



Lambeth Borough Council

DRAFT DECANT POLICY

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1. INTRODUCTION

This Policy covers situations where residents of Lambeth Borough Council will permanently lose their existing home, being their primary place of residence, due to the demolition or redevelopment of that dwelling. This is whether the action is due to planned work or to an emergency situation.

The Council recognises the huge impact that moving home 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 levels of compensation might be offered, and the practical help that the Council can provide to any residents that might be affected.

The Council will deal with rehousing priorities using, for guidance, the criteria set out in the current Allocations Policy and in this Policy. The Council will try to meet a household's needs and wishes on their rehousing as best it can. Where possible, tenants will be given the choice to move back to the area they left, if there are suitable housing options available.

It is recognised that this Policy may affect the Council's performance on voids (empty properties). Whilst every effort will be made to limit this, it is recognised that the needs of people losing their home takes precedence and certain properties may be held empty for longer than would otherwise be the case. Officers will need to work with Lambeth Housing Management to manage this process.

2. CONSULTATION AND INFORMATION

Tenant and resident consultation and involvement will fulfil any legislative requirements. In a non-emergency situation, this consultation will be completed before it is necessary for anyone to move. Consultation that forms part of the planning process does not form part of this Policy. For information on this please contact the Council's planning officers ([insert hyperlink](#)). Major decant projects (i.e. those involving more than four properties) will involve Local Borough Councillors who will be sent copies of letters consulting residents, and will be invited to any formal consultation meetings with residents. The outcome of the consultation will be reported back to the tenants and residents in an appropriate format, and without identifying comments made by individual respondents. Councillors will be advised through the Council's usual democratic processes.

2.1 Council tenants

The Council will have an informal consultation with tenants and residents first, giving general information and to gauge general opinion. This consultation period will be for a minimum of 28 days unless exceptional circumstances have arisen.

For Council tenants Part 5, section 105 of the Housing Act 1985 (as amended) covers “consultation on matters of housing management”. This includes the redevelopment of Council housing stock.

This legislation requires a reasonable amount of time to consult with all Council tenants. The Council will also do this with residents who are not Council tenants. The formal s.105 consultation period will be in accordance with current legislation, and will be for a minimum of 28 days. These time periods are in addition to any formal periods of notice, which have to be given. During this consultation period, tenants will be informed of the Council’s proposals for the scheme, including the phasing of work to minimise disruption, and will be able to make their views known to the Council within this specified period. These representations shall be considered before the Council makes its final decision on this matter.

If possession proceedings are being brought under ground 10A of the Housing Act 1985 (as amended), i.e. “The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State”. The Council will consult with tenants as a pre-condition of obtaining approval of the scheme concerned. As part of this process a written notice of the scheme will be served on every affected tenant under Schedule 2, Part 5 of the Housing Act 1985 (as amended). Tenants have a minimum of 28 days to respond to the consultation. The Council must consider any representations before applying to the Secretary of State for approval of the scheme, and the Secretary of State must also consider the representations before making a decision.

Once a decision to proceed has been made, consideration will be given to the processes used to gain possession of the properties concerned. The first option will be to come to a voluntary agreement with the tenants concerned. If voluntary agreement does not prove possible, then the Council has two options: the compulsory purchase of the tenant’s interests in the property (this is likely to be the option taken on most regeneration schemes) or the gaining of possession orders in the County Court (under the Housing Act 1985, as amended).

2.2 Owners, leaseholders, and private tenants of residential properties

In general, consultation with homeowners will happen alongside that carried out with council tenants, even though the Council may have no statutory obligation to consult with these groups outside of planning or the compulsory purchase processes.

2.3 Providing information

Any provision of information to tenants and residents will be done in line with legislative requirements. Any information provided to people living in the same block, scheme or street will be provided simultaneously, or almost so. In general, it is expected that an open meeting(s) for all residents, with carers, family members, or advocates as necessary, will be held. Information will also be provided in writing and, as required, in other accessible formats. Carers, family members or advocates can receive a copy of any correspondence, and information provided, with the formal consent of the resident concerned. Regarding major decant projects involving more than four properties Local Borough Councillors will be sent copies of letters and information about the scheme and will be invited to any formal residents meetings.

