Decant Policy

The Decant Policy sets out the decant process and the practical help and support the Council can provide to any residents that might be affected.

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BOROUGH COUNCIL

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1. INTRODUCTION

1.1. This Policy covers situations where residents of Dartford, may need to move from their home **permanently** due to the demolition, redevelopment, re-designation of, or similar works to that dwelling, (this is known as a decant).

1.2. The Policy also covers **temporary decants** where tenants will need to temporarily decant from their properties because of necessary works (See Section 3). 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.

1.3. This Policy recognises the huge impact that moving home can have on people's lives, especially where the move is not through choice. The Policy therefore aims to provide a thorough understanding of the decant process; what levels of compensation might be offered, and the practical help that the Council can provide to any residents that might be affected.

1.4. The Council will deal with rehousing priorities using, for guidance, the criteria set out in the current Housing Allocations' Policy and in this Policy. The Council will try to meet a household's needs and wishes on their rehousing as best it can. Where possible, tenants will be given the choice to move back to the area they left if there are suitable housing options available.

1.5. It is recognised that this Policy may affect the Council's 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 certain properties may be held empty for longer than would otherwise be the case.

2. LEGAL CONTEXT

2.1. <u>Notice Period</u>

Households will be given as long a period of notice as possible. This period of notice will also be at least in line with legal requirements. For those with whom an agreement can be reached, 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 whether to pursue an Order for Possession of the property. If the Council needs 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. Current legislation governing this is the Housing Act 1985 (as amended) - grounds 10 or 10A of Schedule 2.

For owners of private property and private tenants, unless a voluntary agreement has been reached with them, the Council will decide whether to pursue making a Compulsory Purchase Order.
If the Council decides to pursue compulsory purchase route then it will comply with current legislation covering the use of Compulsory Purchase Orders most notably under the Compulsory Purchase Act 1965, the Town and Country

Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004), Land Compensation Act 1961 and Acquisition of Land Act 1981 (as amended). These pieces of legislation governs the conditions for making an order and the length of notice to be given.

2.2. If a voluntary agreement is not reached, or if a household refuses to move

It will be made clear to tenants and residents that the Council requires vacant possession of their home or, in the case of private landlords, their residential property. If a voluntary agreement is not reached or if a household refuses to move, the Council will take appropriate legal action to gain possession of the properties concerned.

2.3. Right to Buy

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 appropriate Deputy Chief Executive or Chief Executive. The Council will do this in accordance with current legislation which allows for the following:

2.4. 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 an initial demolition notice is served 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 the Council will have decided exactly what properties are to be included in the scheme concerned. This notice is served where it is intended to demolish the property concerned within 5 years. It will include the reasons, and the timescales, for the demolition.

2.5. Final demolition notice

The serving of a final demolition notice, under Section 182 of the Housing Act 2004, extinguishes the "right to buy" these properties completely. Any prospective "right to buy" purchases which are underway, but have not completed, will not proceed. No new right to buy application on these properties will be accepted. In order to serve it the Council 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.

2.6. Right to buy expenses

The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. The Council will pay these expenses where it is required to by current legislation (currently the Housing Act 2004). This compensation includes relevant legal fees, surveyor's fees, and other disbursements which have already been paid. These will be paid back to the tenant.

3. TEMPORARY DECANTS

3.1. It may only be necessary to move tenants temporarily whilst works are being carried out. An example of works include:

- Extensive works to multiple rooms
- Severe flood damage
- Repairs to a structurally unsafe property or unable to live in the property safely whilst works are being carried out

3.2. In this case alternatives to decants will be considered as below:

- Making arrangements to stay with family or friends (for which the tenants will be compensated)
- Providing temporary accommodation such as Bed and Breakfast, caravans, hotels, guest houses
- Paying for tenants to go on holiday

3.3. Consideration must be given to the length of time the works are scheduled for. If the work will only take a few days to complete then it may be cheaper and simpler to consider the options above, however, if the work is estimated to take a few weeks then alternative accommodation may be offered with a 'right to return'.

3.4. In this case, the move would be strictly temporary, with the tenant(s) moving back to their principal home as soon as the works have been completed and the home is available.

3.5. Tenants who have to temporarily decant will be offered a Disturbance Allowance but will **not** be eligible for a Home Loss Payment.

