



Decant Policy

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1. Introduction

Eastleigh Borough Council, (the Council) as a landlord, is obliged under the terms of its tenancy agreements to keep the structure and outside of its tenanted properties, including communal areas, in good repair. Improvement works and major repairs will normally be carried out whilst the tenant remains in their home. However, there will be certain situations, such as those when the health and safety of the tenant would be at risk or the works are extensive, when works cannot be carried out with the tenant in the property. Where this is the case, the Council will arrange to move the tenant and their household out of the property. This will either be done on a temporary or permanent basis, depending on the nature of the works and the tenant will normally be given this option.

2. Definition

Decant - Occasionally residents need to move into temporary accommodation because of a problem that needs repairing at their home. This is normally because of an event such as a fire, flood, or major unplanned repair. This move is often referred to as a “decant”.

3. Purpose of policy

The purpose of this policy is to explain the approach that Eastleigh Borough Council’s Affordable Housing Service (the Council) will take when moving tenants from their property to enable work to be carried out and where it is not safe or possible for the tenant (s) and their household to remain. This process is referred to as decanting and this will be done on either be on a temporary or permanent basis. Rehousing owner-occupiers will only be considered in very limited and exceptional circumstances where the Council acquires the property using compulsory purchase powers, for example the Acquisition of Land Act 1981 and the Land Compensation Act 1973.

4. Aims of policy

The aims of this policy for households decanting both temporarily and permanently are:-

- To establish a basis for making offers of support, both financial and practical, to households obliged to decant
- To ensure decants operate in a fair, equitable and reasonable manner.
- To deliver simple but effective consultation and feedback with tenants that need to be decanted at the earliest opportunity and throughout the process.
- To enable decants to be carried out with the minimal disturbance to tenants.
- To outline the support, both financial and practical, provided to tenants who are required to decant.
- To minimise rent loss to the Council and to ensure that the best use is made of the Council’s resources

5. Eligibility

This policy relates to households that are tenants of the Council, where the Council has agreed to rehouse:

5.1 On a permanent basis in order for neighbourhood regeneration to take place;

5.2 On a temporary basis in order for the Council to carry out substantial works to the property and where it has been agreed by the Council that the property would be unfit for overnight occupation during works.

5.3 This policy also applies to owner occupiers whose homes are being purchased voluntarily or by compulsory purchase by the Council in order to progress neighbourhood regeneration.

5.4 Tenants will be eligible for rehousing if the property being decommissioned is occupied as their only or principal home at the time of the Full Council's decision to take forward the regeneration project/scheme and they are still residing at the property as their principal home at the time of rehousing. Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant investigations.

5.5 Tenants are not eligible for assistance under this policy and will not be rehoused if the Council obtains an outright possession order against the tenant which has been issued by a court, for a breach of their tenancy (for example, antisocial behaviour) or the tenant is found guilty of tenancy related fraud, unless the Council has determined there are exceptional circumstances. This does not apply to orders granted by the court which are suspended on certain terms (for example rent arrears with a payment plan or antisocial behaviour order with conditions of behaviour or adjourned possession proceedings).

6. Emergency Decants

Where a tenant has been temporarily decanted in the event of an emergency situation rather than a programme of works Council officers will help the tenant liaise with their family and friends or assist with making the necessary rehousing arrangements.

6.1 If the tenants do not have their own insurance, they may be rehoused in temporary accommodation by the Council, as is deemed to be appropriate. They will also be encouraged to purchase contents insurance in the future.

6.2 Where a tenant is being temporarily decanted in the event of an emergency it will be initially on a short term temporary basis. Once the customer has been provided with temporary emergency accommodation a decant plan will be quickly developed taking account of relevant circumstances including customer needs, the extent of the damage and anticipated repair timescales for resolution.

6.3 If the decant plan establishes that the property can be made good the tenant will be treated as a temporary decant under this policy including their ability to qualify for a disturbance payment.

7. Communication and Consultation

7.1 Any major refurbishment project or regeneration scheme requires tenants, homeowners, officers and Councillors to work together.

7.2 The Council will ensure affected residents have the details of how to contact the Council in relation to proposals and works.

7.3 The Council has a duty to consult and actively engage with all Council tenanted households. Initial consultation with tenants must be at a time when proposals are at an early stage and the level of active engagement can vary. The Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with its tenants when they are substantially affected by a matter of housing management. The Council must consider the views tenants provide before making any decisions on those proposals.

7.5 Information concerning a refurbishment or regeneration scheme will be available to all households at an early stage and further detailed information will be shared as soon as available. This information will include details of the works or scheme, timescales and if appropriate phases.

