allocation Scheme 2019
- The Home Loss Payment (Prescribed Amounts) (England) Regulations
- Land Compensation Act 1973
- Planning & Compensation Act 1991
- Equality Act 2010

## 5. Definitions

- “Permanent decant” is when a resident cannot move back to their home.
- “Temporary decant” is when works cannot be carried out with the resident in occupation meaning they are moved to another address to allow repairs or improvements to take place at their principal address.
- “Principal address” is where a tenant currently lives.
- “Temporary Accommodation License Agreement” is the document signed by a decanted resident allowing them to move to alternative property whilst their principal home is made ready for re-occupation.
- “Relocation costs” are reasonable moving costs paid to residents who are required to move temporarily.
- “Disturbance Payments” are “reasonable moving costs” paid to residents who are required to move permanently.
- “Home Loss Payments” are statutory compensation payments, paid to secure tenants who are required to leave their home permanently due to improvement or development works or because their home is being demolished, as detailed in Sections 29-33 of Land Compensation Act 1973.
- “The Home Loss Payment (*Prescribed Amounts*) (*England*) *Regulations*.” Instructs on the amount of home loss payments payable in England under section 30 of the Land Compensation Act 1973.

## 6. Associated Policies

- Allocations Policy
- Repairs Policy
- Compensation Policy

## 7. Vulnerable Tenants

- 7.1 Croydon Housing Services will ensure that any tenant identified as vulnerable will be offered appropriate levels of advice and support during the decant process.
- 7.2 If any household resident who lives at the property has health or mobility problems, they will be accorded vulnerable status.
- 7.3 Residents with assistance dogs, such as a guide dog for the blind, a hearing dog for the deaf, or a service dog for the disabled, will be supported during any temporary or permanent accommodation move.

## 8. Types of Decant

### 8.1 Emergency decants

- 8.1.1. This is where a household is made homeless by an unforeseen incident such as a fire or a flood. Here, the tenant will firstly be asked to stay with family or friends whilst the Council assesses the condition of their property. If the household cannot be accommodated in this way, then emergency accommodation will be provided for a given period.
- 8.1.2. Following an assessment of the property the Council will decide.
- Whether the property is habitable and safe for the household to return to it, whilst repairs are being carried out.
  - Or whether a temporary offer of accommodation should be agreed from the Council's housing stock, to facilitate extensive repairs.
- 8.1.3. In the event of a major incident such as a fire affecting many residents it is also likely that Leaseholders will be affected. In such circumstances, Leaseholders are expected to find their own accommodation, although the Council will consider applications for immediate respite into emergency accommodation from Leaseholders unable to access support from family or friends as a last resort. Leaseholders will need to confer with their Insurers to cover these temporary accommodation costs and procure alternative accommodation whilst their properties are refurbished.

### 8.2. Planned Temporary decants

- 8.2.1. This is where work, though urgent, can be planned. Where it is likely that the absence will be short term (e.g., less than 2 weeks) the tenant should be encouraged, where possible, to stay with friends or family and will have no access to their property during this time (unless agreed in advance with the Council). In these circumstances the Council will pay a living allowance to affected residents – See Section 11.4 below

### 8.3. Resident requests to remain in their decanted accommodation permanently

- 8.3.1 On some occasions a tenant will not want to return to their principal home and may request to stay in their decanted accommodation permanently.
- 8.3.2 A transfer will then need to be prepared by the Tenancy Officer for consideration by the Council's Housing Register and Allocations Team if the tenant is under-occupying at their principal address and the permanent transfer to the new accommodation is agreed, the tenant may qualify for a cash incentive programme available to under-occupiers.

### 8.4 Permanent decant

- 8.4.1 Although the Council's commitment is to return the tenant to their home, this may not always be possible, although this is rare and only occurs in exceptional circumstances. For instance, a property may need to be demolished, or the amount

of works means that the completion date is too far in advance. In these instances, permanent alternative accommodation will be considered.

- 8.4.2 Permanent decants are also sometimes a requirement of a regeneration or rebuilding project. In these circumstances Croydon Council will negotiate a Local Lettings plan with affected residents, which will include a separate Decants policy to be applied for each scheme.

#### **8.5. Tenants who refuse to move.**

- 8.5.1 If a resident is refusing a reasonable offer of accommodation, the Council will write to tenants informing them of their legal obligations arising under the terms and [conditions of their tenancy agreement](#) to allow works to be carried out. Should a tenant be legally represented, the Council will liaise with the representative to agree works.
- 8.5.2 Enforcement action using [Ground 10 of Schedule 2 of the Housing Act 1988](#) will be taken to seek possession of a property to enable the works to be done, if the above actions, do not result in a tenant moving to allow works to be carried out. Should the matter proceed to Court, an alternative offer of accommodation must be available for the tenant and held open until the day of the eviction of the resident.

