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SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Cabinet**

**Date: Tuesday, 28th March, 2017**

**Time: 2.00 pm**

**Place: Committee Room 1 - Civic Suite**

**Contact: Colin Gamble**

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# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Deputy Chief Executive (People)

to  
**Special Cabinet**

on  
**28 March 2017**

Report prepared by: Andrew Fiske  
Group Manager, Strategic, Community & Private Sector  
Housing

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## Decant Policy

**Relevant Scrutiny Committee: Policy & Resources**  
**Executive Councillor: Councillor Flewitt**  
**Part 1 Public Agenda Item**

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### 1. Purpose of Report

- 1.1 To agree a borough-wide decant policy that would apply to any Council tenants who may have to move either on a permanent or temporary basis as a result of a regeneration project.

### 2. Recommendations

- 2.1 That Cabinet agrees to:
- a) Confirm the terms of the decant policy;
  - b) Make allowance in the capital programme on a scheme by scheme basis for any costs that are incurred in respect of the Policy.

### 3. Background

- 3.1 With the growing housing pressures in the borough and the lack of land that could be made available for development, the Council will need to maximise the best use of its assets to meet the current and future housing needs of the community.
- 3.2 The Better Queensway project is a good example whereby through redesigning the estate there is an opportunity to significantly increase the housing density and ensure a level of investment in the Council's property assets that will reduce future repair obligations. There are nine other tower blocks in the borough, offering the potential to apply this approach elsewhere in the Council's estate. It is anticipated that similar opportunities will present over time to increase the amount of homes available to meet general housing need.

- 3.3 Although such a regeneration approach will be essential to be able to meet the growing need for new homes and improve the Council's assets, it is acknowledged that many Council tenants are happy with where they live. There is the potential for regeneration to be experienced as a traumatic process for these people; in particular those who are vulnerable due to frailty, disability, or life circumstances. Therefore a key factor in the Council's approach will be to ensure that tenants receive timely communications and information about the progress of regeneration projects; and that any adverse impact of regeneration/redevelopment is minimised by the provision of advice and support where appropriate. The Decant Policy is an important document that gives additional support to tenants who will be affected by any regeneration or redevelopment project, including financial compensation.

#### Current Position

- 3.4 Better Queensway has been a live project and in the public domain since September 2014. Tenants have been aware for some time that the Council is progressing a regeneration scheme that will impact directly on their homes, and they have been kept up-to-date with progress e.g. via regular meetings and newsletters.
- 3.5 A high level consultation exercise was undertaken in 2016, which indicated that a number of tenants will choose to move away from the estate and into alternative Council housing provision as the regeneration progresses. It is anticipated that, once tenants receive the Initial Demolition Notices that will notify them of the timescale for demolitions in advance of development, this may increase the number of tenants who wish to move from the Queensway Estate.

#### Decant Policy

- 3.6 The draft Policy is attached to this Report as Appendix One and sets out the Council's commitment to tenants who will be affected by any regeneration project in the future. The decant programme will be used to either move tenants on a temporary basis whilst permanent accommodation is built (resulting in a temporary decant), or to move directly to permanent accommodation from their current home.
- A permanent decant is when a resident is moved out of their property to another property where they will remain permanently.**
- A temporary decant is when a resident is moved to a property temporarily until a permanent property is available.**
- 3.7 In line with requirement of the legislation and existing best practice, the following people will be eligible for assistance and possible re-housing:-
- Tenants living in the affected property 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through a Needs Survey.
  - Family members (including children) living at the property with the tenant 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through the Needs Survey.

- Partners and spouses living at the property with the tenant 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through the Needs Survey.