7.6 Formal consultation will be carried out in accordance with current legislation, and tenants will be given a minimum of 28 days in which to respond. These time periods are in addition to any formal periods of notice which must be given. During this consultation period, all households will be visited or contacted by an officer of the Council and will receive advice and information on:

- What the regeneration/refurbishment of the area is about and why it is being undertaken.
- When it will be done.
- The decanting policy and process.
- What re-housing options there are and how to apply or progress your preferred rehousing option.
- What the Council will do to help households prepare for decanting; and
- Named contact details of officers.

7.7 The Council will carry out an Equality Impact Assessment in relation to each regeneration scheme and the use of this policy. Action will be taken to mitigate the impact of any negative outcomes identified.

7.8 The consultation process outlined does not apply to residents being decanted in an emergency situation where health and safety of residents is the priority.

8. Housing Needs Assessment

8.1 Once a formal decision has been made by a meeting of Full Council to proceed with a programme of investment requiring the decanting of tenants a full housing needs assessment of all the households with a tenancy will be completed.

8.2 As part of the housing needs assessment information will be collected in order to understand the housing needs of customers affected by the proposals.

8.3 Every household within the scheme will be visited by an officer of the Council where their preferences, expectations and options will be discussed. This visit will include an assessment of support needs.

8.4 Information provided by tenants as part of the assessment may be shared in accordance with current data protection law and practice with Homefinder Somerset to ensure accounts are updated and reflect a household's current needs.

8.5 Each household will receive a copy of their housing needs assessment upon completion, if required. Customers are required to inform the Council of any changes to their household until they are decanted.

8.6 The Council may also consider information held in the Homefinder Somerset system and the Council's housing management data base.

8.7 Officers will proactively review housing needs assessments of residents awaiting decant. Assessments will be reviewed every 12 months but no longer than every 18 months between reviews.

9. Rehousing principles

9.1 The Council will seek to apply the following principles when tenants and owner occupiers are subject to decanting;

9.1.1 To support households to move home, on a voluntary basis by mutual agreement, with as little disruption as possible

9.1.2 To help and advise households to select the right rehousing option for them which will result in either their permanent or temporary rehousing.

9.1.3 To help households remain in their locality if they wish with an opportunity of a new build property where regeneration is taking place, subject to the properties being of the appropriate size and type.

9.1.4 To help households being asked to move from their home temporarily to return to their home after works are completed where this is desired by the tenant

9.2 The Council will listen to tenants to understand how their ongoing housing needs can be met and will use its reasonable endeavours to match them up to suitable alternative accommodation. However, where Council tenants refuse three formal offers of suitable alternative accommodation, either temporary or on a permanent basis and in circumstances where rehousing by mutual agreement has not been possible, the Council will exercise its legal right to seek possession. This approach will not be undertaken lightly, and discretion will be applied to individual cases.

9.3 If a tenant is already in a temporary home and refuses three suitable offers of a new home the Council may consider the tenant's temporary home suitable as a permanent home.

9.4 Where a tenant is identified as vulnerable due to physical, sensory or mental health impairment and likely to have difficulty with a move, they will be provided with extra support during the decant process. This may include assistance with packing, help on the day of the move as well as additional support to understand the bidding process and help with property viewings.

9.5 In a small number of situations a household can request to be split and be offered two separate tenancies as a result. A split of household request will be reviewed by the Council and if granted, will be at the discretion of the Council, this request will only be considered if it does not result in a net loss of bed spaces for the Council.

9.6 Following approval of a scheme for redevelopment, regeneration or other substantial works to properties, tenants moving via Hampshire Home Choice (HHC) property will, where appropriate having regard to their housing needs assessment, be entitled to a like for like property offer. Tenants will be eligible for this regardless of, whether their existing property is in a live phase or not. Where a like for like property is not possible due to lack of suitable alternative accommodation and expenditure or where health needs would benefit from a different housing offer discussions will take place with the household to find a housing solution compatible with their housing need.

9.7 A like for like property is:

9.7.1 A property with the same number of bedrooms

9.7.2 A property of the same type, wherever possible for example house, flat or bungalow

9.7.3 A property with a similar rent.

9.7.4 A property with the same tenancy rights

9.8 A like for like property does not take into consideration the property footprint, components, internal or external features or fittings.

9.9 Tenants who have aids and adaptations in their homes will have their needs met in their new home in accordance with the Council's disabled facilities obligations. The Council will work with an occupational health professional to ensure needs are assessed correctly and works are specified to meet the recommendations.

9.10 Providing replacement sheds and fencing will be considered on an individual basis and the Council will consider the current provision and quality of a shed and/or fencing and the suitability of the new property which the tenant is moving into when making their decision.

9.11 The Council may consider additional aspects such as gates, patio, specific matters relating to animals and pets, where the tenant;

9.11.1 Has funded their own improvements,

9.11.2 Has previously gained permission from the Council for the work or pets (where permission for pets is required). Approvals assume the tenant retain responsibility for the approved item

9.12 A like for like rent may sometimes mean a different rent amount for the same size property as social rents are based on a calculation which takes into consideration the property value.

