

Decant Policy



Lead Director: Director of Development and Growth

Reference: V2 : POL 48

Committee Review: N/A

EMT Approval; 7 March 2024

Version date: March 2024

Review Date: March 2027



1 Introduction & Aim

- 1.1 Cobalt are committed to transforming our neighbourhoods, and to make a positive contribution to the sustainability of our homes and our communities by providing affordable, high quality homes. In order to deliver this, we may need to decant (move) customers to another property through a regeneration programme that includes demolition, which will require customers to move from their homes. There may also be instances whereby Cobalt are required to undertake planned maintenance, urgent repairs and health and safety work which will require a property to be decanted and this policy will apply.
- 1.2 The aim of this policy is to underpin the development of our communities in line with Cobalt's Development and Asset Management Strategies and provide staff with a framework to manage the decant process in an efficient, equitable and consistent manner causing the least possible disturbance to customers.

2 Policy statement

- 2.1 This policy sets out Cobalt's approach to managing the decant process and provides guidance on both permanent and temporary decants. The policy highlights both legal and best practice requirements to ensure decanting is effectively managed and sets out the support that our customers will receive during this process.

3 Policy Principles

- 3.1 There can be many reasons why a customer is required to move from their home on, either a permanent or temporary basis. Permanent decants can be required due to the following reasons:
- Regeneration of the area and properties approved for demolition
 - Property condition
 - Option appraisal
 - Refurbishments and conversions
 - Repairs and Maintenance
- 3.2 Board approval must be given for any regeneration decants to take place. Approval should be granted if the regeneration project involves major development/refurbishment or demolition. Heads of Service may approve individual decant cases.
- 3.3 There are a number of ways for a customer who is being decanted to be offered alternative housing:
- Cobalt will assist with the move by finding alternative permanent accommodation through our own housing stock

- Customers can find their own accommodation through Property Pool Plus or through another route
- Customers may wish to be rehoused temporarily whilst waiting for a new build or maintenance works to be completed

In such a situation Cobalt will aim to:

- Consult with all affected customers in a fair, timely, appropriate and effective manner
- Demonstrate to affected customers how Cobalt have taken the outcome of the consultation into account when reaching decisions
- Set out the proposals for alternative accommodation clearly and explain any actual or potential advantages and disadvantages to customers in the immediate and longer term (i.e. this could include impacts on rent charges for a new home)
- Try to find a way that a customer can remain safely in their home for maintenance work but providing temporary work eg temporary cooking facilities

4. Home Loss Payments

- 4.1 Home Loss is a statutory payment made to customers or owner-occupiers who have lived in their property for a minimum of 12 months at the point of displacement and are required to move home permanently as a result of redevelopment or demolition of their home.
- 4.2 We will ensure prompt payment of Home Loss that is due to the customer and that the value of the Home loss payment is made in accordance with current legislation. Payment will be made within 3 months of receiving the claim. If a customer has rent arrears or recharges, the outstanding balance will be deducted from the Home Loss payment.
- 4.3 In cases of hardship an advance payment of Home Loss can be made before the final move to help assist with any expenses not covered by disturbance. The amount will be agreed on a case by case basis; and the maximum advance payment will be £2,000. Receipts and proof of spend will be required for any advance payment.
- 4.4 Discretionary compensation may be paid to decanting customers who have not lived at the property for a minimum of 12 months. Cobalt will take a flexible approach and make reasonable adjustments in line with the Equality Act 2010. The decision and the amount (to be based on how long they have lived at the property) is a discretionary decision to be made by the Head of Housing.
- 4.5 If a customer is decanted on a temporary basis, for example because they are waiting for a new build home , they may wish to claim their home loss payment at the time of their temporary move. However, it must be made clear they will forfeit any increase should the Home loss amount rise before they

take up their permanent residence. (Statutory Home Loss amount increases on 1 October each year).

3.2 Disturbance Payments

Disturbance payments are made to customers to cover out of pocket expenses. Payments may also be made to people who are required to move to another property temporarily or to people who have lived at a property less than 12 months and are required to move home permanently. This payment is for reasonable moving costs.