### **9. Tenancy status during a decant**

- 9.1. Under a temporary decant, the tenant's principal address remains at the property they have moved from, and they will be required to pay rent on their original tenancy.
- 9.2. The tenant will be required to sign a Licence Agreement before taking possession of the temporary property and will continue to pay rent on their original tenancy.
- 9.3. On a permanent decant, the tenancy is transferred, and rent is paid on the new address.
- 9.4. However, for both temporary and permanent decants, Council tax liability is transferred to the new address.

### **10. Allocation principles**

When decanting residents, the following allocation principles apply:

- There will be a One offer policy; the Council reserves the right to make a direct offer outside of Choice Based Lettings.
- A property offered may be in any ward in Croydon, except for cases where a risk has been identified with supporting evidence.
- Where incorrect information has been provided, the Council reserves the right to withdraw an offer of accommodation.
- Allocations are based on bedroom size, housing needs and not the property type.
- The Council will confirm with the tenant whether the decant will be permanent or temporary and explain the reason for the decision

- The lack of available properties may require household members to share rooms.
- Failure to respond to an offer of accommodation within the set deadline will be deemed as a refusal.
- Under occupiers will be offered a bedroom size suitable for their needs.
- If under occupiers decide to stay permanently in their temporary decant accommodation, they may be eligible for a cash incentive.
- Those who are at state pension age, without dependents and based on an assessment of the need for this type of housing.

## 11. Compensation for tenants who are decanting.

11.1. Set out below are the financial arrangements for those who have decanted temporarily or permanently.

### 11.2. Re-location Payments

Re-location payments are intended to compensate tenants for any costs they have directly incurred that are associated with being temporarily decanted. This is in addition to any costs paid for directly by Croydon Housing Services, for example:

- Costs of removals
- Disconnection and reconnection charges for domestic appliances
- Telephone lines.
- Cost of refitting or replacement of existing carpets, curtains and blinds

For payment, residents must retain receipts of all expenses and the claim for costs must be related to the process of moving homes.

### 11.2 Home-loss and disturbance payments

Under Section 30 of the Land Compensation Act 1973 residents are eligible for home-loss payments where the Council requires a tenant to move **permanently** due to demolition, improvement or redevelopment. Home Loss Payments are not available for temporary decants and an annually reviewed mandatory payment (currently £8,100) is payable to those who must move permanently.

11.2.1 To qualify for the Home Loss Payment the recipient must:

- be the tenant (but see below regarding spouses and civil partners) have occupied the property as their sole or main home for a minimum of 12 months at the date of displacement (irrespective of whether they were the tenant throughout e.g., where they are a successor); and be moving as a result of the proposed works.
- The Land Compensation Act 1973 Act also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving permanently from their home. Residents who move permanently are therefore also eligible for disturbance costs relating to the process of moving to their new property.

- 11.2.2 Home-loss will only be paid once a resident has moved, signed a vacation form and returned keys to their original property.
- 11.3 If the tenant has arrears of rent or service charges, or other debt owed to the Council, these will firstly be deducted from any Home Loss Payments due.
- 11.4 For those residents who do not require decanting and are able to live with family and friends whilst their property is being refurbished, the Council will award a living allowance of up to £100 per household per week.

## 12. Removal and Storage of Personal Possessions

- 12.1 The Council will arrange for the removal of the tenant's possessions before the work to their original property begins. If required, the tenant's possessions will either be placed into storage or moved to the temporary property. Any remaining possessions will be stored in a suitable part of the original property to allow access for the contractor(s). The Council will provide assistance where possible to tenants who are physically unable to pack
- 12.2 Where the tenant is decanted temporarily, the Council will arrange for their possessions to be returned from storage and/or moved to their original property on completion of the repair work.
- 12.3 Tenants will be encouraged to remove and store any expensive items themselves. Alternatively, tenants will be advised by letter or email, that **expensive items** are left in Croydon Housing Services' authorised storage facilities or in the property, at their own risk.
- 12.4 An inventory will be made of all possessions left in the property or taken into storage. Photographs will be taken to record the condition of the items in question. The inventory will be signed by the tenant.

## 13. Pets

- 13.1 Croydon Council cannot take any responsibility for re-housing of pets during the decant period.
- 13.2. Assistance dogs, such as a guide dog for the blind, a hearing dog for the deaf, or a service dog for the disabled, will be included in any temporary or permanent accommodation move.

## 14. Returning to properties

- 14.1 Following completion of works residents will be contacted and informed that they are to return to their within three workdays (72 hours). Failure to do so will result in legal action being taken in line with the Council's tenancy agreement, compelling the resident to return to their property.



## 15. Damage to temporary accommodation.

- 15.1 In the event that a resident has damaged their temporary accommodation, the Council will seek to recover the full costs from them.