9.13 Tenants re-housed under this policy will retain their Secure Tenancy Agreement rights existing Council tenants who opt to move to another housing landlord's property will be subject to that landlord's rents, service charges, tenancy terms and conditions. Rights gained under secure tenancy arrangements cannot be transferred to non-Council owned properties.

9.14 Tenants will have the right to downsize and benefit from any incentive under the Council's downsizing policy. For some households a smaller property will be easier to maintain, afford and may suit their health needs better.

9.15 Tenants and owner occupiers will have the right to home-loss and disturbance payment as set out in this policy

9.16 There are two types of payments that tenants and homeowners will be entitled to under this policy:

9.16.1 Home-loss payments; and

9.16.2 Disturbance compensation payments.

9.17 The Council may also choose to use discretionary payments where the benefit of the payment outweighs the potential costs of legal action. Discretionary payments are not an entitlement of tenants or homeowners.

9.18 The level of home-loss payment is set by the Government in accordance with the Planning and Compensation Act (1991), the Land Compensation Act (1973) and Home-loss Payments (Prescribed Amounts) (England) Regulations (2015). The level is reviewed annually. As from 1st October 2020 it is;

9.18.1 £6,500 for local authority tenanted properties.

9.18.2 10% of the purchase price for owner occupiers with the minimum sum of £6,500 and the maximum sum of £65,000. Therefore an owner's property purchased for £150,000 would benefit from £15,000 home-loss payment in addition to the sale price.

9.18.3 Private landlords will receive a non-statutory home-loss payment of 7.5% of the sale price.

9.19 Tenants, owner occupiers or landlords who have any other Council related debt such as rent arrears, Council tax arrears, housing benefit overpayments, court costs or rechargeable repairs costs will have these deducted directly from their home-loss payment before the balance is paid. In addition any recharges due to the Council from the owner, landlord or tenant on leaving their home will be deducted from the home-loss payment. Tenants and owners must ensure when decanting from the property that it is:

9.19.1 vacant and keys handed to the Council;

9.19.2 free from tenants' and owners' belongings and rubbish, including gardens and outhouses.

9.19.3 the property condition has been assessed and any recharge for damage identified including gardens and fencing and agreement for payment is made for any damage.

9.20 Tenants will be provided with priority Hampshire Homechoice (HHC) banding when their decant phase commences. The commencement of a decant phase makes the phase a 'live phase'. Customers who live in the regeneration area but whose home is not in a live phase are not automatically placed on gold band. The use of 'live' and 'non-live' phases allows customers whose home is required sooner for works to have a greater opportunity for rehousing which in turn will allow the programme of works to be delivered efficiently.

9.21 The Council will help all tenants enroll on HHC even when their property is not in a live phase. Households without additional needs are generally placed on a higher priority band.

9.22 The Council will work with tenants to help them benefit from the home choices available through the HHC scheme.

9.23 The Council will work closely with vulnerable tenants and their family or carers where appropriate and lawful. The Council reserves the right to place bids or direct match properties on behalf of vulnerable tenants where this is agreed with the tenant.

9.24 Decanting tenants will be responsible for clearing their belongings from their home and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to their value. The cost of clearance and disposal of any such items will be recharged to the tenant. In exceptional circumstances, the Council may agree items can be left at the property, but written agreement of the Council is required. All fixtures and fittings left in the property are automatically transferred to the Council and no compensation will be due. Full and proper consultation with the tenant will be carried out and discretion applied, tackling each situation on its own merits.

9.25 Where a tenant is classed as vulnerable, and there is no support within their household, the Council will provide a packing service to support the customer. Assistance could also be provided to vulnerable tenants who have items stored in their lofts, the Council will consider removing any items subject to health and safety considerations and a risk assessment.

9.26 Tenants will be required to provide access to their home to contractors, as necessary.

9.27 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 a tenant being recharged, in accordance with the Council's recharging practices.

9.28 It is the responsibility of each tenant 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 that they are not abandoned in the property after they have moved out.

9.29 The Council strongly encourages tenants to have home contents insurance. If a tenant has home contents or other insurance, the tenant is advised to notify their insurance company as their circumstances change. The Council may look to enter partnership deals with insurance companies to help tenants access better rates.

9.30 To support a move, Council officers will visit to help resolve any minor issues which may arise. If necessary, where there has been a temporary decant, officers will keep in contact whilst the tenant lives in the decant property.

