

Housing Services
Decant Policy (2025)

DRAFT

Document Control

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V0.1	Initial review, and various necessary updates	11/06/24	-
V0.2	Updated draft	25/04/25	Housing Liaison Forum
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V0.4	Updated draft – reviewed with amendment as per legal, hr, public health and finance	21/08/25	Business Partners, Director, Living Well

1. Introduction

1.1 Purpose

1.2 The purpose of this policy is to explain what Havering Council's Housing Services will do when it becomes necessary to re-house or 'decant' a tenant to allow:

- Planned major repairs or improvement works to be undertaken
- Remodelling of the housing stock
- Redevelopment as part of the regeneration of a neighbourhood
- Emergency repairs due to an unexpected event or health and safety reasons which cause a council tenant's home to become uninhabitable. In this instance, Housing Services has a duty to re-house any person homeless because their property is uninhabitable.

1.3 Housing Services recognises that moving can be difficult. We are committed to making any relocation as easy as possible and will keep tenants informed at every stage of the process. Housing Services will support tenants throughout the relocation process to ensure that disruption is kept to a minimum. Where it is applicable, any disturbance and/or home loss payments will be paid promptly to tenants.

1.4 Where possible, Housing Services will carry out improvement works and major repairs while the tenant remains in their home. There will, however, be certain situations such as when the health and safety of the tenant would be at risk if the tenant remained. Where this is the situation, we will arrange to move the tenant: either on a temporary or permanent basis.

1.5 In the event of a regeneration or redevelopment programme, details of our offer for residents of all tenure types will be published in a Regeneration Local Lettings Plan relevant to each tenure type. This policy therefore does not pertain to regeneration and should be viewed as a general guide only.

1.6 Tenants affected by any regeneration scheme who are living in short life temporary accommodation provided by the Council due to homelessness will not be covered in any such local lettings plan (unless specified).

1.7 Affected homeless tenants will be supported through the Council's Housing Advice and Homelessness service to ensure that their needs are reassessed and if eligible, alternative accommodation will be provided.

1.8 Policy summary

1.9 This policy recognises the huge impact that moving home under these circumstances 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 types of compensation might be offered, and the practical help that Housing Services may be able to provide for affected residents.

1.10 Scope

1.11 This policy applies to council tenants who may lose their home temporarily or permanently due to demolition, redevelopment, re-designation, or major works that make staying in the property unreasonable. The Council will rehouse any displaced council tenant, except those with a court possession order for tenancy breaches like

rent arrears or anti-social behaviour. Any such household **will not** be rehoused under this policy.

1.12 The Council **will not** rehouse unauthorised occupants including friends, sub-tenants, lodgers, licensees, squatters and other non-secure occupant. This also includes ineligible persons within the criteria of s160ZA of the Localism Act (2011) and those deemed ineligible by the Secretary of State.

1.13 The Council will not rehouse leaseholders or freeholders because of demolition, redevelopment, re-designation of or major works to, a property. The duty to re-house leaseholders or freeholders only applies where "*suitable alternative residential accommodation on reasonable terms*" is not available to the residential occupier (as detailed in Section 39 of the Land Compensation Act 1973). In most circumstances it is anticipated this will be achieved on the open market, through the purchasing of a new property.

1.14 Timescales

This policy will be applicable for three years but may be reviewed sooner, depending on any legislative or locally driven changes that may affect or impact on the operation of this Decant policy.

1.15 Aims, objectives and outcomes

This policy explains the Council's approach when it becomes necessary to rehouse tenants where we need to carry out major repairs or redevelopment that cannot reasonably be completed while the property is occupied. It also applies where a property is to be demolished or disposed of.

1.16 This policy aims to establish:

- when we may decant residents
- consultation (in non-emergency situations)
- options and choices for residents
- compensation and expenses offered
- support and assistance available

2. Policy

2.1 Introduction

2.2 Decanting is a legal definition used to explain the process where tenants are required to move from their homes because either their landlord or an authority with compulsory purchase powers intends to demolish or reconstruct the property or carry out major repairs or improvements to the property, either temporarily or permanently for the works to be completed.