3.8 **Home Loss Payments** are statutory payments, which are paid to tenants following a compulsory purchase order or displacement by housing orders, and are not to pay for the cost of moving, as required by law. Tenants will receive a flat rate of £5,800 as from 1<sup>st</sup> August 2016 (subject to review). The following payment procedure will be agreed for each regeneration scheme in accordance with the Decant Policy. It will include the following:-

- Payments will be made directly to the resident.
- Claims can be made for up to 6 years after the offer of accommodation, and must be paid within 3 months of receiving the claim. Under the Land Compensation Act 1973, there is a right of appeal to the Lands Tribunal.
- Rent, Service Charge, Council Tax, Business Rate arrears can be offset against any Home Loss payment, and the decision to do so will be decided for each individual regeneration scheme.

3.9 **Disturbance Payments** - in addition to the one-off Home-loss Payments the Council will also meet reasonable Disturbance Payments to financially compensate the displaced tenant for expenses associated with the need to move. In cases where it is necessary to move tenants twice, Disturbance Payments may need to be paid twice and will be paid to tenants to cover reasonable costs associated with moving. The Policy will ensure that any tenant will not be financially disadvantaged from the regeneration or redevelopment project and additional help and support is provided for any vulnerable or frail tenant.

#### 4. **Other Options**

4.1 The Council has legal responsibilities to meet to its tenants whose home is subjected to demolition, or major refurbishment.

#### 5. **Reasons for Recommendations**

5.1 With the Queensway project progressing it is important that the Council has a clear Decant Policy which will enable tenants to be compensated for the disturbance associated with regeneration projects.

#### 6. **Corporate Implications**

6.1 Contribution to Council's Vision & Corporate Priorities

Safe, Clean, Healthy, Prosperous, Excellent

This new Policy is intended to give a clear statement of the Council's support for any Council tenants affected by a regeneration or redevelopment scheme in the borough. Regeneration projects should ensure that all of the Council's corporate priorities are addressed through the transformation of estates

6.2 Financial Implications

There is the potential of significant financial implications for each regeneration or redevelopment scheme as a result of this Policy but any such costs will be directly ring fenced to each individual capital project

### 6.3 Legal Implications

The Council has a legal duty to comply with the law in relation to the rights of tenants that would be affected by any regeneration or redevelopment scheme

### 6.4 People Implications

There is the potential of staffing implications arising from this Policy which will be taken into account as part of the capital project costs.

### 6.5 Property Implications

The Decant Policy enables the Council to make the best use of its assets.

### 6.6 Consultation

There is no need to consult externally on these proposals.

### 6.7 Equalities and Diversity Implications

A full Equality impact Assessment will need to be carried out for each major regeneration or redevelopment project.

### 6.8 Risk Assessment

There are no major risks associated with this Report but if the Council has not got a Policy in place it could be in breach of its statutory duties.

### 6.9 Value for Money

The Decant Policy will enable tenants to be supported through any regeneration project.

### 6.10 Community Safety Implications

There are no community safety implications arising from this Report.

### 6.11 Environmental Impact

None arising from this Report

## 7. **Background Papers**

## 8. **Appendices**

### **Appendix 1 – Decant Policy**

## **Appendix One - Decanting Policy – Southend Council**

### **1. Introduction**

This Decant Policy is to be used when regenerating or redeveloping the Council's housing stock.

The Decant Policy aims to provide housing regeneration schemes with a clear approach to manage decant proceedings in an efficient and fair manner. It provides an outline process by which to deliver vacant possession of properties. The Council recognises that moving home is a stressful time for anyone but for households that are required to move temporarily it is likely to be even more disruptive.

### **2. Decant Policy**

This policy covers all tenants where regeneration of occupied housing is proposed. Appendix 1 outlines the relevant legislation covering the Council's obligations in this regard.

This Decant Policy should be used once a Cabinet decision has been made to progress with a regeneration project. Initial consultation will include asking tenants and leaseholders to complete a Survey form that outlines their household's housing need. More detailed consultation will take place once the Council has made a formal decision to progress with the regeneration project.

### **3. Decant Programme**

The Decant Programme will be used to either move tenants on a temporary basis whilst permanent accommodation is built (resulting in a temporary decant), or to move directly to permanent accommodation from their current home.