10. Rehousing options

10.1 Options available to tenants and private owners are contained in **Appendix 1** under the following headings:

- The Councils tenants where their homes will be demolished or repurposed:
- The Councils tenants in homes which will undergo significant work which will prevent their home being fit for overnight habitation for a temporary period.
- Homeowners where their homes will be demolished or repurposed
- Housing options for private landlords and their tenants

11. Home-loss and disturbance compensation payments

11.1 There are two types of payments that tenants and homeowners will be entitled to under this policy:

11.1.1 Home-loss payments; and

11.1.2 Disturbance compensation payments.

11.2 There are differences in the eligibility for home-loss and disturbance payments depending on the applicant being a tenant or private owner and if the customer is moving on a permanent, temporary or emergency basis. Details can be found in Appendix 2 and Appendix 3.

11.3 The Council may also choose to use discretionary payments where the benefit of the payment outweighs the potential costs of legal action. Discretionary payments are not an entitlement of tenants or homeowners.

11.4 The level of home-loss payment is set by the Government in accordance with the Planning and Compensation Act (1991), the Land Compensation Act (1973) and Home-loss Payments (Prescribed Amounts) (England) Regulations (2015).

11.5 Home-loss payments are made:

11.5.1 when the sale of an owner occupier or landlord's property is completed with vacant possession.

11.5.2 within 21 working days from the date at which the tenant decants on a permanent basis, and/or has formally agreed their new permanent or temporary home, and/or has signed a tenancy agreement for their new home or temporary home and ended their existing tenancy.

11.6 Compulsory Purchase Powers in relation to home owners

11.7 Sometimes it is not possible to negotiate a purchase and the Council may consider the use of compulsory purchase powers where appropriate. Where the Council chooses to pursue compulsory purchase, it will do so in accordance with current legislation governing the use of Compulsory Purchase Orders under the Town and Country Planning Act 1990 (as amended) and the payment of compensation in accordance with the Land Compensation Act 1973 and the Planning and Compensation Act 1991.

11.8 Opportunities remain during the compulsory purchase process to resolve matters between both parties voluntarily.

12. Disputes and appeals

12.1 Tenants can appeal to the Council about how the application of this policy has been applied to their personal circumstances. Appeals must be made by email or in writing and within 10 days of any written notification, setting out the reason why the tenant believes any decision does not accord with the policy. The Director will consider the appeal and provide the Council's answer to the appeal. If the appeal is successful an alternative decision will be made. If the appeal is unsuccessful the Council's original application of this policy will remain.

9.1 9.2 If a home owner is not satisfied with the amount recompensed through this policy, they should write a complaint to In addition, they may have the right of appeal under the Land Compensation Act 1973 and any claims should be made to the Upper Tribunal. Their address is:- Upper Tribunal (Lands Chamber) 5th floor, 7 Rolls Buildings Fetter Lane, London EC4A 1NL Email: lands@justice.gov.uk Telephone: 020 7612 9710 Fax: 020 7612 9723

13. Fair and Reasonable

13.1 This policy ensures that households with differing needs and preferences are considered. Central to this is the contact households will have with the housing officer who will carry out the housing needs assessments at the beginning of the process, which allows the Council to:

13.1.1 Identify those who may need more support.

13.1.2 Ensure tenants are kept informed in the way most appropriate to them; and
10.1.3 Make suitable rehousing offers, with full consideration made of adaptations required.

13.2 By aligning this policy with **the current Home Swap policy** the Council is ensuring there is no advantage or detriment to households affected by the decanting process and that decanting households are treated fairly and equitably alongside applicants on the housing register, including those the Council has a statutory duty to rehouse.

13.3 By **establishing an allocations panel of senior Council officers to determine offers of accommodation whether on a temporary or permanent basis and** only in circumstances where households have expressed a preference for the same unit, this policy seeks to ensure the Council has an allocations process that operates in a fair, equitable and reasonable manner.

13.4 The home-loss and disturbance compensation payments seek to make sure that no-one is out of pocket or disadvantaged because of being required to move out of their home.

14. Links to strategies, policies and associated documents:

11.1 This policy has links with the following documents:

- **Home Swap Policy**
- **Tenancy Agreement**
- **Asset Management Strategy**
- **Repairs and Maintenance Policy**
- Adaptations Policy

15. Data Protection

The Council are committed to protecting and respecting the privacy of personal data. As a registered Data Controller (Reg. no. Z7118863) it complies with the General Data Protection Regulations 2018 (GDPR).

More information on how the Council collects, uses and keeps your personal information, and how it protects privacy can be found in our Record of Processing Activity (ROPA). The corporate privacy notice provides general information about the council's personal data processing activities overall. As the range of services the council provides is so varied, it has also produced individual privacy notices for each service area, to explain specifically how data will be used within each service.

16. Equality & Diversity

16.1 Equality and diversity are of fundamental importance to services provided regardless of a person's protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, religion pregnancy and maternity, race, belief, or sex). All must be treated with respect. The Council treats everyone it houses, serves, and employs, fairly, and encourages others to do the same.

16.2 The Council provides information that is clear, accessible, and in an appropriate format (such as translated into another language, or in large print on request). Where appropriate,

Council Officers will assist residents, by, for example, helping to complete paperwork. These policies ensure residents are treated in a fair and efficient manner.