2.3 Decanting may also happen where the Council has decided that a transfer to alternative accommodation offers the best way of ensuring that development, modernisation, conversion or essential repair works go ahead without causing huge disruption or hardship to the tenants.

2.4 Where reasonably possible, the Council will carry out improvement works and major repairs while the tenant remains in their home, but decants are likely to be necessary if:

- The property cannot be secured overnight because of work being carried out

- There are technical or health and safety reasons why the tenant cannot be in the property while work is being carried out
- The property is without power and electricity and cannot be remedied with 24 hours
- The property is being demolished or sold, in which case permanent re-housing will be required
- The property is due for major refurbishment work that cannot be carried out while the tenant remains living there

2.5 There will be occasions where tenants must move out of their property because of an unplanned emergency. This could include:

- a fire at the property or in a block of flats
- a flood affecting the property or the area where the property is located
- an inspection reveals a home to be in poor condition or uninhabitable

This list is not exhaustive.

2.6 In such instances the Council will conduct a thorough health and safety risk assessment to ensure tenant safety and wellbeing.

2.7 There may also be occasions where it is necessary for the Council to declare a property or a block no longer financially feasible to maintain. In such cases decanting measures will be put in place.

2.6 The stock may be demolished, sold or turned into another type of accommodation. In such instances, a strategic review will have taken place prior to making this decision. To take such steps, the Council will consult with affected residents to ensure transparency and views on the decision-making process.

2.7 Planning to decant council tenants in the event of repair

The Council surveyor's report, including work timelines, primarily guides the decision to decant tenants. If the cost of the works is deemed excessive, or the completion of the works are considered unviable, by the Director of Housing (or designated authority), the decant will be on a permanent basis.

2.8 Permanent Decanting of Council Tenants

When reaching a decision on whether or not a council tenant should be offered another property, the Council will consider the likely impact of the planned repairs and improvements and whether they will be so disruptive that it would be unreasonable to expect the tenant to remain in the property while the works are carried out.

2.9 It will also be considered as to whether, for technical or safety reasons, it is feasible for the tenant to remain in their home while the works are carried out around them.

2.10 For the tenant to be assessed as requiring a permanent decant, the Council will need to be satisfied that:

- The work is so disruptive that it cannot be completed with the tenant and household remaining in occupation
- The health and safety of the tenant and household member/s is compromised should they remain
- The timescale for completion exceeds three months.

2.11 Once this has been confirmed and agreed, the tenant will be notified in writing of the permanent decant decision with clear information on reasons for the decant and expected timescale to make a formal offer. This will be provided to the tenant via tenant's housing officer.