Once a regeneration/redevelopment scheme has been approved, it is expected that each scheme will have a designated decant officer who will support and advise tenants and residents throughout the decant process.

3. LEGAL CONTEXT

3.1 Notice period

Households will be given as long a period of notice as possible. This period of notice will also be at least in line with legal requirements. For those with whom an agreement can be reached, the period of notice can be agreed between the Council and the tenant or property owner. It will then be included in the documents used for this agreement. With Council tenants, where a voluntary agreement cannot be reached, the Council will decide either to pursue a compulsory purchase order or a possession order. Compulsory purchase is likely to be the option taken on most Regeneration Schemes. For owners of property and private tenants, unless a voluntary agreement has been reached with them, the Council will pursue a compulsory purchase order. If the Council needs to apply for a Possession Order for a Council tenant, then it is the court that will decide when the tenant will need to leave the property. Current legislation governing this is the Housing Act 1985 (as amended) - grounds 10 or 10A of Schedule 2.

If the Council decides to pursue compulsory purchase then it will comply with current legislation covering the use of Compulsory Purchase Orders under the Town and Country Planning Act 1990 or the Housing Act 1985 (as amended by the Planning

and Compulsory Purchase Act 2004). This legislation governs the length of notice to be given.

3.2 Action and sanctions that will apply if a voluntary agreement is not reached, or if a household refuses to move

It will be made clear to tenants and residents that the Council requires vacant possession of their home or, in the case of private landlords, their property. The first option for the Council will be a voluntary agreement, if this is not possible, the Council will take appropriate legal action to gain possession of the properties concerned.

3.3 The “Right to Buy” of any affected council housing stock

The Council has the right to halt the right to buy in certain circumstances. The Council will do this in accordance with current legislation, which allows for the following:

3.4 Initial demolition notice

Under current legislation, i.e. the Housing Act 2004, sections 182 and 183, the “right to buy” of any affected Council housing stock will be suspended from the date an initial demolition notice is served on the Council tenant(s) concerned. It will stay suspended for as long as this notice remains in force. The suspension of any right to buy claim means, in law, that the Council cannot be required to complete the transaction.

Before this notice is served the Council will have decided exactly what properties are to be included in the scheme concerned. This notice is served where it is intended to demolish the property concerned within 5 years. It will include the reasons, and the timescales, for the demolition.

3.5 Final demolition notice

The serving of a final demolition notice, under current legislation, extinguishes the “right to buy” for these properties completely. Any prospective “right to buy” purchases which are underway, but have not completed, will not proceed. No new right to buy application on these properties will be accepted. In order to serve it the Council must have agreed to, or be entitled to, acquire all the affected properties. In effect this means the notice can only be served once plans for the scheme are well advanced. This notice is only served where demolition is expected within 2 years.

3.6 Right to buy expenses

The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. The Council will pay these expenses where required to by current legislation (currently the Housing Act 2004). This compensation includes

relevant legal fees, surveyors fees, and other disbursements which have already been paid. These will be paid back to the tenant (*to be confirmed*).

4. WHO WILL BE REHOUSED UNDER THIS POLICY

This Policy specifically relates to those who have to leave their home because it is being regenerated, and who the Council has agreed to rehouse. Other housing applicants are dealt with solely under the Council's Allocations Policy. Everyone to be housed under this policy must provide adequate information for officers to decide what their housing needs and requirements are. Tenants will need to complete a housing application form. A household's housing needs and requirements will be determined by officers with reference to the Council's Allocations Policy and this Policy.

Everyone due to be housed under this policy must be registered on Lambeth Home Connection, the Council's Choice Based Lettings scheme.

This policy does not include unauthorised occupants or squatters, who are dealt with under separate Council policies.

4.1 Existing Council tenants

The Council will rehouse any Council tenant who will be displaced by a regeneration scheme, with one exception. This guarantee does not apply to anyone who has been awarded an outright possession order, by a court, for a breach of their tenancy conditions. Any such household will not be rehoused under this policy.

4.2 Owners of residential property who live elsewhere

Owners, who live elsewhere, for example because they rent out the affected property, will receive financial compensation in accordance with current legislation. As they do not live in the affected property as their only or principal home, they will not be offered alternative accommodation under this Policy. Any concerns about whether or not an owner is living at a property as their only or principal home will be verified by relevant enquiries.