17. Monitoring and Review

17.1 This policy will be reviewed regularly, to incorporate legislative and regulatory amendments and changes, best practice developments, or to address any operational issues with the procedure. Input will be sought from our residents (via the Residents Committee or similar) prior to making any substantive changes. This is in line with our Corporate Values and is intended to ensure our policy continues to meet the needs and aspirations of our residents.

18. Document History and Approval

Identity and Version Control

This document is the final approved version and will be a controlled document with an individual assigned to version review/amendment.

List of Appendices

The following appendices are attached to this policy

Appendix 1 -Rehousing Options available to tenants and owner occupiers and when they apply

- Rehousing options for tenants where their homes will be demolished or repurposed
- Rehousing options for tenants in homes which will undergo significant work which will prevent their home being fit for overnight habitation for a temporary period
- Rehousing options for homeowners where their homes will be demolished or repurposed
- Housing options for private landlords and their tenants

Appendix 2- Guidance on statutory home-loss and disturbance payments

- Home-loss payments to tenants
- Disturbance payment to tenants
- Discretionary payments to tenants
- Home-loss payments to homeowners
- Disturbance Payment to homeowners
- Discretionary Payments to homeowners

Appendix 3- Items commonly permitted in disturbance payments / items included in disturbance payments

Appendix 4- Equality Impact Assessment

Appendix 1

Rehousing Options available to tenants and owner occupiers and when they apply.

For tenants where their homes will be demolished or repurposed:

1. Decant directly into a new build home within the regeneration area (subject to availability).

This would be a one move decant into a new home and tenants who have lived in their existing property for at least 12 months would be eligible for home-loss and disturbance payment.

2. Decant on a permanent basis into a home in the district using a priority Hampshire Homechoice (HHC) banding to successfully bid for a new home. This would be a one move decant into a new home and the tenant would be eligible for home loss and disturbance payment.

3. Decant on a permanent basis into an affordable home owned and managed by a registered provider (Housing Association) within the Borough using their HHC banding. The properties available for tenants to bid on would reflect housing need rather than the size of the tenants' current home. The like for like principle will not apply when bidding for housing association properties. This would be a one move decant into a new home and the tenant would be eligible for home loss and disturbance payment.

4. Decant on a permanent basis to another type of property such as private rented or owner occupation or to move in with family. In these circumstances tenants will need to identify their own accommodation. Officers will provide interested tenants with information about low cost home ownership schemes. This would end the tenants' tenancy and the like for like principle would not apply. This would be a one move decant into a new home and the tenant would be eligible for home loss and disturbance payment.

5. Decant on a temporary basis to another home in another part of the borough until a new home is available within the scheme. This would be a two move decant into a new home and the tenant would be eligible for ONLY one home-loss payment.

The Council will provide services and items to manage the essential costs relating to the temporary move. The decant payment identified in Appendix 3 will be paid when the customer moves to their permanent address. Tenants who move on a temporary basis and decide when they are in the property they would like to remain as their permanent address can apply to remain on a permanent basis and will be asked to complete tenancy forms. If this is requested within six months the move to the temporary accommodation the Council will provide a disturbance payment in line with clause Appendix 3 less a value for items provided by the Council to support the temporary move.

For tenants in homes which will undergo significant work which will prevent their home being fit for overnight habitation for a temporary period.

1. If a tenants' property will be unfit for habitation during works the following options may apply depending on the length of time the tenants will not be able to use their home.
2. Tenants decanting on a temporary basis for longer than one month will be provided the same banding priority under HHC as those tenants permanently decanting. However they will not receive priority status if they are in phases of a refurbishment yet to be prioritised by the Council unless their housing needs assessment has qualified them for priority banding within the HHC policy for other reasons. For tenants whose home will be unfit for temporary overnight accommodation and where works will be less than two months, the Council will consult with residents on the most appropriate decant solution which will include nightly paid accommodation and direct matching tenants to available accommodation.

Rehousing options are;

1 Decant on a temporary basis to a home in the locality until the tenants' home is available for reoccupation. No home-loss payments will be made but the Council will pay a disturbance allowance on the return to the tenants' home from which they have decanted.

The Council will provide services and items to manage the essential costs relating to the temporary move. Tenants who move on a temporary basis and decide when they are in the property they would like to remain as their permanent address they can apply to remain on a permanent basis and will be asked to complete tenancy forms. If this is requested within six months of the move to their temporary home the Council will provide a disturbance payment in line with clause Appendix 3 less a value for items provided by the Council to support the temporary move.