3.6. For tenants who are being moved temporarily, and will be returning to their principle home, the Council will meet the cost of the following where receipts and/or supporting evidence are provided for a short term move in the form of a disturbance allowance:

- Reasonable removal costs/storage of furniture
- A maximum contribution of £600 toward replacement and refitting of floor coverings
- Furniture storage costs if applicable.
- Redirection of mail
- Reconnection of landline telephone and transfer of existing number
- Reimbursement of a maximum of three days loss of earnings/annual leave for the purpose of moving from and returning to tenant's principal home.
- Any reasonable assistance required for vulnerable tenants
- Any other reasonable costs required to move at the Council's discretion

3.7. For further information on disturbance payments applicable to temporary decants please see Section 7.8 of this Policy.

3.8. 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.

3.9. Tenants who rent a garage and who move temporarily under this Decant Policy will be entitled to a discretionary rent free period until they return home.

3.10. If a tenant fails to give up possession of temporary accommodation the Council has Grounds for Possession under Ground 8 of Schedule 2 to the Housing Act 1985.

4. PERMANENT DECANTS

4.1. Consultation and information

Tenant and resident consultation and involvement will fulfil any legislative requirements. In a non-emergency situation, this consultation will be completed before it is necessary for anyone to move. Consultation that forms part of the planning process does not form part of this Policy. For information on this please contact the Council's planning Officers via planning.admin@dartford.gov.uk. Major decant projects (i.e. those involving more than four properties) will involve Local Borough Councillors who 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.

4.2. Consultation with council tenants

The Council will have an informal consultation with tenants and residents first, giving general information and to gauge general opinion. This consultation period will be for a minimum of 28 days unless exceptional circumstances have arisen.

For Council tenants 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. The Council 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. These time periods are in addition to any formal periods of notice which have to be given.

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 decision 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”. The Council will consult with tenants as a pre-condition of obtaining approval of the scheme concerned.

As part of this process a written notice of the scheme will be served on every affected tenant under Schedule 2, Part 5 of the Housing Act 1985 (as amended). Tenants have a minimum of 28 days to respond to the consultation. The Council must consider any representations before applying to the Secretary of State for approval of the scheme, and the Secretary of State must also consider the representations before making a decision.

4.3. Consultation with owners, leaseholders, and private tenants of residential properties

The Council, as landlord, has a statutory obligation to consult with leaseholders before entering a quantifying long-term agreement or carrying out quantifying works, under the Commonhold and Leasehold Reform Act 2002 s151. For private property owners and private tenants of residential properties, consultation will happen alongside that carried out with council tenants, even though the Council has no statutory obligation to consult with these groups outside of planning, or the compulsory purchase processes.

4.4. Provision of Information

Any provision of information to tenants and residents will be done in line with legislative requirements. Any information provided to people living in the same block, scheme or street will be provided simultaneously, or almost so. 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. Regarding major decant projects involving more than four properties Local Borough Councillors will be sent copies of letters and information about the scheme 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 designated Decant Officer who will support and advise tenants and residents throughout; from the time tenants and residents are first informed of the scheme, to the time they are settling in to their new home.

5. FINDING A NEW HOME

5.1. This section of the Policy specifically relates to those who have to leave their home **permanently** because it is being decommissioned, and who the Council has agreed to rehouse. This does not apply to temporary decants. Everyone to be housed under this Policy must provide adequate information for Officers to decide what their housing needs and requirements are.

5.2. A household's housing needs and requirements will be determined by Officers with reference to the Council's Allocations Policy and this Policy.

5.3. Everyone to be housed under this Policy must be registered on Kent Homechoice, the Council's Choice Based Lettings scheme. Please see: https://www.kenthomechoice.org.uk/choice/default.aspx

5.4. This Policy does not include unauthorised occupants. Information on how the Council deals with unauthorised occupants can be found in the Tenancy Fraud Policy.

5.5. Existing Council tenants

The Council will rehouse any Council tenant who will be displaced by a decommissioning scheme, with one exception: this does not apply to anyone who has been awarded an outright possession order, by a court, for a breach of their tenancy conditions. Any such household will not be rehoused under this Policy.

5.6. 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.

5.7. Owner-occupiers of residential property

It is not expected that the Council will need to rehouse many owner-occupiers under this Policy. Owner-Occupiers will receive advice to help them find an alternative property and will receive home loss compensation and disturbance payments.

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 rehousing. These will be considered on a case-by-case basis by the Assistant Director - Housing. 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 for housing that an owner occupier may have made, as this will be dealt with in the usual way under the Council's Allocations Policy.