A permanent decant is when a resident is moved out of their property to another property where they will remain permanently.

A temporary decant is when a resident is moved to a property temporarily until a permanent property is available.

### **4. Eligibility Criteria**

In line with the legislation and existing best practice, the following people will be eligible for assistance and possible re-housing:-

- Tenants living in the affected property 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through the Needs Survey.
- Family members (including children) living at the property with the tenant 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through the Needs Survey.

- Partners and spouses living at the property with the tenant 12 months prior to the date of agreement for the regeneration scheme or who are identified as eligible through the Needs Survey .

The Council will not re-house unauthorised occupants, sub-tenants, lodgers, licensees or any other non-secure occupants.

## **5. Needs Survey**

A Needs Survey of the regeneration site will be completed to understand the specific requirements of the proposed regeneration and to ensure a suitable decant programme is followed. This will be completed as soon as possible after the Cabinet decision to progress with the regeneration has been made.

The Needs Survey results will be updated during the course of the regeneration programme until the decanting occurs, and should be carried out as frequently as determined necessary for each regeneration scheme.

## **6. Home-loss Payments and Disturbance Package**

Authorised Tenants meeting the criteria as detailed in Section 4 above are entitled to Home-loss Payment and Disturbance Payments.

**Home-loss Payments** are statutory payments, which are paid to tenants following a compulsory purchase order or displacement by housing orders, and are not to pay for the cost of moving, as detailed in Sections 29-33 of Land Compensation Act 1973. Tenants will receive a flat rate of £5,800 as from 1st August 2016 (subject to review). To qualify, the property must be the Tenant's only or main residence for a year prior to the date of displacement.

### **Home-loss Payment Procedure**

The following payment procedure will be agreed for each regeneration scheme in accordance with the Decant Policy. It will include the following:-

- Payments will be made directly to the resident.
- Claims can be made for up to 6 years after the offer of accommodation, and must be paid within 3 months of receiving the claim. Under the Land Compensation Act 1973, there is a right of appeal to the Lands Tribunal.
- Rent, Service Charge, Council Tax, Business Rate arrears can be offset against any Home-loss payment, and the decision to do so will be decided for each individual regeneration scheme.

### **Disturbance Payments**



In addition to the one off Homeless Payments the Council will also meet reasonable Disturbance Payments to financially compensate the displaced tenant for expenses associated with the need to move.

- In cases where it is necessary to move tenants twice, Disturbance Payments may need to be paid twice.
- Removal costs from the current home to the new home, will be paid directly to the Council's approved removal firm. For vulnerable residents, this might include additional support, such as furniture packing and unpacking.
- Telephone and internet disconnection and reconnection.
- Disconnection of any television aerials or satellite dishes connected either to an existing television or that allows the proper operation of television equipment. Reconnection will only apply with the express approval of the landlord at the new address. New homes may have television aerials and systems installed as part of the specification.
- Washing machine, cooker, dishwasher and plumbed fridge disconnection and reconnections will be carried out by the Council's removal firm's operatives (who must be suitably qualified to the appropriate trade standards).
- It is expected that relocating residents will refit curtains, carpets and furnishings however if this is not possible then reasonable replacement costs will be covered by the Disturbance Payment.
- Any extra costs of new school uniform if moved to a different area, which necessitates a change of school (supported by letters from the respective schools).
- Other reasonable costs incurred by the tenant if approved in writing by the Council prior to the cost being incurred.
- Any costs incurred will need to be evidenced through receipts and up to a maximum amounts of £1000 per household.

### **Disturbance Payment Procedure**

The following payment procedure will be agreed for each regeneration scheme in accordance with the Decant Policy. It will include the following:-

- Payments will be made directly to the tenant.
- Claims can be made for up to 6 years after the offer of accommodation, and must be paid within 3 months of receiving the claim. Under the Land Compensation Act 1973, there is a right of appeal to the Lands Tribunal.
- Rent, Service Charge, Council Tax, Business Rate arrears cannot be offset against any Disturbance Payments.