4.3 Applying for housing

Everyone due to be rehoused under this Policy must provide adequate information for officers to decide what their housing needs and requirements are by completing a housing transfer form. The housing needs and requirements of those to be rehoused under this Policy will be determined by officers using for guidance the criteria set out in the Council's Allocations Policy and in this Policy. It is expected that these applications will be processed as a matter of urgency, and the applicants promptly

advised of the outcome. Everyone to be housed under this Policy must be registered on the Council's housing transfer register.

If there is any question over a tenancy the details will be verified.

4.4 When will the Council start to rehouse affected households

The Council will make every endeavour to rehouse tenants and residents within as short a time-span as possible.

A decant timetable, or decant plan, will be set on an individual scheme basis so that all affected households, and all other involved parties, are aware of the deadlines. Whilst the Council will do what it can to rehouse people quickly, it will also be in the interests of tenants and residents to consider properties and areas that give a realistic chance of rehousing within the timescales allowed.

Properties in the process of, or awaiting, redevelopment, with households still living on the affected site, will be provided with appropriate security measures to keep tenants, residents, and the property itself as safe and secure as is reasonably possible. (*further discussion required*)

4.5 The level of housing priority to be given

All tenants and residents accepted under this policy will be placed in the highest Band A in accordance with the Allocations Policy. Each application under this policy is to be approved by the Housing Options and Advice Manager. Priority is awarded to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming regeneration work. In some circumstances, a direct offer of accommodation will be made.

4.6 Property size and eligibility

People who are permanent members of affected households, including tenants will be given priority in accordance with the Allocations Policy. This means that they will be well placed to make a successful bid for a property. However, households will only be taken into account for rehousing purposes, including assessing the size and type of property the household is eligible for, if they occupied the premises as their only or principal home at the time of the public notification of the Council's decision to take forward the regeneration scheme through the making of a compulsory purchase order and/or the submission of a planning application for the masterplan for a regeneration scheme, and they are still there at the time of rehousing.

Households being rehoused under this Policy will only be able to bid for a property of the size and type they are eligible for under the Allocations Policy. This may not necessarily be of the same size and type they are currently living in.

4.7 Area choice and location

People accepted for rehousing under this Policy will be able to bid for another property using Lambeth Home Connection. However, in some circumstances a direct offer of accommodation will be made. In this case households will be given as much choice of area and location as possible. Under current legislation, if the Council has to apply for possession of the property under Grounds 10 or 10A of the Housing Act 1985 (as amended), the Council will need to satisfy the court that there is a reasonable property (“suitable alternative accommodation”) for the household to move to before the possession order takes effect.

In order that households may make an informed decision on whether to return to the site, they will be given the following information as far in advance as possible:

- ❖ What type and size of property they could expect to be offered
- ❖ Whether this property will be owned by the Council or a Special Purpose Vehicle
- ❖ Assured lifetime tenancy for your new home
- ❖ What the layout and appearance of the site will be
- ❖ What, if any, extra compensation, disturbance allowance or assistance with the move will they get if they move home twice, in order to return to the original site after being decanted.

4.8 Applicants who want to return to the original site

There is no statutory right to return to a site that has been redeveloped, but the Council will offer this as a priority option to the original tenants whenever it is reasonably possible to do so.

4.9 Extra time allowed to move

For disabled tenants, or disabled members of a tenant’s household, where the new property does not need any adaptations work to enable the tenant to move in, then three weeks is considered to be a suitable time period to allow for moving in, before rent becomes due. The Council will need to approve any time in addition to those three weeks.

If adaptations are needed to the new property before the tenant can move in, and this work will take longer than three weeks, the tenant is expected to move in as soon as those particular adaptations are finished, due to the extra time they have had to prepare for the move while waiting for the adaptations to be done.

In each case, the tenant will need to sign an undertaking to the Council agreeing to accept the property once the adaptations have been carried out.

4.10 Adaptation and needs assessments

Needs assessments will be done at the earliest possible stage for all affected tenants and residents to establish whether households will need adaptations to be made to their new home. The decision on what adaptations, if any, are needed is the responsibility of the Council, in consultation with a designated occupational therapist.