- 2.12 An offer of permanent alternative accommodation will be on a like for like basis and does not seek to address any ongoing issues pertaining to the decanting tenants housing need. The offer letter will detail:
- Address of the property offered
 - Rental charges for the property
 - Contact details of the officer/team conducting the viewing and sign-up process
 - Terms of the offer
- 2.13 When a tenant is permanently decanted because a property has been decommissioned, redeveloped or where there has been a change of use or excessive works exceeding three months, the tenant will be awarded priority for a transfer to suitable like for like accommodation.
- 2.14 When tenants are moved permanently to alternative accommodation they will take on a new tenancy, with their original tenancy status, depending on the original terms of their tenancy.
- 2.15 Temporary Decant (Major works to existing Social Housing properties)**
If the work is estimated to take less than three months but cannot be completed with the tenants in occupation, the tenant will be asked to move into temporary accommodation and to return to their permanent home after the work has been completed.
- 2.16 Upon confirmation and agreement of decant, the tenant will be notified of the temporary decant decision in writing with clear information on:
- reason for the decant
 - expected duration of works
 - when they can return to their permanent home
- 2.17 This will be supplied via tenant's housing officer.
- 2.18 The offer of temporary accommodation will be on a like for like basis except where the tenant has been under-occupying a property. One direct offer of accommodation will usually be made by the Council's housing services department in consultation with the tenant.
- 2.18 If there is no available accommodation within Council stock, tenants will be offered placement in temporary accommodation for the duration of the works. Whilst individual circumstances will be noted in any offer (including distance from work, family or schools) it must be noted that availability of hotels within Havering may be limited. This may require placement into a hotel outside the borough.
- 2.19 On some occasions a tenant may decide to make alternative housing arrangements instead of taking up temporary accommodation. In such cases, the Council will register details of the tenant's alternative housing placement, conducting bi-weekly check-ins and support. Including sourcing alternative temporary housing for the tenant should circumstances change.
- 2.20 Secure tenants who are decanted into temporary council accommodation will need to sign a licence agreement for their temporary home. Additionally, they must sign an undertaking agreeing to return to their original home once the work is completed. If they fail to do so, legal action may be taken to reposess either the temporary accommodation or their permanent home.

- 2.21 Tenants requiring assistance with transportation to their temporary residence will be supported with the Council arranging a taxi service to the destination. Tenants will be expected to make their own arrangements when returning to their permanent home.
- 2.22 Housing Services will not cover costs for food or sustenance during the temporary decant period. Tenants experiencing hardship during this period can apply for assistance via the Council's Emergency Assistance Scheme. Further information is available on the Havering Council website.
- 2.23 If the work exceeds three months, the tenant may receive permanent decant priority that will enable an alternative like for like offer of accommodation.
- 2.24 When a tenant relocates temporarily, they will return to their original residence upon the completion of the necessary works. They will retain their tenancy, continue paying the same rent, and be issued a Tenancy Licence for the property to which they are temporarily relocated. To note, a temporary move under a licence agreement is not an Allocation of Housing pursuant to s159 Housing Act 1996.
- 2.25 While decanted, tenants will be charged rent on their original home. Service charges will typically reflect the property being occupied.
- 2.26 In all cases of decant, the Council will conduct a needs assessment with the tenant and household members identifying any vulnerabilities and take reasonable steps to meet their needs with an appropriate offer. This will include:
- Household composition
 - Contact details (including emergency contacts)
 - Medical needs
 - Vulnerabilities
 - Areas of preference
- 2.27 The needs assessment will detail the agreed steps whereby the tenant will be provided with a copy. The tenant will be updated on their case through bi-weekly check-ins to be carried out by their housing officer.
- 2.28 Security of tenure for decanted tenants in temporary accommodation**
While the tenant stays in temporary accommodation awaiting home repairs or reconstruction, they retain their tenancy and will either charge rent on their original home or the use of occupation charge of the temporary accommodation – whichever is lower. If returning to their original home is not possible, the Council will offer a suitable permanent home with the same security of tenure.
- 2.29 Court Proceedings for Possession**
In circumstances where tenants unreasonably refuse to provide possession to the Council when reasonably required, the Council may apply to Court for an Order for Possession or an Injunction Order requiring the tenant to vacate the property.
- 2.30 If a tenant unreasonably refuses an offer of temporary accommodation, then the Council may not provide alternative accommodation to the tenant who will have to make their own arrangements for accommodation during the works.
The Council may ask the Court to order that the tenant pays its costs of any court proceedings.
- 2.31 Decant Moves (for regeneration or other relevant council schemes)**
Council tenants who need to be decanted from their homes on a permanent basis because of redevelopment or regeneration will be moved in a planned way. This may be a phased move, and decanting may be staggered within an area or estate specific

to a scheme. **Full details of our offer to Council Tenants will be set out in the Local Lettings plan (or other relevant council policies) specific to that programme.** Each regeneration scheme will be subject its own consultation, equalities impact assessment and approval by Cabinet.