## **7. Alternative Accommodation – permanent or temporary**

Tenants will be given priority to move to another Council or Housing Association property. They will be eligible for Home-loss Payments and the Disturbance Allowances to facilitate the move. Tenants will be given priority for alternative permanent housing which meets the household's requirements, and if the tenant currently under occupies their property by 1 bedroom this will be allowed for on any properties they want to move to. For working age people on a low income or Housing Benefit/Universal Credit this may result in an additional spare room subsidy to be met by the tenant. If the current tenant's household is overcrowded they will be able to move to larger accommodation which meets the current needs of their household.

Wherever possible it will be the intention to minimise the need for a temporary move but if a tenant is willing to move to other temporary accommodation while the regeneration takes place they will be considered for a new home based on the same criteria as above in accordance with their requirements.

Any specific adaptations to the property for anyone in the household will be provided in the new temporary or permanent home and will be in addition to the Home-loss and Disturbance allowances.

## **8. Gaining possession**

Once the Council has come to a decision on a regeneration scheme, it will offer alternative accommodation in line with this Policy. However if a tenant needs to move to enable the scheme to be progressed then Legal action to gain possession of tenanted properties will be used as a last resort. Where a resident refuses to move, or has refused the offer of other suitable alternative accommodation, the Council has the legal right to gain possession of the property for decanting and redevelopment purposes. The two grounds for possession relevant to regeneration are Grounds 10 and 10A (following approval from the Secretary of State) of Schedule 2 of the Housing Act 1985:-

### **Ground 10:**

*"The Landlord intends, within a reasonable time of obtaining possession of the dwelling-house:*

- a) to demolish or reconstruct the building or part of the building comprising the dwelling-house, or*
- b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house, and cannot reasonably do so without obtaining possession of the dwelling-house."*

### **Ground 10A**

*"The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State or the Homes and Communities Agency in accordance with Part V of this schedule and the landlord intends within a reasonable*

*time of obtaining possession to dispose of the dwelling-house in accordance with the scheme" or*

"Part of the dwelling-house is in such an area and the landlord intends within a reasonable time of obtaining possession to dispose of that part in accordance with the scheme and for that purpose reasonably requires possession of that dwelling-house."

## **9. Equality Impact Assessment**

The Council will carry out an Equality Impact Assessment of any regeneration scheme.

## **10. Appeals**

The Council has a three-stage complaints process, which can be used in relation to appeals against the application of this policy [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)

## **Appendix One – Legislation**

The list of legislation below is to be consulted when carrying out decanting and using this policy:

- Homelessness Act 2002
- Housing Acts 1985, 1996 and 2004
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Land Compensation Act 1973
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning Act 1990
- Housing and Planning Act 2016
- Equalities Act 2010
- Care Act 2014

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# Southend-on-Sea Borough Council

Agenda  
Item No.

## Report of Deputy Chief Executive (People)

to  
**Special Cabinet**

on  
**28 March 2017**

Report prepared by: Andrew Fiske Group Manager: Housing  
Group Manager

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### Local Lettings Policy – Better Queensway

**Relevant Scrutiny Committee: Policy and Resources**  
**Executive Councillor: Councillor Flewitt**  
**Part 1 (Public Agenda Item)**

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#### 1. Purpose of Report

To agree a Local Lettings Policy for Council Tenants on the Queensway Estate which would give them additional priority to move from the Estate, in advance of redevelopment/regeneration, to alternative Council housing provision if they choose to do so.

#### 2. Recommendations

That Cabinet agrees to:

- a) Confirm the terms of the Local Lettings Policy for Queensway tenants;
- b) Delegate the timing of the decision to the Deputy Chief Executive for People or Place, in consultation with the Executive Councillor for Housing
- c) Publicise the proposals on the Council's On the Move website;

#### 3. Background

Better Queensway is a major regeneration project and a pioneering development initiative in Southend-on-Sea. It is inevitable that an element of uncertainty around the impact of regeneration will be experienced by tenants on the Queensway Estate; a number of whom will want to move away from the Estate and into alternative Council housing provision ahead of commencement of the major development works. Many of these will be suitably housed in a property which meets their household's requirements as per housing legislation. In such cases, the Council's current Housing Allocation Policy prohibits them from registering for re-housing.