5.8. Private tenants of affected properties

Private tenants will be given advice and assistance by the Council's Housing Solutions Team to find alternative privately rented accommodation. If they are within any categories or groups that the Council might have to assist under current homelessness legislation, then their application will be assessed under that legislation.

For any private tenant who agrees, the Council will pass their details to the Housing Solutions team to allow for early prevention work to avoid homelessness. It is however, still the responsibility of any private tenant concerned to make a formal application to the Council. 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.

It will be identified 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 register that the private tenant may have made, as this will be dealt with in the usual way under the Council's Allocations Policy. It is the applicant's responsibility to advise the Council of any change in their circumstances, including a change of address. The designated Decant Officer can help them to do this.

5.9. The rehousing process

The Council will make every endeavour to rehouse tenants and residents within as short a time-span as possible.

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. Whilst the Council will do what it can to rehouse people 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.

Properties in the process of, or awaiting, decommissioning, with households 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.

5.10. Level of housing priority under the Council's Allocations Policy

All tenants and residents accepted under this Policy will be placed in the highest Band A in accordance with the Allocations Policy. Each application under this Policy is to be approved by the Assistant Director - Housing. Priority is awarded to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming decommissioning work. In some circumstances, a direct offer of accommodation will be made.

5.11. Re-designation of housing

This section only applies to council tenants where the housing scheme, block or property is being re-designated, e.g. from supported housing to general needs stock or where people are not required to move home.

If any affected council tenants, within two years from the date the re-designation begins, wish to move to another property with the same designation, then they will be given priority in accordance with the Allocations Policy. Each application under this Policy is to be approved by an appropriate Housing Manager.

5.12. Property size and eligibility

People who are permanent members of affected households, including tenants and owner occupiers will be given priority in accordance with the Allocations Policy. Decanted tenants are placed into Band A of the Council's housing allocation scheme, which is the highest priority band. This means that they will be well placed to make a successful bid for a property. Households will only be rehoused in properties that meet their current needs in terms of size and type of property.

5.13. Area choice and location

People accepted for rehousing under this Policy, will be able to bid for another property using Kent Homechoice in an area of their choice. However, in some circumstances where tenants are waiting to be re-housed, a direct offer of accommodation will be made.

Households will be given as much choice of area and location as possible, subject to their choices having a realistic chance of rehousing within the timescales allowed. Under current legislation, if the Council has to apply for possession of the property under Grounds 10 or 10A of the Housing Act 1985 (as amended), the Council will need 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.

The Council will aim to ensure that a single household is not left in an otherwise empty block of flats. However this cannot happen 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 any new affordable 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 the relevant social landlord at the earliest possible stage. This choice will be made available to households 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 households may make an informed decision on whether to return to the site, they will be given the following information as far in advance as possible:

- What type and size of property they could expect to be offered
- Whether this property will be owned by the Council or a housing association

- 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.

5.14. Applicants who wish to return to the original site

There is no statutory right (in law) for applicants to return to a site that has been redeveloped, but the Council will offer this as an option to the original tenants whenever it is reasonably possible to do so.

There may, however, be some circumstances where a move back to the tenant's original property may not be possible:

- There are no suitable properties on site that meet the households' current housing needs.
- The tenant does not want to wait for the properties to be developed and would rather be rehoused permanently in another location.
- The properties being redeveloped are specialist housing units (where there is a demonstrated need for this type of property in the area) that are not suitable for general needs tenants
- The properties being redeveloped are general needs housing units that are not suitable for tenants requiring specialist housing.

5.15. Adapted properties

If adaptations are needed to the new property before the tenant can move in, and this work will take longer than three weeks, the tenant will be expected to move in as soon as those particular adaptations are finished, due to the extra time they have had to prepare for the move while waiting for the adaptations to be done. In each case, the tenant will need to sign an undertaking to the Council agreeing to accept the property once the adaptations have been carried out.

Housing Needs assessments will be done at the earliest possible stage, for all affected tenants and residents due to move into another Council, or into a rented housing association property, to establish whether households will need adaptations to be made to their next home. The decision on what adaptations, if any, are needed is the responsibility of the Council, in consultation with a designated Occupational Therapist.