2.32 Detailed procedures will be developed and published for any regeneration programmes including a Local Lettings Plan and a supplementary regeneration Decant Policy and Possession Procedure.

2.33 When tenants are moved permanently to alternative accommodation they will take on a new tenancy, while retaining their original tenancy status, either secure lifetime or secure fixed term flexible tenancy depending on the original terms of their tenancy.

2.34 Compensation for permanently decanted Council Tenants

Compensation and moving costs are covered through two separate payments known as statutory Home Loss and Disturbance.

2.35 There will be one payment, as applicable, of either a home loss payment or a disturbance allowance (or both), per household – this includes split households. Payments will only be made to the tenant(s) who have signed the tenancy agreement. Please note that the tenure type of the resident will determine if they receive either or both forms of compensation.

2.36 Home Loss Payment for Council Tenants

This is a statutory fixed sum paid in recognition of the personal upset and distress caused by displacement. *Havering Council makes no commitment to provide payments for displacement beyond the statutory requirement. This is only paid for permanent moves.* A person cannot be regarded as permanently displaced if there is an intention to return to their original home on completion of the works

2.37 Housing Services make payments in accordance with the Planning and Compensation Act (1991), the Land Compensation Act (1973) and the Home Loss Payments (Prescribed Amounts) (England) Regulations (2023). *These regulations are updated annually and will be checked before any payment is agreed. For this reason, the level of statutory payments is not set out within this document as it is likely that these amounts will change during the lifespan of this policy. The Local Lettings plan for any redevelopment or regeneration scheme will outline the statutory amount payable.*

2.38 Aside from only being payable where a move is permanent, home loss payments can only be made provided that:

- The tenant must be living in the property, as their sole or main residence, for at least one year before they must be decanted. *N.B. 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.*
- The move must be permanent because of demolition and/or redevelopment work
- Home loss payments are made per property. Where there are joint tenants, one home loss payment is to be shared between them.
- Squatters and trespassers will not be paid a home loss payment or a disturbance allowance payment.
- Tenants who are evicted prior to being decanted will not receive a home loss payment

2.39 The Council reserves the right to debit part or all the Home Loss Payment to settle outstanding debts owed by council tenants i.e. rent arrears by way of equitable set-off.

2.40 Home loss payment will be paid following deductions of:

- Any rent arrears against the property (including former tenant arrears)
- Any court costs regarding the tenancy
- Any garage rent arrears owed by the tenant
- Any Council Tax arrears in respect of the property
- Any re-charges in relation to property damage, caused either deliberately or through neglect.

2.41 For tenants who receive Housing Benefit and/or Council Tax Support, any Home Loss payments that they receive **will be** counted as capital for the purpose of these benefits. It is the legal responsibility of tenants to advise Havering's Council Tax and Benefits Team as soon as they receive any Home Loss payment. Similarly, any Home Loss Payment may affect entitlement to Universal Credit, and the onus rests with Council Tenants to inform the Department of Work and Pensions/Local Jobcentre Plus that they have received this payment.

2.42 Home Loss payments will not be paid twice, for example, where a tenant is decanted in the event of regeneration on a temporary basis, with the intention to return to their original estate on completion of the regeneration programme, this will count once.

2.43 Disturbance Allowance for Council Tenants

This is intended to compensate tenants for 'reasonable expenses' associated with moving.

2.44 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

2.45 This is paid to council tenants who are moved permanently, and it is paid in addition to home loss payments. The effect of the payment should be that the tenant is in no worse or better position than they would have been if they had not needed to move.