4.11 Types of tenancies

Households being rehoused will be advised of the type of tenancy they will be granted, if they are to be rehoused into a Council or Special Purpose Vehicle property, and what this means for them in practice. Tenancies will be granted in accordance with current legislation and the Council's current Tenancy Policy. An existing secure or introductory tenant moving to another Council tenancy will be given another secure or introductory tenancy or Assured Lifetime Tenancy. If the tenant moves to a housing association property they will be given the equivalent assured tenancy or any other tenancy that the Housing Association has in existence.

An existing introductory Council tenant, moving to another Council tenancy will be granted another introductory tenancy for the remainder of their probationary period. If they move to a housing association property they may be granted an assured shorthold tenancy in accordance with the policy of that landlord. In this situation, provided there are no tenancy issues, it will convert to an assured or flexible tenancy at the end of the probationary period.

An existing demoted Council tenant will, if they transfer to another Council property, no longer be a demoted tenant. They will be granted an introductory tenancy of their new home and upon expiry of the demotion order they will be given a secure tenancy. The review date for this introductory tenancy will be set at the 12 month anniversary of the start of the new tenancy. If moving to a housing association, they may initially be given a shorthold assured tenancy in accordance with the policy of that landlord.

When rehousing demoted Council tenants to a housing association property, the housing association will be advised that they were demoted as a sanction in response to their antisocial behaviour, and what that behaviour was. If they move into a housing association property, they may be granted a shorthold assured tenancy for a probationary period in accordance with the policy of that landlord. In this situation, provided there are no tenancy issues, it will convert to an assured or flexible tenancy at the end of their probationary period.

4.12 Re-housing in phased developments

The Council is committed to enabling tenants to remain living in their neighbourhood.

The option to return will be offered to secure tenants who are unable to move directly into a newly built home in the Regeneration/Development area and as a result have

chosen to wait until a suitable unit is available, being temporarily housed in the meantime.

Where a suitable newly built unit is available, regardless of whether it is in another block or phase of the estate development, this will be offered to the decanting tenant in place of temporary re-housing and the option to return.

Where two decants with similar needs and the same points have indicated their preference for the same unit in the estate development the length of residency at their original home will be used to determine the priority between them, with the person with the longest residency being offered for the property.

Should a household fail to accept the offer of accommodation on the new development, they will automatically be considered a permanent decant without the option to return. They will be prioritised and approved to bid through the Choice Based Lettings Scheme for an alternative permanent property. They will remain registered on the waiting list prioritised for a move to an alternative permanent home (through bidding under the Choice Based Lettings system) for a period of 1 month. Upon which time the case will be reassessed and either the bidding period will be extended at the discretion of the **Housing Panel**? or the tenant will be placed on the direct offer list for a maximum of two direct offers of suitable alternative permanent accommodation. They will have no option to return to the renewal area. *Further detail to be added*

5. FINDING A NEW HOME FOR TENANTS

There are five main re-housing options to help you find a new home. Please see below:

- Option 1** Move to a new build council home on your estate.
- Option 2** Move to a refurbished home on your estate (if available).
- Option 3** Move to a council or housing association home off the estate, but still within the London Borough of Lambeth.
- Option 4** Move to sheltered housing within the London Borough of Lambeth, if eligible.
- Option 5** Buy a property elsewhere within the borough, or outside Lambeth through low cost home ownership schemes (eg: shared ownership).

Option 1 Move to a brand new council home on your estate

This is a move to a new build home on your estate.

The new home will meet your housing need.

- ❖ A phasing programme for the development will be prepared and you will be informed as to which phase your new home will be in.

Option 2 Move to a refurbished home on your estate (if available).

This is a move to a refurbished home on your estate.

- ❖ The new home will meet your housing need.
- ❖ A phasing programme for the refurbishment will be prepared and you will be informed as to which phase your new home will be in.

Option 3 Move to a council or housing association home off the estate, but still within the London Borough of Lambeth.

The Decant Officer will help you join Lambeth's Housing Transfer Register. Once registered, you can start bidding for available properties anywhere in the Borough via Home Connections – Lambeth's Choice Based Lettings System.