5.16. Types of tenancies

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

Tenancies will be granted in accordance with current legislation and the Council's current Tenancy Policy. If the tenant moves to a housing association property, they will be given the equivalent assured tenancy or any other tenancy that the housing association has in existence.

The Council will grant existing Council tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation. Therefore, an existing secure tenant, moving to another Council tenancy, will be granted another secure 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 a tenancy in accordance with the Tenancy Policy of that landlord e.g. an assured shorthold tenancy. In this situation, provided there are no tenancy issues, it will convert to an assured or secure tenancy at the end of the 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 and if completed successfully after one year, will be given a secure tenancy. If moving to a housing association, they may initially be given a shorthold assured tenancy in accordance with the Tenancy Policy of that landlord. When rehousing demoted council tenants, the housing association will be advised that they were demoted as a sanction in response to their antisocial behaviour, and what that behaviour was.

6. HOME OWNERSHIP OPTIONS

6.1. Low cost home ownership schemes include shared ownership, shared equity and other 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 will be given priority for the properties concerned. 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.

7. FINANCIAL MATTERS

7.1. <u>Payment for a property purchase</u>
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.

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.

7.2. <u>Home loss compensation</u>
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 **permanently**. As such, this is paid in addition to a disturbance allowance or payment. Home loss compensation is paid only once.

Home loss compensation will be paid according to the relevant legislation. Currently, 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. Trespassers and squatters will not be paid home loss compensation.

7.3. Claiming home loss compensation

A home loss payment must be claimed in writing or, for disabled people, in an equivalent format. It is a legal requirement that households be given advice and assistance to make such an application. 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 application, provided the household has moved from the original property. Consideration may be given to paying home loss compensation in advance, 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 Valuation Services, regarding entitlement to home loss compensation, the case will be heard in the County Court.

7.4. Housing and Council Tax Benefit Claimants

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. The Council 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 amount of compensation can affect a person's benefit entitlement, and it is therefore reasonable for this information to be shared in this way. The following sections detail how home loss compensation applies specifically to each tenure group.

7.5. Tenants of Dartford Borough Council

Currently, home loss compensation is paid as a lump sum. For a tenant it is £8,100 (as of 1 October 2023). 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. As such it will only be payable once the tenant has handed back the keys to their property to the Council; unless there are exceptional circumstances.

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

  A housing debt is one which arises from the "tenant/landlord" relationship. Rent arrears, heating charge arrears, service charge arrears 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 through homelessness, 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.
- They are being moved temporarily and will return to their principle home after, for example, necessary works have been carried out on the property.

  Tenants who have not lived in the affected property long enough to qualify under current law for home loss compensation, may receive an ex-gratia lump sum goodwill payment. The amount to be compensated will be at the Council's discretion. **This only applies if they do not qualify for a home loss compensation payment, as listed above.**

  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 current legislation. The tenant will be advised of this before they make the decision to return to the original site.

  Where the Council is re-designating its housing stock, and the tenant chooses to leave the property but does not have to, home loss compensation will not be paid.

7.6. Owner occupiers

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 £81,000 (as of 1 October 2023). 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. 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, 161, and 162 of the Housing Act 1985.

7.7. Private sector tenants

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 Dartford Borough Council tenants. 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.

7.8. Disturbance allowance payment

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

Where the Council requires a tenant or owner occupier to move home to enable the decanting of a Council property, it will in most cases pay a disturbance allowance in accordance with current legislation. Currently, this is under the Land Compensation Act 1973. Trespassers and squatters will not be paid any disturbance allowance or disturbance payments.

Under Part 3 section 37 a 'Disturbance Payment' must also be made to tenants and leaseholders, which should be equal to expenses 'needed to remove from the land.' If anyone in the household has disabled facilities then the disturbance payment should also cover costs of providing/refitting disabled facilities in the new property.

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 which 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.

Below are the items that the Council will usually cover under a disturbance allowance where the move is permanent:

- Removal and re-fitting of fixtures and fittings, for example bathroom cabinets, grab rails, towel rails, curtain poles/rails, shelving etc. as deemed appropriate
- Lifting and refitting of carpets where possible.
- Disconnection and reconnection of tenants own cooker, washing machine, dishwasher etc. (where essential)
- Decorating of rooms
- Making the garden area safe for children to play in (for example, free of hazardous building material)
- Any reasonable assistance required for vulnerable tenants
- Provision of a shower in a decant property (where a physical disability or frailty necessitates)
- Any other reasonable costs associated with the move at the discretion of the Council

The Council is entitled to refuse to pay costs where it is felt that some of the claim is unreasonable and contrary to what is prescribed by legislation. 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 Upper Tribunal (Lands Chamber) for a decision on this.