2.46 This is a lump sum payment intended to cover:

- Removal costs
- Disconnection and reconnection costs of broadband, telephone and domestic appliances
- Mail redirection. In the case of a permanent decant, for each authorised surname living at the address
- Alterations to furnishings e.g. uplifting, refitting and alteration of carpets and curtains
- The cost of carpet and curtains for a living room and bedrooms where existing items cannot be reinstated

2.47 Reasonable costs **do not** include:

- Replacement goods or belongings
- Weekly rent payments (although if the move is temporary and the tenant is required to pay a higher rent which will result in them being worse off, Housing Services will credit the difference to the temporary accommodation's rent account).
- Any other loss that should be covered by the tenant's own insurance policy

(This is not an exhaustive list. In the event of a Regeneration programme, Housing Officers will be able to advise whether an expense will be considered reasonable).

- 2.48 Where a tenant is considered vulnerable, we will make all rehousing arrangements for tenant. The disturbance allowance payment will not apply to these tenants.
- 2.48 For Council tenants who move twice (to an initial home and back to the redeveloped home), the Disturbance Allowance payment can be made twice.
- 2.49 Non-secure tenants in Council short life temporary accommodation are not entitled to Home Loss or Disturbance Allowance Payments.
- 2.50 Payments of disturbance allowance **will not be offset** against rent arrears. However, unless a tenant is vulnerable and decanted for health and safety reasons, or where a prolonged delay might result in a deterioration to the condition of the property, tenants will be expected to clear any rent arrears on their rent account prior to being decanted.
- 2.51 Where there are rent arrears and we cannot delay a decant for health and safety reasons, an arrangement will be made for the repayment of arrears as part of the temporary accommodation rent. If there is already a repayment arrangement in place, this will continue at the temporary accommodation.
- 2.52 Disturbance Payments are **not** counted as capital or income for Housing Benefit and Council Tax Support but may impact on other state benefits. Residents are advised to contact the Department of Work and Pensions or their Local Job Centre Plus for more information.

2.53 Summary of the circumstances for disturbance allowance and home loss payments for Council Tenants

A tenant's home becomes unfit to live in (no habitable rooms or bedrooms), due to fire, flood or major impact damage.	Disturbance Allowance for reasonable costs.
Temporary moves	
Permanent moves due to major repair works	
Permanent move due to redevelopment, improvement or sale	Disturbance payment for reasonable costs and statutory home loss payment

- 2.54 If a tenant has been notified that they will have to move for the Council to undertake major repairs/improvements to their home and is evicted in advance of the work commencing, no disturbance allowance and/or statutory home loss payment will be paid.

3.0 Tenant Responsibilities

When a tenant is relocated, they are generally responsible for packing their own belongings. However, if the tenant is vulnerable or has mobility or medical needs that leaves them unable to manage, a packing service will be provided in place of a disturbance allowance payment.

- 3.1 Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, emptied and defrosted, before the removal company is due to arrive.

- 3.2 If transferred to new accommodation, tenants must legally clear their belongings from the property without fly-tipping. They must vacate the property entirely. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified, and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged, in accordance with the appropriate policy.
- 3.3 Any items left behind will be disposed of with no opportunity for retrieval or compensation. The cost of clearance and disposal of any items will be recharged to the tenant or deducted from their Home Loss Payment. The tenant is required to ensure that the property is in a clean and lettable condition when the property is handed back to the Council.
- 3.4 The Council may grant permission for temporary decant tenants to leave items behind subject to them being placed in a locked room during the temporary decant period. At the tenant's written request, the Council will install a temporary lock installation for the designated room. The tenant must sign a disclaimer confirming their agreement for the Council to work on the property without the Council being liable for any items left in the property.
- 3.5 The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure they are not abandoned in the property after they have moved out.
- 3.6 If the household has home contents or other insurance, the tenant is advised to notify their insurance company about the change of address.
- 3.7 Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken.

4.0 Landlord Responsibilities

Upon commencement of works at the property, the Council shall take steps to change the locks whilst works are in progress. No access will be given to the tenant or other household members unless specific written permission is granted.