- ❖ Because your home would be demolished, you will be given Band A priority, which means you will have very high priority bidding for available properties.
- ❖ You will be able to bid for properties that meet your housing need and which are in line with the Housing Allocation Scheme 2013.
- ❖ Properties are advertised weekly on the Home Connections website - www.homeconnections.org.uk
- ❖ You will be able to bid for both Council and housing association properties.

Option 4 Move to sheltered housing within the London Borough of Lambeth, if eligible.

Sheltered housing is for residents who are 60 years and over, or who are 55 and over with medical needs. Sheltered housing is a self-contained home where you can live completely independently but have access to help and support to remain independent.

- ❖ You will be entitled to apply for sheltered and extra care housing that meets your housing need.
- ❖ You will be able to apply for both council and housing association sheltered housing.

Option 5 Buy a property elsewhere within the borough, or outside

Lambeth through low cost home ownership schemes (eg: shared ownership).

6. LOCAL LETTING PLAN

The Council's Housing Allocations Scheme provides the necessary scope to let Council properties via a Local Lettings Scheme.

On regeneration/redevelopment schemes, the priority for newly built units will be the re-housing of decant tenants who have been temporarily re-housed. The second priority will be to re-house households who live in units due to be demolished in later phases. Any remaining units will be used to house other priority households in the local area.

Detailed local lettings plans will be formulated in collaboration with residents on the estate where regeneration/redevelopment is taking place.

7. EMPTY PROPERTIES ON REGENERATION/DEVELOPMENT SITES

A date will be agreed for each site, from which time empty flats on that site will not be let or utilised, other than in accordance with the below.

Following the decanting of secure tenants, the Council will consider placing households into units on the regeneration/redevelopment site on a temporary non-secure basis, until site is ready to be handed over to the developer so works can begin.

Any temporary lettings into the empty units will be decided on a scheme by scheme basis and will be used on the understanding that vacant possession can be obtained when the site is due to be handed over to the developer

Units vacated before the handover date for regeneration will remain the responsibility of the Council who will ensure appropriate security measures will be applied to empty properties and the site as a whole.

8. FINANCIAL MATTERS FOR TENANTS AND HOMEOWNERS

8.1 Home owners property purchase payment

The first option for the Council will be to try to come to a voluntary agreement on the valuation and purchase of the property concerned. If it is not possible to come to a voluntary agreement, the Council will use the mechanisms provided by current legislation dealing with compulsory purchase.

The amount paid for the purchase of the property concerned, will not affect the amount of home loss (maximum of £49,000) or disturbance payments paid to affected owner occupiers.

8.2 Home loss compensation

Home loss compensation is a sum paid to a tenant or owner occupier to reflect and recognise the distress and discomfort of having to move out of their home. As such, this is paid in addition to disturbance payments. Home loss compensation is paid only once. Home loss compensation will be paid according to the relevant legislation. Currently, this is the Land Compensation Act 1973 and the Planning Compensation Act 1991. The processing of claims will also be dealt with in accordance with the Council's financial regulations. Where the Council requires a tenant or owner occupier to move home to enable the regeneration of Council property, it will in most cases pay home loss compensation. Unauthorised occupants and squatters will not be paid home loss compensation. Deduction for monies owing to the council will be deducted from any home loss payment due.

Consideration will be given to paying home loss compensation in advance in order to help the owner concerned to remain in home ownership. Advice and information will be given to owners about the low cost home ownership options available to them. They will be given individual (non-financial) support and assistance to pursue these options.

8.3 Claiming home loss compensation

A home loss payment must be claimed in writing or, for disabled people, in an equivalent format. It is a legal requirement that households be given advice and assistance to make such an application. The amount paid is laid down in law. A home loss payment will be paid within three months of application, provided the household has moved from the original property.

If there is a dispute that cannot be settled by an appeal to the Council's property valuers, regarding entitlement to home loss compensation, the case will be heard in the County Court.

8.4 Financial matters for Tenants

Currently, home loss compensation is paid as a lump sum. For a tenant it is £4,900 (as of 1st October 2014). It will be paid only once, and will be paid to the statutory tenant. Only one payment is made to joint tenants.