3.3 Rehousing

Priority status is for rehousing within Cobalt's stock and Property Pool Plus (Priority Band A – Regeneration banding) to those customers who are to be permanently decanted. This is subject to prior agreement of Liverpool City Council, but will be regardless of rent arrears, recharges or other tenancy breaches. Priority Band A Regeneration will be awarded for rehousing within Liverpool, however if a customer wanted to move to any other local authority within the Property Pool Plus sub-region (Knowsley, Sefton, Wirral and Halton), the customer would have to also prove a local connection to be awarded Band A. If there is no local connection, they can still apply for rehousing in these local authorities, but the banding will be based on housing need.

If a property becomes available that meets the requirements of more than one decant, priority should be given in tenancy date order. Assistance with completing Property Pool Plus applications will be provided to customers who have been asked to move.

Should a customer be permanently decanted to another existing Cobalt home we would ensure the property meets our re-let standard. Following the customers move into their new home we would aim to visit them within 7 days to ensure there are no issues with their home.

Only one home loss payment will be made per household, even if joint tenants are moving into separate accommodation. The sum paid will be the statutory sum relevant at the date of decant. This payment is subject to a maximum time period which under 1973 Act s32(7a) a claim for the payment must be made within six years of the person's displacement. This is all subject to Government revisions. Where there are monies owing to the Association, this will be offset against the home loss payment.

3.4 Adaptations

If a customer who is being decanted has minor adaptations e.g. grab rails, lever taps etc. in their home, these will be transferred, or provided new, in their new home.

If a customer who is being decanted is being moved from a home that has a major adaptations i.e. a level access shower, then we would aim to identify suitable

accommodation that meets the customer's requirements. It is important that medical information is taken at the first decant visit in order to provide adequate time to meet customers rehousing needs, including an occupational health assessment. If the customer's preference is to move to a new build home as part of a regeneration programme, we will endeavor to adapt a home to meet their needs.

3.5 Right to Return

If a customer is asked to decant due to regeneration, remodeling or redesign (as part of a regeneration programme), they will retain the right to return to the same property. However, this is dependent on the home still meeting their rehousing requirements. For example, if the property has been converted e.g. a bedroom removed or added and no longer meets their housing requirements, there will be no right to return and the resident will be considered to be a permanent decant. This should be clearly explained at the point of decanting, along with any possible changes to tenancy. Cobalt retain the right to make any decisions about remodeling or redesigning our homes.

3.6 Refusal to move

If a customer refuses to move out of, or return to their home following a decant, Cobalt will firstly aim to understand the reasons why. We will ensure we listen to our customers, providing all information available in a clear and transparent way. Following further discussion and negotiation, if a customer refuses to move out of or return to their substantive home, Cobalt will take legal action to enforce this.

3.7 Right to Consultation

Tenants are entitled to consultation regarding proposed decant programmes in accordance with Section 105 of Housing Act 1985.

For any large development or regeneration programme a local project plan should be developed. This will include consultation with all the residents affected and clearly explain our intentions and timescales involved in the proposals. We will consult with other stakeholders including the Local Authority, contractors, and emergency services.

3.8 Homeowners

In the event that Cobalt purchase privately owned properties in order to facilitate decanting and redevelopment, we will pay full market value plus 10% compensation, as per the Land Compensation Act. The value of the property will be provided by an independent valuer. If the homeowner disagrees with the value price and provides their own valuation this will be considered. If either party cannot agree on a value a further independent valuation should be sought from the District Valuer.

3.9 Shared ownership leaseholders

If Cobalt are to purchase a shared ownership / leasehold property to facilitate decanting and redevelopment, leaseholders will receive 10% of the value in the property (as compensation), subject to any statutory maximum limits.

3.10 Temporary decants

Cobalt recognise that providing temporary alternative accommodation may be required in some circumstances. Examples include:

- Incidents such as fire or flood
- Major repairs where it is not reasonable for a customer to remain living in their home throughout the duration of the works
- Cases where a customer is at risk of harm living at their home

The decision to offer alternative accommodation will be made following a property survey or considering supporting information provided by relevant external agencies. i.e. Merseyside Police.

Alternative accommodation will be provided that could consist of:

- An alternative Cobalt home or other landlord
- Hotel accommodation
- Temporary private accommodation
- Accommodation provided by the local authority

We will aim to provide accommodation that is as geographically near to a customer's existing home as practicable and will aim to take into account any individual circumstances or needs of our customer and their family.

We recognise that living in some types of temporary accommodation may not facilitate adequately preparing and cooking food. If there are no cooking facilities we would aim to provide either meals paid for in advance with the accommodation or a subsistence payment to cover the cost of food purchased.