7.9. Universal Credit/Housing and Council Tax Benefit Claimants

Regulations state that disturbance payments and allowances are not counted as capital or income for housing and Council tax benefit purposes and/or Universal Credit. The following sections detail how the payment of a disturbance allowance or disturbance payments applies specifically to each tenure group.

7.10. Tenants of Dartford Borough 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, the Council will however look to deduct these debts from their home loss compensation.

7.11. Owner occupiers of affected properties

Owner occupiers will receive disturbance allowance, or disturbance payments, in line with that made to tenants of Dartford Borough Council.

7.12. 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. This will be at the same level as that paid to tenants of Dartford Borough Council. They will

not receive any payment for fixtures and fittings provided or owned by their landlord.

Any concerns about whether or not a private 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.

8. PRACTICAL HELP

8.1. Assistance with using the Kent Homechoice system
In situations where the Kent Homechoice 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.

8.2. Assistance in viewing properties
Every applicant will be given the opportunity of an accompanied viewing of any property that they are offered.

8.3. Housing Benefit/Universal Credit claims
If a tenant is in receipt of Housing Benefit or Universal Credit, the Council will consider whether it can pay 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 Regulations, as laid down by the government, in force at that time.

8.4. Packing and removals
The reasonable expenses of this will be met by a disturbance payment as detailed 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.

8.5. Clearance of unwanted items
The tenant is responsible for clearing 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. Households will be advised of this in advance of the moving date.

8.6. Care packages
The Decant Officer will work with Social Services and/or relevant agencies to ensure that all elements of any care package remain intact during and after the move. This could include, for example, day centre care or community nurse visits.

8.7. Advising organisations of the new address
The tenant will be advised that it is their responsibility to tell all relevant persons and organisations their new address. This includes advising Council Tax, Housing Benefits and the Benefits Agency. If the tenant has moved into

accommodation designated for older people, then the Housing Scheme Officer will support and assist them with this task as required.

9. MANAGING EMPTY PROPERTIES, GARAGES AND PARKING SPACES

9.1. Management of empty properties

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 decommissioning. 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.

9.2. Council owned garages and parking spaces

Every tenant who has a garage or designated parking space and is moving home due to decommissioning will need to either give at least one month's notice (a shorter period may be agreed at the Council's discretion) to end their tenancy, or update their address and contact details for that garage or parking space.

9.3. For temporary decants, the garage tenancy can remain whilst works are completed, and the tenant will be entitled to a rent free period during this temporary decant period.

10. COMPLAINTS

10.1. If an individual is not satisfied with the service they have received, the Council's Corporate Complaints Procedure can be followed. Complaints leaflets are also available from the Council offices.

10.2. The Housing Ombudsman can be contacted if further advice and support is needed on making a complaint to the Council.

11. DATA PROTECTION

11.1. The UK GDPR and the Data Protection Act 2018 regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.

11.2. The Council needs to collect and use certain types of information about its tenants in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

11.3. The Council's:

- Data Protection Policy sets out how it will protect special category and criminal convictions personal data;
- Housing Services (Landlord and Tenant) Privacy Notice explains that the Council collects personal information to administer its housing (landlord and tenant) services.

12. EQUALITY AND DIVERSITY

12.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

12.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

13. MONITORING THE PROCESS

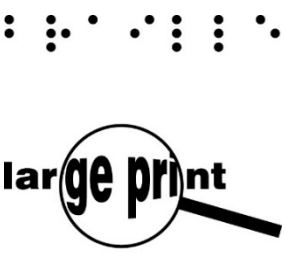
13.1. It is expected that the rehousing of tenants and residents will be monitored and used to improve future decommissioning schemes. This monitoring will be the responsibility of the Assistant Director - Housing who will be provided with any necessary statistics and information by the project manager, or other designated person. Following a move, it is expected that decanted tenants or leaseholders 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 new build), its features.
- How they felt the decant process went.

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

13.3. The Decant Policy will be reviewed regularly to address legislative, regulatory, best practice or operational issues.

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.





Tel: 01322 343434

Calls are welcome via Relay UK

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Punjabi	Tamil	Polish	Czech	Mandarin	French
01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615