A tenant will qualify for home loss compensation if:

- ❖ They have occupied that accommodation as their only or main residence for a minimum period of one year

and

- ❖ They have to move out of the property permanently, either because of improvement or development works that we will be carrying out, or because their home is being demolished

or

- ❖ They have to move out temporarily to allow for the extensive re-modelling or re-designing of their home, and they will return to a dwelling that is wholly different in character to their original one. This means to a dwelling that has lost its original identity. For example, a tenant who moved out of a three bedroom dwelling and returned to one that had been re-modelled into a one bedroom dwelling.

Home loss compensation is subject to the tenant giving up their tenancy of the property to be regenerated. As such it will only be payable once the tenant has handed back the keys to their property to the Council, unless there are exceptional circumstances. Before any home loss compensation is paid to a tenant, the Council will deduct any housing debts owed to the Council. The Council will not deduct any housing debts from any disturbance payments.

A housing debt is one, which arises from the “tenant/landlord” relationship. Rent arrears, heating charge arrears, service charge arrears, supporting people sheltered charge, and unpaid maintenance recovery charges are housing debts. Council Tax debts are not housing debts, and so will not be deducted from this payment.

A tenant will not qualify for any home loss compensation payment if:

- ❖ They are living in the affected property on a temporary tenancy through homelessness, and have been living there as their only or main residence for less than a year.
- ❖ They moved in after the decision to carry out the regeneration work was formally made by the Council, and they were advised in writing of this decision.

Tenants who have not lived in the affected property long enough to qualify in law for home loss compensation, will receive disturbance allowance. If a tenant is due to move out temporarily, and then return to the original site, the home loss compensation payment will only be paid once, in accordance with legislation. The tenant will be advised of this before they make the decision to return to the original site. Where the Council is regenerating its housing stock, and the tenant chooses to leave the property but does not have to, home loss compensation will not be paid.

8.5 Owner occupiers of affected properties:

Home loss compensation is paid as a lump sum. The amount payable to the owner of a freehold, or of a lease with at least three years unexpired, is 10% of the market value of their interest in the property. The maximum amount payable is £49,000 (as

of October 2014). This payment is paid to the owner, and only one payment is made to joint owners. It is paid once only. Owners who do not live in the affected property they own, for example if they rent it to tenants, will not receive home loss compensation. The sale (“disposal”) **SEE PAGE 12** of a property by the owner in accordance with, or in advance of, a Compulsory Purchase Order (CPO), will be classed as an “exempt disposal”, and the Right to Buy discount will not be due to be repaid; in accordance with sub-sections 155, 160, and 161 of the Housing Act 1985.

8.6 Disturbance payments

This is what is paid to a tenant or owner occupier for the reasonable financial costs incurred, and any losses sustained, in connection with having to move home. This is paid in addition to home loss compensation. Where the Council requires a tenant or owner occupier to move home to enable the redevelopment of Council property, it will in most cases pay for the disturbance. Disturbance payments will be paid in accordance with current legislation. Currently, this is under the Land Compensation Act 1973. Unauthorised occupants and squatters will not be paid any disturbance payments.

Under Part 3 section 37 a ‘Disturbance Payment’ must also be made to tenants and leaseholders, which should be equal to expenses ‘needed to remove from the land.’ If anyone in the household has disabled facilities then the disturbance payment should also cover costs of providing/refitting disabled facilities in the new property.

Disturbance payments are individual payments made for each eligible item.

In exceptional circumstances, for example a household with exceptional needs arising from a physical, sensory, or mental impairment, consideration will be given to paying for other exceptional items on an individual basis. In effect paying for disturbance covers the reasonable costs relating to household items that have to be moved out of, or disconnected from, the old property and moved into, or refitted or reconnected in, the next one. These items must belong to the household concerned.

Below are the items that the Council will usually cover under a Disturbance payment.

- ❖ Removal cost
- ❖ Supply and fitting of flooring(from a selection)
- ❖ Removal and re-fitting of fixtures and fittings, for example, grab rails
- ❖ Disconnection and reconnection of tenants own cooker, washing machine, dishwasher etc (where essential and possible)
- ❖ Decorating rooms which need it, tenants will be consulted on paint colour choices (from a selection)
- ❖ Ensure the garden area is safe for children to play in (for example - free of hazardous building material)
- ❖ Assistance for vulnerable tenants with notifying utilities/**council tax**/service providers of change of address

- ❖ Provision of a shower in a decant property (where a physical disability or frailty necessitates)
- ❖ Assistance for vulnerable tenants with packing and unpacking of personal effects
- ❖ Redirection of mail
- ❖ Reconnection of landline telephone

The list is not exhaustive, and households may claim repayment of other reasonable costs associated with their move. Disturbance payments will only be made after a valid receipt, showing VAT where this is applicable, is received for each item claimed for.