Subsistence payments will be made up to a rate of £15 per adult and £10 per child per day and will only be paid for customers and household members that Cobalt have registered as part of the household.

Receipts will be required for all reimbursements and payments will be made to the Bank Account of the customer.

In cases where customers are not able to pay subsistence costs themselves and reclaim the advance, we will aim to provide vouchers in advance to enable food to be purchased.

Additional reasonable assistance and expenses will be considered including but not limited to the following:

- Disconnection and reconnection of utilities and supplies
- Removals and storage of furniture
- Assistance with packing for customers who are not able to complete this themselves
- Associated tasks such as redirection of mail

Once Cobalt are satisfied that the original property is habitable and/or safe for the customer to return we reserve the right to end the temporary accommodation, however we will give sufficient notice to the customer.

4 Risk Management

4.1 The key risk associated with non-delivery of this Policy is:

Risk Register Ref:	Risk:
SD 15	There is a risk that the decant process will not follow an efficient, equitable, consistent and least disruptive process for tenants.
Risk Consequences:	Management and Mitigation:
Reputational damage Increasing costs due to programme delays Potential claims Decants not happy with level of compensation	<ul style="list-style-type: none"> • Policy clearly sets out our statutory requirements for decanting and home loss • Policy sets out our approach to decanting in a clear and consistent manner • Policy states a budget should be in place and customers to be made aware of what disturbance costs cover • Provide frequent, timely and honest information to customers going through decant process • Local authority partners have checked and approved policy • Policy covers good practice to enable the move to be as easy as possible, acknowledging decanting can be stressful and upsetting for customers

Key Risk Indicators and Control Limits

Any decant programme will be linked to a wider regeneration project, of which updates to Investment and Development Committee Homes and Neighbourhoods Committee and Board will be provided.

Individual decants relating to property condition will be approved by the Head of Housing.

5 Regulatory & Legislative Compliance

5.1 Government legislation has an impact on how Cobalt can implement a Decant Policy. We must take into consideration:

- Land Compensation Act 1973
- Housing Act 1985
- Housing Act 1988
- Planning & Compensation Act 1991

6 Links to other key documents

- Local Lettings Policy
- Local Lettings Plan

- Neighbourhood Management Policy
- Complaints Policy

7 Governance of this Policy

Equality and Diversity	We aim to provide a tailored approach and will take into account and discuss requests for any reasonable adjustments under the Equality Act 2010. An EQIA has been completed and inclusions made regarding age and disability and needing to ensure there is support and assistance throughout the process and that new home/accommodation meets the needs of customers. Recognition of any specific needs in terms of religion or belief has also been included.
Financial and Links to Vfm	This policy does have a financial impact on the business through the payment of Statutory Home Loss (£8,100 as at 1 st October 2023) and disturbance payments. A financial appraisal including all decant and disturbance costs will be presented to Board for approval.
Privacy and Data Protection	The Policy will involve the collection/use of personal data from customers for necessary data processing and will be dealt with in line with Cobalt's 'Data Protection' policy which is based on the requirements of Data Protection Act 2018 and retention of data principles as outlined by the National Housing Federation 2018.
Health and Safety	Not applicable to this policy.
Development and Consultation	Consultation has taken place with colleagues who will be impacted by the policy, including our Neighbourhoods and Development and Growth Teams. Customer consultation was carried out through a focus group of Cobalt customers who have previously been decanted from their home and also the Tenant Consultative Panel (TCP). Feedback from Liverpool City Council has been incorporated into the policy.
Customer Profiles and Accessing Services Data	Not applicable to this policy.
Monitoring and Review	Updates on regeneration programmes and decanting will be reported to EMT, Investment and Development Committee and Homes & Neighbourhoods Committee.
Roles & Responsibility	Overall implementation of policy - Head of Housing. Operational delivery of the policy and associated procedures – Neighbourhood Managers and Regeneration Manager. All colleagues have a responsibility to follow the policy and procedures.

8 Definitions

Decant – someone who is required to move from their current home

Home Loss – compensation payment for having to move home

Disturbance Payments – payment for costs incurred associated with moving

Regeneration – improvements to streets or parts of estates including housing improvements, demolition, new build, environmental improvements. May include one, or a number of initiatives as required/planned

Property Pool Plus (PPP) – housing allocation system that covers Liverpool and wider city region