2 Decant on a temporary basis to a Council home in another part of the borough until the tenants' home is available for reoccupation. No home-loss payments but disturbance cost at per clause Appendix 3 will be paid on return to the permanent address. The Council will provide services and items to manage the essential costs relating to the temporary move. Tenants who move on a temporary basis and decide when they are in the property they would like to remain as their permanent address can apply to remain on a permanent basis and will be asked to complete tenancy forms. The Council will provide disturbance payment in line with clause Appendix 3 less a value for items provided by the Council to support the temporary move.

3 Decant on a temporary basis to nightly paid accommodation identified by council officers until the tenants' home is available for reoccupation. This option may only be available when decanting is estimated to be necessary for a short period of time and will not always be an available option for tenants. No home loss payments will be made but disturbance cost at per clause Appendix 3 will be paid on return to the permanent address. The Council will provide services or costs where required relating to the temporary move.

4 Decant on a permanent basis into another home in the borough using their HHC banding to compete for accommodation. No home-loss payments will be made but tenants are eligible for disturbance payments in line with Appendix 3.

5. Decant on a permanent basis directly into a new build home within the regeneration area (subject to availability). This would be a one move decant into a new home for tenants who have lived in their existing properties for at least 12 months. No home-loss payments will be made but tenants are eligible for disturbance payments in line with Appendix 3. Home-loss is not paid as the customer could return to their home after works.

6. Decant on a permanent basis into an affordable home owned and managed by a registered provider within Eastleigh borough using their HHC banding to successfully bid. This would end your council tenancy. The properties available for tenants to bid on would reflect housing need rather than the size of the tenant's current home. The like for like principle would not apply when bidding for housing association properties. No home-loss payments will be made but tenants are eligible for disturbance payments in line with Appendix 3. Home-loss is not paid as the customer could return to their home after works.

7. Decant on a permanent basis to another type of property such as private rented or owner occupation or to move in with family. Tenants would identify their own accommodation. This would end your current tenancy and the like for like principle would not apply. This would be a one move decant into a new home.

No home loss payments will be made but tenants are eligible for disturbance payments in line with Appendix 3. Home-loss is not paid as the customer could return to their home after works.

Emergency Decants

Where a tenant has been temporarily decanted in the event of an emergency situation such as fire or flooding rather than a programme of works Council officers will help the tenant liaise with their family and friends or assist with making the necessary rehousing arrangements. The Council will consider the most appropriate rehoused options and rehouse the tenant on a temporary basis.

Where a tenant is being temporarily decanted in the event of an emergency situation it will be initially for a short term temporary basis. Once the customers have been provided with temporary emergency accommodation a decant plan will be quickly developed taking account of relevant circumstances including customer's needs, the extent of the damage and risk and anticipated timescales for resolution and this will set out all appropriate arrangements.

If the decant plan establishes that the property can be made good the tenant will be treated as a temporary decant under this policy including their ability to qualify for a disturbance payment.

The Council will not re-house any unauthorised occupants, sub-tenants, lodgers.

Appendix 2

Home-loss payments and disturbance compensation payments

There are two types of payments that tenants and home owners will be entitled to under this policy:

1. Home-loss payments; and
2. Disturbance compensation payments.

The Council may also choose to use discretionary payments where the benefit of the payment outweighs the potential costs of legal action. Discretionary payments are not an entitlement of tenants or home owners.

The level of home-loss payment is set by the Government in accordance with the Planning and Compensation Act (1991), the Land Compensation Act (1973) and Home loss Payments (Prescribed Amounts) (England) Regulations (2015).

The level is reviewed annually. As from 1 st October 2020 it is;

- £6,500 for local authority tenanted properties
- 10% of the purchase price for owner occupiers with the minimum sum of £6,500 and the maximum sum of £65,000. Therefore an owner's property purchased for £150,000 would benefit from £15,000 home-loss payment in addition to the sale price
- Private landlords will receive a home-loss payment of 7.5% of the sale price but this is not required by law.

Tenants, owner occupiers or landlords who have any other Council related debt such as rent arrears, Council tax arrears, housing benefit overpayments, court costs or rechargeable repairs costs will have these deducted directly from their home-loss payment before the balance is paid. In addition any recharges due to Council from the owner, landlord or tenant on leaving their home will be deducted from the home-loss payment.

Tenants and owners must ensure when decanting from the property that it is;

- vacant and keys handed to the Council;
- free from tenants' belongings and rubbish, including garden and outhouses

For Council tenants:

- the property condition has been assessed and any recharge for damage identified including gardens and fencing and agreement for payment is made for any damage;
- the tenants' rent account is clear.

Home-loss payments can be made in either of the following ways:

- Within 21 working days from the date at which the tenant decants on a permanent basis, and/or has formally agreed their new permanent or temporary home, and/or has signed a tenancy agreement for their new home or temporary home and ended their existing tenancy.