The Council is entitled to refuse to pay all costs where it is felt that some of the claim is unreasonable. If there is a dispute over whether the Council will pay for an item or an amount claimed for, and if agreement on this cannot be reached, then either the person concerned or the Council can apply to **the Lands Tribunal** for a decision on this.

8.7 Housing and Council Tax Benefit Claimants

National housing benefit regulations state that disturbance payments are not counted as capital or income for housing and Council tax benefit purposes. The following sections detail how the payment of a disturbance allowance or disturbance payments applies specifically to each tenure group.

8.8 Tenants of Lambeth Borough Council

Disturbance payments will be paid only once. Any housing debts owed to the Council by a tenant will not be deducted from their disturbance payments, the Council will however look to deducting these debts from their home loss compensation.

8.9 Owner occupiers of affected properties

Owner occupiers will receive disturbance payments in line with the offer outlined in the Regeneration of Your Estate Home.

9. PRACTICAL HELP FOR TENANTS

9.1 Practical help for Council tenants to move home

This help is in addition to the financial help of the home loss compensation and the disturbance payments.

Tenants will be supported through the decanting process by a dedicated member of staff. The Decant Officer will be the first point of contact for tenants during the decant process.

The Decant Officer will work closely with the estate office and the Allocation Team to ensure the application, re-housing process and all moves go as smoothly as possible, with minimal disruption for tenants.

The Decant Officer will play a key role in supporting households who have been identified as vulnerable and needing more support, working with support professionals where necessary.

Additional practical support including organising removals, packing and un-packing, arranging the disconnection and reconnection of white goods and utility connections, will be made available to **some** of the most vulnerable tenants.

9.2 Assistance with using the Lambeth Home Connections system

In situations where the Lambeth Home Connections system is being used to find people another home, then appropriate help and advice will be offered to those needing it in order to use the system effectively.

9.3 Assistance to view the property offered to them

Every applicant will be given the opportunity of an accompanied viewing of any property that they are offered.

9.4 Housing benefit claims

Under the Housing Benefit rules, you can usually only receive Housing Benefit for the home you are living in. But, in certain circumstance, you may be able to receive housing benefit on two properties.

However, whether this can be paid is dependent on housing benefit regulations, as laid down by the government, in force at that time. Housing Benefit or the Decant Officer can provide you with further information if required.

9.5 Packing and removals

The Council will appoint a removal contractor who will move you to your new home. The Council will pay this cost as part of your disturbance entitlement.

If however you wish to organise your own move you will need to provide the council with three quotes. Upon receipt of the quotes the council will arrange reimbursement equal to the amount the council would have paid if we had organised and appointed the removal contractor ourselves.

9.6 Clearance of unwanted items

The tenant is responsible for clearing their belongings from the property and for ensuring vacant possession of that property. Any items left behind will be cleared and disposed of. Tenants will not be able to reclaim them, or the value of them, once they have been left in the property. The cost of clearance and disposal will be charged to the tenant. Households will be advised of this in advance of the moving date.

9.7 Care packages

The decant officer will work with the relevant providers with the aim of ensuring that all elements of any care package remain intact during and after the move. This could include, for example, day centre care, community nurse visits, or “meals on wheels”.

9.8 Advising organisations of your new address

The tenant will be advised that it is their responsibility to tell all relevant persons and organisations their new address. This includes advising Council Tax, Housing Benefits and the Benefits Agency. Each Regeneration Scheme will have a decant officer who will support and advise tenants through this process as appropriate. If the tenant has moved into accommodation designated for older people, then the scheme manager or warden will support and assist them with this task as required.

9.9 Empty property standards

For tenants having to leave their original home due to a regeneration/redevelopment scheme, it is expected that any Council or RSL property they sign-up for will be in a liveable-in condition as regards its cleanliness, state of repair, and the condition of any garden, which will be cleared and cut back if necessary.

