

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (People)

to
Special Cabinet

on
28 March 2017

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Housing

Decant Policy

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

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 1st 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