- 4.1 Before a tenant is allowed to return to their principal home, a thorough safety check of the property will be conducted with relevant checks carried out to ensure the property is safe and habitable in line with the Council's Lettable Standard. These checks include:
- Post inspection by designated council surveyor
 - Gas Safety Check
 - Electrical Check
- 4.2 Snagging issues will be raised at post-inspection stage with information communicated to the tenant confirming what additional works are required and timescales for completion.

4.3 Vulnerable tenants

If a tenant cannot remove and store curtains and carpets due to vulnerability, Housing Services will appoint a contractor to handle it. The contractor will lift and store carpets if there's a risk of damage during works and re-lay them afterward. *The contractor is liable for any carpet damage.* Similarly, the contractor will remove and store curtains that may be affected. *Their insurers are responsible for any storage damage.*

4.4 Tenants who can manage this process independently will be required to do so. We will not provide removal, storage, or re-fitting services unless the tenant is identified as vulnerable.

4.5 Gardens

Tenants decanted to temporary council accommodation will be responsible for the maintenance and upkeep of the garden/s under the licence terms and conditions.

4.6 Downsizing

Tenants moving to a smaller, suitable property will receive £1000 for the first room and £500 for each additional room returned to the Council. **This excludes tenants temporarily decanted.**

4.7 Making the payments

Home loss and disturbance allowance payments will usually be made by BACS.

4.8 There will only be one payment (home loss and disturbance allowance) per household, including split households. Payments will only be paid to the tenant/s who has signed the tenancy agreement. Disturbance allowance payments will **not** be offset against any rent arrears.

5.0 Leaseholders

The duty to re-house leaseholders or freeholders only applies where “*suitable alternative residential accommodation on reasonable terms*” is not available to the residential occupier (as detailed in Section 39 of the Land Compensation Act 1973).

5.1 For planned works we will consult leaseholders on any major works prior to any discussion regarding decants. The Council will seek legal advice if we are prevented from fulfilling our repair and maintenance obligations because of a leaseholder’s refusal to consider a decant.

5.2 Where the Council has a statutory duty, leaseholders will be compensated for the loss of their home, otherwise they will be expected to recover their costs through their own insurance cover. The conditions to receive Home Loss and Disturbance Payments are the same as for tenants i.e. the decant must be permanent due to redevelopment or improvement works and the owner or their sub tenant must have been living in the property for 12 months at the date of displacement.

5.3 Whilst the Council may not have the same duty to provide alternative accommodation to leaseholders as it may for its tenants in respect to temporary decants, the Council will provide suitable alternative accommodation where:

- There is an obligation under the terms of the lease.
- The decant is required because of the Council’s action’s, failure to act or negligence.
- It may help facilitate the progress of essential works

5.4 Where there is no obligation to provide alternative accommodation, we may charge the Leaseholder rent under a temporary licence agreement.

6. Related documents

Department for Communities and Local Government.

[Right to Buy: summary booklet - GOV.UK](#)

The legislation and policies listed below will be taken into consideration:

- Housing Act 1985, section 11 repairs
- Housing Act 1985, Schedule 2 Grounds 8 and 10
- Land Compensation Act 1973
- Planning & Compensation Act 1991
- Home Loss Payments (Prescribed Amounts) (England) Regulations 2023
- Human Rights Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Landlord & Tenant Act 1985 section 11
- Havering Housing Allocations Scheme 2024

7. Dissemination and communication

Housing Services will consult with tenants, relevant partners and all appropriate stakeholders to review this policy prior to publication. The policy will be available to view to the public on the internet and to Council Officers on the intranet.

8. Implementation

The Decant Policy does not have a mandatory training requirement, but the following non-mandatory training is recommended: -

Briefing to ELT/Team managers to be disseminated to all staff at team meetings

9. Monitoring and review

Havering Council will monitor and review its performance and track the impact of our approach to ensure continuous improvement. This policy will be reviewed in three years from the date it has been published and will be reviewed by the lead officer sponsoring this policy.