9.10 Settling in

The decant officer (or equivalent) will visit on the day of the move to check all is running as smoothly as possible. Their contact details will be left with the tenant. They will also undertake an initial settling-in visit within five working days of the move. Provided the decant officer remains on site after the move, they will carry out a follow-up visit within fifteen working days of their initial settling-in visit.

9.11 More intensive support

If a tenant is an older person, or identified as being particularly vulnerable, for example due to a physical, sensory or mental impairment, and likely to have difficulty with the move because of this, then they are likely to need more support than the visits outlined in the paragraph on “Settling In”, above in this policy.

In these cases a schedule of visits will be arranged with the tenant at the second follow up visit for up to a period of three months. This is to ensure the tenant is coping with the move in the new property.

9.12 Practical help for owner occupiers to move home

The Council is not obliged by law to provide any practical assistance to owners to move home in this situation. However each Regeneration Scheme, where households are required to move home, will have a decant officer who will support and advise them through this process, although they will not give financial or mortgage advice. The legal agreement with the Council for the purchase of their property will include the requirement to clear all belongings from the property. If the person is an older person, or identified as being particularly vulnerable, and likely to have difficulty with the move because of this, they will (with that person's agreement) be referred to adult social services. General advice will be given for those who would like to receive it, by the Council's Housing teams, on:

- ❖ **Housing option.**
- ❖ **Accessing a solicitor, and getting information on legal rights**
- ❖ **Benefits entitlement**
- ❖ **Checklist of what to do when moving home**
- ❖ **The processes involved in compulsory (or voluntary) purchase**

10. MANAGING EMPTY PROPERTIES, GARAGES AND PARKING SPACES

10.1 Managing empty properties on the site

It will be decided on a scheme by scheme basis at what stage the empty properties become the responsibility of the developer or contractor carrying out the redevelopment. This will include taking on the responsibility for the security of the site. Until then the Council will be responsible for its property. As soon as households begin to move from the affected site, appropriate security measures will be applied to the empty properties and to the site as a whole. This is to ensure that the safety of people remaining on the site, and those living nearby, is not compromised.

10.2 Garages and parking spaces rented from the council by affected households

Every tenant who has a garage or designated parking space and moving home due to the redevelopment will need to either give at least one week's notice to end their tenancy of, or update their address and contact details for, that garage or parking space.

If the tenant is moving temporarily and then returning to live at the site, then they can end the garage or parking space tenancy and have it held open until they move back to the site. While any garage or parking space is held open for them in this way, then the tenant concerned will not be able to use it or to permit anyone else to use it.

9. MONITORING

9.1 Monitoring the decant process

It is expected that the rehousing of tenants and residents will be monitored and used to improve future Regeneration Schemes. This monitoring will be the responsibility of The Project Manager (or similar) who will be provided with any necessary statistics and information by the lead manager, or other designated person. Following a move, it is expected that decanted tenants will, where reasonable to do so, be asked their opinions on the following:

- ❖ Their new home, the standard it was offered to them in, and (if new build), its features.
- ❖ How they felt the decant process went.

The purpose of this is to learn from any issues raised and to assist in future planning of any redevelopment or Regeneration Schemes.

10. GLOSSARY OF TERMS

- ❖ “We”, “us” or “our” as used in this policy, means Lambeth Borough Council as the landlord or the freeholder of the property concerned.
- ❖ “Tenant” as used in this policy, means a tenant of Lambeth Borough Council, unless it specifically states otherwise. All references in this policy to tenants (Council or private), residents, owner occupiers, leaseholders, and housing applicants, only applies to people who are having to move out of their home due to a Regeneration Scheme, unless it specifically states otherwise. It is usually expected that this will be Council housing stock, or leasehold property that was purchased from the Council (usually under the “right to buy” scheme), for which the Council owns the freehold.
- ❖ “Current legislation” means legislation current at the date of this policy.
- ❖ “Lambeth Home Connection” means the choice-based lettings system currently used by Lambeth Borough Council.
- ❖ “In writing” includes the use of suitable alternative formats for people with sensory, physical, or mental impairment(s). Replace with glossary of terms at back of doc

11. APPENDIX

The Regeneration of your Estate - Information for Home owners

The Regeneration of your Estate – Information for Secure Tenants

Housing Allocation Scheme 2013

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