- 3.3 Similarly, Queensway tenants who do have a recognised need to move, as they are over or under occupying their current home, are not attracting sufficient priority to enable them to move elsewhere due to pressure on the housing register (now numbering some 2,000 households).

3.4 Section 167 of the 1996 Housing Act (as amended by the Localism Act 2011) requires that “every local authority shall have a scheme (their “allocation scheme”) for determining priorities and as to the procedure to be followed, in allocating housing accommodation.” Once this has been published the Council has to make all allocations in accordance with that scheme. Councils are able to bring forward Local Lettings Policies (LLP) to specifically address specific situations, which are introduced for a time-limited period to address a particular set of circumstances, and in this case it would be for the initial years of the Better Queensway regeneration project.

### 3.5 **PROPOSED LOCAL LETTINGS POLICY**

3.6 Any Council Tenant living within the Queensway Estate including the Tower Blocks of Quantock, Malvern, Pennine, Chiltern and the flats on Sutton Road will be able to make an application to join the Council’s Housing Register. If they need help and assistance to make an application then this will be provided.

3.7 For those Queensway tenants that are currently on the Housing Register as they have a recognised need to move, their application will be re-prioritised in accordance with the LLP proposals.

3.8 The Council recognises that redevelopment and regeneration can be a difficult and stressful experience for tenants. Some tenants will be more vulnerable to stress due to frailty, disability, and life circumstances. In view of this, tenants who are eligible for a move to sheltered housing schemes will be given additional priority and support to move. They will be awarded Band B as a minimum and if there are other medical issues that warrant a higher Banding this will be taken into account. Tenants who qualify for sheltered accommodation, who are currently on the Housing Register as Band B, will be moved up to Band A.

3.5.4 All other tenants will be automatically moved up a Band from where they would normally be placed on the Housing Register. Any tenants who are suitably housed and have no housing need to move will be placed in Band C.

3.5.5 Any secure Council tenants who take the opportunity to move from the Queensway Estate in the short term will do so on a permanent basis and as a result will qualify for Home-loss payments and disturbance costs being met in accordance with the Decant Policy. Their existing home will not be let on a permanent basis but will be used as Temporary accommodation for homeless households who would not be entitled to Home-loss payments or disturbance costs.

3.5.6 As the regeneration progresses it may be necessary to provide additional priority to enable tenants to move and this will be triggered 12 months before a specific block is identified for demolition. At that point all tenants affected by the regeneration project who wish to move permanently will be given Band A priority to move during that 12 month period.

## 4. **Other Options**

The other option would be to include the Local Lettings Policy alongside a wider review of the Allocation Policy but this would take some months to complete. The wider review will take into account this LLP.

## **5. Reasons for Recommendations**

As the Better Queensway is progressing there are a number of tenants who want to leave the Estate but the Council's Allocation Policy does not enable them to do so and the only option would be to introduce a Local Lettings Policy which would enable them to move.

## **6. Corporate Implications**

### **6.1 Contribution to Council's Vision & Corporate Priorities Safe, Clean, Healthy, Prosperous, Excellent**

This new Policy is intended to give a clear statement of the Council's support for any tenants affected by the Better Queensway regeneration. Regeneration projects should ensure that all of the Council's corporate priorities are addressed through the transformation of estates

### **6.2 Financial Implications**

There is the potential of financial implications for each regeneration or redevelopment scheme as a result of this Policy but any such costs will be directly ring fenced to the Better Queensway Project.

### **6.3 Legal Implications**

The Council has a legal duty to comply with the law in relation to the Council's Allocation Policy.

### **6.4 People Implications**

There is the potential of staffing implications arising from this Policy which will be taken into account as part of the capital project costs.