Home-loss payments for council tenants

Home loss payments are made to tenants who are losing their home on a permanent basis due to a decision of the Council. If the tenant's home is in a regeneration scheme and their home is being demolished and they move to a new build home on the scheme, they would be entitled to a home-loss payment as they would be returning to a totally new home. If a tenant moves prior to the formal Council decision to deliver regeneration or works, it would not be entitled to any form of payment i.e. home-loss or disturbance compensation. Once a formal decision is made by the Council the home-loss payment will be provided for tenants upon moving to their permanent home. Only one home-loss payment is paid per household.

Home-loss payments can be claimed by tenants who meet the following criteria:

- A tenant/joint tenants who have lived in their property as their principal home for at least 12 months prior to the date of formal Council approval for the regeneration or works project. A tenant who has succeeded to the tenancy of a property cannot count the previous length of residence of the deceased tenant towards their qualifying period; and
- Are required to move out of their property permanently as a result of their property being proposed for demolition or remodelling. In all circumstances the home-loss payment is limited to one payment per household, not per tenant. Joint tenants will therefore receive one payment between them. In the case of joint tenants the sum will be divided equally between them or tenants jointly nominate a single bank account.

A home-loss payment is not payable for tenants who temporarily move out of their home and are able to return to their original property once the work is complete.

Disturbance Payments for Council tenants

Disturbance compensation payments cover 'reasonable expenses' involved in the tenant or householder moving. For tenants moving on a permanent basis the disturbance payment is made in full in advance to minimise any financial hardship during their move and whilst they await home-loss payments Council tenants that are being moved permanently will receive disturbance compensation payments in line with Table 1.

For tenants who are being asked to move on a permanent basis this payment is in addition to the home-loss payment. For tenants being asked to move on a temporary basis the Council will provide services and costs to manage the temporary move and provide a disturbance payment in line with Table 1 once the tenant moves to their permanent home.

For tenants moving on a permanent basis a flat rate payment (Table 1), depending on property size of the future permanent property, will be paid and this covers all disturbance costs relating to the household. The disturbance will cover items contained in the checklist of items found at Appendix 3.

Table 1 Fixed Rate Disturbance payments for Council Tenants

Property Size	Fixed Rate Disturbance
1 bed	£1,900
2 bed	£2,500
3 bed	£3,000
4 bed	£3,500
5+ bed	£3,800

If the Council carry out any disturbance related services such as fitting carpets, removal company services, etc the cost will be deducted from the home-loss payment (if the tenant is entitled to it) rather than the disturbance payment.

The Council will provide for tenants a schedule of rates for different services it provides to ensure tenants are aware of the costs they may incur if they choose to use the Council's service.

For tenants required to move to a new home on a permanent basis the disturbance payment will be made no earlier than one month in advance of their agreed move date and not later than 1 week before the agreed move date. To receive payment the named tenant(s) must sign relevant documents to claim the disturbance payment. If, for any reason, the tenant does not move into the new property no further disturbance payment will be made and if the tenant goes on to downsize permanently the disturbance payment will be deducted from the home-loss payment.

Tenants moving on a temporary basis will receive a flat rate disturbance payment on returning to their permanent home in line with Table 1.

The Council will provide services or costs to support the tenants move to their temporary home. Tenants moving on a temporary basis will receive payment in two stages. The first payment of the disturbance payment will be paid no earlier than one month and no later than one week before the tenant is due to return to their permanent home. The first payment will be the sum identified in Table 1 less £500. The balance will be paid within 21 days of the tenant moving back to their home subject to no outstanding debt. Should the tenant fail to comply with clauses deductions can be applied to the second payment.

Tenants may choose to use the Council to manage some of the disturbance costs. Appendix 3 contains a list of services available. The Council has an established process for acquiring goods, works and services from third parties. The Council will secure the best mix of quality and effectiveness for the least outlay.

Discretionary payments to tenants

The Council may occasionally decide to award discretionary payments that will cover costs incurred over and above the Council's legal obligations. The Council may decide to award such payments, having regard to all the circumstances, for example, where a tenant does not qualify to receive a home-loss payment as they have been resident for less than a year. The costs/benefits of making discretionary payments will be balanced against taking legal action to secure the vacant possession of a property. The Council needs to be satisfied that making discretionary payments is a reasonable approach and will therefore balance the costs of a discretionary payment against the costs of legal action. Home owner disturbance payment.

Where the Council is seeking to purchase an owner occupier property the value of the property will be assessed at market value to establish the correct home-loss and disturbance payment amount, but the homeowner may also be entitled to other payments as set out in the relevant legislation. Home owners will be entitled to a set rate disturbance payment as set out in Table 2 below. These will only be paid when home owners complete their sale of the property to the Council and provide vacant possession including clearance of all household items.