## 16. Performance Management

- 16.1 The responsibility for managing the decant will sit with the relevant teams i.e., Repairs service.

## 17. Reasonable Adjustments

- 17.1 Croydon Council will make reasonable adjustments to support our residents' needs when they access our services. The term 'reasonable' refers to what we can do without compromising our resources, efficiency, or ability to practically fulfil requests. This does not include [Aids and Adaptations](#) to our properties and common parts of a building.
- 17.2 No resident should be at a disadvantage when accessing our services. The following statements offer a general overview to ensure that our services are adjusted to meet the needs of our residents where possible. This list is not exhaustive, and we will adapt our approach based on individual resident needs.
- 17.3 We aim to provide services that are accessible to all who require them. As a result of this, we will:
- Ensure our officers get to know our residents and their individual needs
  - Provide a range of ways for residents to contact our officers including phone, mail, email and via [Housing Online](#)
  - Provide alternative communication methods on request, such as Braille, foreign language interpreter, large print etc.
  - Ensure residents are always able to select their preferred method of contact.
  - Ensure our offices are fully accessible to visitors
- 17.4 We will continue to diversify our services to meet residents' needs where possible.

## 18. Equalities statement

- 18.1. Croydon Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods, and as a community leader. The Council's policies, procedures, and day-to-day practices have been established to promote an environment that is free from unlawful and unfair discrimination while valuing the diversity of all people.
- 18.2. Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using Croydon Council's premises or services

receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. Croydon Council will tackle inequality, treat all people with dignity and respect, and continue to work to improve services for all service users.

18.3. The legal framework for Croydon Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, and victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

18.4. Further detail on the Duty, and Croydon Council's approach to fulfilling its requirements, can be found on our website.

## 19. Complaints

19.1. Should there be a complaint from a tenant concerning, any aspect of the void works, this will be dealt with via the Council's Corporate Complaints Policy.

## 20. GDPR and Data Protection Act 2018

Housing Management recognises the commitment to ensure that all data is:

- Processed lawfully, fairly, and in a transparent manner.
- Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices.
- Relevant and limited to whatever the requirements are for which the data is processed.
- Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay.
- stored for as long as required, as specified within Housing Management's Records Retention Policy.
- Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction, or damage.

Further information about Croydon Council's commitment to the General Data Protection Regulations GDPR can be found on Croydon Council's website.

[General Data Protection Regulation \(GDPR\) guidance | Croydon Council](#)

## 21. Roles and Responsibilities

### 21.1. Director of Housing Management

The Director of Housing Management will have overall responsibility for the implementation of the Decant policy.

### 21.2. Heads of Housing Services

The Heads of Housing Services will develop, implement, and monitor the effective management of Decant management, including appropriate management of repairs contracts and service level agreements with partnering contractors, to ensure Croydon Council delivers an efficient and value-for-money service, by exceeding key performance indicators (KPI's) and financial targets.

The Heads of Housing Services will ensure the services comply with all property-related health and safety legislation and regulations and have an up-to-date knowledge of Policy at a national and local level, to inform Croydon Council of any changes. The Decant policy and associated procedures are embedded within the operational delivery of decant management, and all staff are aware of their responsibilities and are adequately trained to carry them out

### 21.3. Council staff

Responsibility for managing and overseeing this Policy will sit with Repairs, Tenancy and Allocations. They will follow the Decant Policy and related Policies, the associated rules, and procedures, and have an awareness of related legislation and regulations to ensure the operational delivery is fair and consistently delivered across our services. Staff and contractors are aware of their roles and responsibilities and regularly carry out mandatory and personal development training offered to them.

## 22. Consultation

22.1. Stakeholders with responsibility and operational knowledge of Voids Management, have been consulted during the development of this policy.

22.2. Residents have also been engaged and consulted in the development and review of the Voids Management Policy.

## 23. Monitoring and Review

23.1. This policy will be reviewed every 3 years, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Council-wide policies.

23.2. Arrangement for a full internal audit of the Void process to be undertaken by Croydon Council's Internal Auditors. The full scope of the audit will be agreed upon with the Internal Auditors, Director of Housing Management, and Heads of Service.

## 24. Document Control

24.1. This is a controlled document and should not be changed unless by authorisation of the policy owner.

Monitoring	
Approved Date:	31 October 2024
Next Review Date:	01 April 2027

Effective date:	01 November 2024
<b>Consultation Review</b>	
Stakeholders review:	13 March 2024
Legal review date:	17 July 2024
Residents reading group:	27 September 2024
Policy owner:	Director of Housing Management
Ratified by:	Housing Directors Management Team
Equality impact assessment:	The impact of this policy will be measured as it is implemented and used as part of a scheduled 1-year implementation compliance review.

Version History		
Version Number	Summary of change	Author
1.0	New Policy	Developed and reviewed with subject matter experts in Housing and Residents Reading Group