### **6.5 Property Implications**

There are no property implications arising from this Report

### **6.6 Consultation**

There is a need to consult externally on these proposals and this will be done directly by writing to all tenants on the Queensway Estate and via notice placed on the Council's website.

### **6.7 Equalities and Diversity Implications**

An Equality impact Assessment will need to be carried out for this policy.

6.8 Risk Assessment

No issues arising from this Report

6.9 Value for Money

No issues arising from this Report.

6.10 Community Safety Implications

No issues arising from this Report.

6.11 Environmental Impact

None arising from this Report

**7. Background Papers**

**8. Appendices**

**Appendix 1 – Local Lettings Policy**



## **Appendix 1 - Southend Borough Council Local Lettings Plan (LLP) Policy – Better Queensway**

### **1. Introduction**

- 1.1 A Local Lettings Plan (LLP) is a set of guidelines and/or criteria governing which households can be allocated accommodation in a specific designated area which are outside of the Council's main Allocation Policy and should be time specific to link with a particular Regeneration project.
- 1.2 The reason for introducing an LLP is that any tenants who want to move away from a regeneration schemes and are currently suitably housed are not able to go on the Council's Housing Register as they have no housing need to move. Although many tenants will want to remain living in the same area and will be housed in due course as the regeneration project progresses the Council recognises that some tenants will want to move to other Council or Housing Association properties in the Borough.
- 1.3 Section 167 of the 1996 Housing Act (as amended by the Localism Act 2011) requires that "every local authority shall have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation." Therefore the Council has to allocate all affordable rented homes strictly in accordance with the Allocation Policy and in order to enable changes to be made this would require either an LLP being introduced or the Allocation Policy being reviewed in its entirety.

### **Background**

- 1.4 Generally there are three main types of Local Lettings Plan used by Councils:
  - Local Lettings Plans for re-lets in a designated area such as a regeneration project.
  - Local Lettings Plans for first time lets on new developments where there are significant local problems in the local area which would require a more sensitive approach to the allocation of the new homes.
  - Local Lettings Plans for hard to let properties.
- 1.5 LLPs should not remain in place ad-indefinitum and should be reviewed every two years.
- 1.6 The development of LLPs should be an accountable process and Tenants in the regeneration area will be given a copy of the LLP and it should be posted on the Council's website for all Housing Applicants information.

## **Proposals**

- 1.7 Any Council Tenant living within the Queensway Estate including the Tower Blocks of Quantock, Malvern, Pennine, Chiltern and the flats on Sutton Road will be able to make an application to join the Council's Housing Register. If they need help and assistance to make an application then this will be provided.
- 1.8 Those tenants currently on the Housing Register with a housing need to move will not have to make a new application and their application will be re-prioritised in accordance with the LLP proposals.
- 1.9 Older tenants who are eligible for a move to sheltered housing schemes will be given additional priority and support to move through the Council's Decant Policy. They will be awarded Band B as a minimum and if there are other medical issues which warrant a higher Banding then this will be taken into account.
- 1.10 All other tenants will be automatically moved up a Band from where they would normally be placed on the Housing Register. Tenants in Band A will remain in Band A.

Any tenants currently who are suitably housed and have no housing need to move will be placed in Band C. Any tenants who would normally be in Low Band will be placed in Band C.

- 1.11 The Director of Adult Services and Housing will have some discretion to consider a particular case if there are exceptional circumstances in terms of a Tenant's application and will notify the Housing Portfolio holder of the reasons why an exception has been made to the LLP.

## **Regeneration works to commence within a 12 month period**

- 1.12 Where a demolition is scheduled to take place within a 12 month period, all tenants will be notified in writing. At this point any tenants affected by the regeneration project who wish to move permanently will be given Band A priority to move during that 12 month period.

## **Review of the LLP**

- 1.13 The Council will regularly review the LLP as any regeneration project progresses and as a minimum will undertake a review every 2 years of the LLP itself.