Table 2 - Fixed rate disturbance payments to owner occupiers

Property Size	Fixed Rate Disturbance payment
1 bed	£1,900
2 bed	£2,500
3 bed	£3,000
4 bed	£3,500
5+ bed	£3,800

Discretionary payments to home owners and landlords

The Council may occasionally decide to award discretionary payments that will be payments made over and above the Council's legal obligations having regard to all the circumstances. The costs/benefits of making discretionary payments will be balanced against those of taking legal action to secure the possession of a property

Appendix 3

List of services and goods assumed included in the fixed rate disturbance payment This list is not exhaustive and other reasonable additional costs incurred by Council tenants as a result of moving may be met within the fixed disturbance payment.

List of services and goods assumed included in the disturbance payment	Tenants Permanent Decant	Tenants Temporary Decant	Additional services available for vulnerable customers (dependent on assessed need)	Tenants / Owner occupiers may arrange their own service	Services the Council can provide and deduct from disturbance payments
The redirection of post (following the tenants' completion of the postal redirection form) for a maximum period of 6 months	Yes	Yes	Yes	Yes	No
The disconnection and reconnection of any existing telephones, broadband, television aerials and satellite dishes (providing Council permission had been given for their original installation);	Yes	Yes	Yes	Yes	Yes
The disconnection and reconnection of existing kitchen appliances, or room heaters using Gas Safe or equivalent registered plumbers or electricians.	Yes	Yes	Yes	Yes	Yes
The removal of furniture and effects from and back to the tenants' permanent home and supply of packing materials.	Yes	Yes	Yes	Yes	Yes
A full packing service will be available. This includes clearing items from sheds subject to a reasonable determination by a Council officer. Items will not be removed from the loft as the loft is not permitted as a safe area for storage for the Council due to fire risk.	No	No	Yes – funded in addition to disturbance payment by the Council	Yes	Yes
In exceptional circumstances temporary storage of items may be required. If this is the case the Council would consider meeting these costs for a time limited period of not greater than six months and reviewed monthly from the tenants moving date.	Yes	Yes	Yes	Yes	Yes
The provision and fitting of new good serviceable carpets at the permanent address from an approved supplier up to an approved upper limit per metre. Tenants can get an upgraded carpet by paying the additional costs themselves.	Yes	No – will be provided as standard already	Yes	Yes	Yes

The fitting of laminate flooring if tenants' existing flooring is unable to be re-used. Payment will be up to the same approved upper limit per metre as set for carpets. Tenants can get upgraded flooring by paying the additional costs themselves;	Yes	No	Yes	Yes	Yes
The provision of new curtains up to a reasonable cost per pair where the existing curtains do not fit due to different window sizes; payable upon percentage rate according to age and condition of existing curtains	Yes	No	Yes	Yes	No
The provision of new curtain tracks/poles if not possible to remove and refit existing curtain tracks/poles. Payable upon percentage rate according to age and condition of existing provision.	Yes	No— blinds will be provided as standard. Existing curtains will be required to be kept for permanent decant	Yes	Yes	Yes
Moveable fixtures and fittings e.g. light fittings as must meet health and safety requirements.	Yes	No	Yes	Yes	Yes
A decoration pack may be provided at the Council's discretion if the tenants' new home has not been fully decorated to a standard considered reasonable by the Council's Void team. A decoration pack would not be provided where the property has been decorated by the Council as part of void works or at a new build home	Yes	No	Yes	Yes	Yes
Plants and small shrubs which are in pots will be moved to the tenants' new home. The Council will not take responsibility for the health of the plant or survival replanting of the plant or shrub.	Yes – if possible, under removals	Yes – if possible under removals	Yes – if not possible through removals, the Council will carry out and fund in addition to disturbance payment	Yes	Yes – community groups
The moving of plants and small shrubs, the Council will consider each request on its own merit and practicalities, where no other assistance is available such as a family member or community group. A plan will be agreed between the tenant and the Council. The Council will not take responsibility for the health or survival of the plant or shrub.	No	No	Yes – carried out by the Council and funded in addition to disturbance payment	Yes	Yes – community groups
Support with some costs associated with pets (such as fish pond or bird aviary) where the tenants have permission to keep the pet in the property they decant from and the property they will live in on a temporary or permanent basis. The support available will be discussed on a case by case basis.	No	No	Yes	No	Yes
Tenants who incur extra travelling expenses for work or educational travel only (not including social travel) as a direct result of being relocated out of their current area may be entitled to make a claim for this additional cost for the		Yes – funded in addition to			

period in which they are temporarily displaced (up to 12 months) at an 'approved mileage allowance' payment if using a car, motorbike or moped or by providing bus/rail tickets.	No	disturbance payment	No	No	No
Minor aids/adaptations previously assessed and required in the new property	Yes	Yes	Yes	No	Yes with the Council
Refitting of special locks and alarms	Yes	No – exceptional circumstances only.	Yes	Yes	Yes

Note; White good and furniture and furnishings other than those mentioned above are not included in disturbance compensation payments