



CABINET

Subject Heading:**Cabinet Member:****ELT Lead:****Report Author and contact details:****Policy context:****Financial summary:****Is this a Key Decision?****When should this matter be reviewed?****Reviewing OSC:****Decant Policy**

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This is a comprehensive policy on the Council's approach to enabling temporary and permanent moves for Council tenants and leaseholders.

It is anticipated that the implementation of this scheme may involve minor financial implications.

Indicate grounds for decision being Key: Yes
(c) Significant effect on two or more wards

One year from implementation.

People Overview and Scrutiny Committee

The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well x

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

SUMMARY

1. This report seeks the approval of the Decant Policy which sets out the offer to council tenants and leaseholders who need to temporarily or permanently move out of their home in order for repairs to be undertaken or the property redeveloped. The policy also sets out the roles and responsibilities for officers who support these moves.

The policy is applicable to all secure tenants (including those on introductory or fixed-term tenancies) and leaseholders who need to move from their current home for repairs to be undertaken.

RECOMMENDATIONS

2. It is requested the Cabinet:
 - i. Approve the proposed Decant Policy in Appendix 1
 - ii. Delegate any minor amendments to the Policy to the Director of Living Well in consultation with the Lead Cabinet Member for Housing Need and Climate Change

REPORT DETAIL

3. The Decant Policy outlines Havering Council's approach to relocating residents temporarily or permanently when properties are uninhabitable due to planned works, emergencies, or redevelopment. It ensures compliance with legal requirements, provides financial and practical support for decanting, and prioritises minimal disruption to residents. The policy includes provisions for needs assessments, consultation, suitable alternative accommodation, compensation for costs incurred, and measures to ensure fairness, transparency, and efficient use of resources. It applies to eligible tenants but excludes temporary accommodation residents. Regular reviews will ensure alignment with legislation and resident needs.

REASONS AND OPTIONS

Reasons for the decision:

4. Where repairs are cannot be carried out safely with a tenant in occupation, the Council has a duty to provide alternative accommodation to secure tenants so that works can be undertaken.

Temporary moves can be very disruptive to the tenants. This policy therefore seeks to minimise that disruption and sets out the types of accommodation which might be offered as well as the payments which can be made to ensure that the tenant is not financially disadvantaged.

The policy also seeks to clarify the Council's response for resident leaseholders where the liability for alternative accommodation falls under the Council's responsibility and is not covered by building insurance.

Other options considered:

5. **Council continues not to have a policy:** This option was rejected as the Council does not have clearance guidance on the decant process leaving the Council at risk of breaches of its statutory duties and vulnerable to legal challenge.

Amend policy to the Council's Allocations Scheme: This was rejected as a temporary move under a licence agreement is not an allocation of housing and so pursuant to s159 Housing Act 1996. The upcoming revised scheme has been reviewed and will be updated to reflect this.

IMPLICATIONS AND RISKS

Financial implications and risks:

Every decision which generates a decant action must be costed and consideration given to where decants will be funded from. Where it is an emergency response there may be a budget pressure depending on the scale.

Legal implications and risks:

The Council has statutory responsibilities to keep its properties maintained and under reasonable repair. The Council has repairing obligations under legislation such as Section 11 of the Landlord and Tenant Act 1985. Repairing obligations may also arise from tenancy agreements and leases.

Where the Council fails to comply with its statutory or contractual repairing obligations, the tenant or lessee may have a right to take legal action for the disrepair to be remedied and possibly to claim compensation.

To meet its repairing obligations, the Council needs access to its properties and sometimes the necessary works cannot be undertaken with the tenant or leaseholder in occupation. This may require the occupiers to be decanted with on a temporary or permanent basis.

Tenancy Agreements usually include an obligation on the tenant to provide access for certain works and repairs.

A temporary move under a licence agreement is not Allocation of Housing pursuant to s159 Housing Act 1996.

Home loss Payments and Disturbance Allowances

The Land Compensation 1973 (as amended) sets out the provisions for statutory Home Loss Payments that are to be made to compensate tenants for having to permanently move out of their home, subject to certain eligibility criteria. This legislation also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving from their home.

The Secretary of State has also issued Regulations relating to homeless payment. The current regulation- the **Home Loss Payments (Prescribed Amounts) (England) Regulations 2023** applies where the date of displacement is on or after 1st October 2023.

A person is entitled to a home loss payment when they are displaced from a dwelling on any land in consequence of the compulsory acquisition of an interest in that dwelling or in the other circumstances specified in section 29 of the Act, subject to the terms of that section. Section 30 of the Act specifies the amount of home loss payment in each case.

Section 29 (2) of the Land Compensation Act 1973 provides that:
A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—

(a)he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and

(b)he has been in such occupation by virtue of an interest or right to which this section applies

Court proceedings for possession

In certain circumstances, the council (as the Landlord) may apply to the court for possession of a property for the purposes of undertaking work or redevelopment.

Where possession is being sought under either Ground 10 or Ground 10 A of Schedule 2 of the Housing Act 1985, the court may grant a possession order if suitable alternative accommodation is available.

Discretionary Payments

If an occupier has lived in the property for less than one year but has a legal interest and occupies the property as their only or main residence at the date of displacement, they may be entitled to a discretionary payment, not exceeding the amount of the mandatory payment.

Disturbance Payment

Disturbance payments can be paid to someone who is in lawful possession of the land. Lawful possession does not include lodgers or those with merely a licence to occupy.

Even if there is no entitlement, local authorities have discretion to make a payment by way of compensation for disturbance

The Housing Ombudsman has issued guidance outlining Landlord and Residents expectations, when a Decant is identified as necessary. It is recommended that these expectations are incorporated into the Decant Policy.

Human Resources implications and risks:

The recommendations made in this report do not appear to give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Equalities implications and risks:

Please find enclosed EHIA assessment in Appendix 2

Health and Wellbeing implications and Risks

The decanting policy will address the housing needs of residents when providing temporary or permanent accommodation in

- Planned major repairs or improvement works to be undertaken.
- Remodelling of the housing stock
- Redevelopment as part of the regeneration of a neighbourhood

There is a minimal impact on the Health and Wellbeing of the residents but mitigation measures are put in place. The policy will require the council to identify, at initial decant referral stage, medical issues and other vulnerability that may require adaptable or specialised accommodation, and further suitability assessments to be conducted on identified properties to ensure suitability of offer. Other supports are also available for all residents implicated such as support with

moving, removal expenses, travel distance to work and school and an option to store items in a closed room when feasible.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Guidance on completing this section can be found on this link:

<https://onesourceict.sharepoint.com/sites/SustIntranet/SitePages/Committee-Guidance.aspx>

BACKGROUND PAPERS

Appendix 1 – Decant Policy 2025 v4

Appendix 2 – EHIA – Decant Policy 2025