

Thursday, 28 September 2023

Report of the Portfolio Holder for Housing and Planning

Council Housing Decant Policy 2023-2026

Exempt Information

None

Purpose

- To update the Council's Decant policy which is part of wider commitments to ensure all housing related policies are compliant with relevant legislation and regulations specifically the [Social Housing \(Regulation\) Act 2023](#).

Recommendations

It is recommended that:

1. Cabinet approves the updated Decant policy 2023 – 2026. (**Annex 1**)
2. Endorse the Community Equality Impact assessment aligned to the policy (**Annex 2**)
3. Delegate authority to the Portfolio Holder for Housing & Planning & Assistant Director Neighbourhoods, to agree any onward non-material policy amendments to ensure it remains fully compliant with legislation and regulations.

Executive Summary

The proposed Decant Policy provides a framework for understanding both the statutory duties the Council as a landlord has and the approach officers will take regarding individual decants and also supports the Council's corporate priorities as detailed within the Corporate Plan 2022-2025 with-regard-to ['The Economy'](#) – 'Provision of good quality and affordable housing'¹.

As part of the Council's Corporate priorities and commitments to preparedness for the [Social Housing\(Regulation\) Act 2023](#)²; , having a full suite of current tenancy related policies is required. The proposed **decant policy** is key to the management of tenancy rights and obligations for both the Landlord and the Tenant(s) regarding how temporary re-location/moves are managed. The policy update encompasses best practice throughout the housing sector and integrates relevant research; using the revised tenancy standard from the Regulator Social Housing below.

"[The Tenancy Standard](#)³ is one of four consumer standards that registered providers of social housing must comply with.

The updated Decant Policy 2023- 2026 has several touch points associated with the tenancy standard, namely:-

- 1.1 (A) Allocations and Mutual exchanges – making the best use of available stock.

¹ [CORPORATE PLAN 2022-2025 | Tamworth Borough Council](#)

² [Social Housing \(Regulation\) Act 2023 publications - Parliamentary Bills - UK Parliament](#)

³ [Tenancy Standard - GOV.UK \(www.gov.uk\)](#)

- 1.2 Tenure - 1.2.1 Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
- 1.2.2 They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.
- With Specific expectations in "[2.2.9 Registered providers](#) shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation".⁴ This point is directly linked to the Decant policy.

The original policy was approved by Cabinet in March 2014 and was used as part of the Housing Regeneration project for Tinkers Green and Kerria Road and remains fit for purpose. As the policy at the time was to support the regeneration and those residents impacted by the de-commissioning of their homes; it is timely to review in view of Regulators new requirements.

The proposed policy attached, updates the former policy and sets out the key policy principles. Namely a 'decant' is where a household is required to move from their existing home to an alternate accommodation, temporarily so necessary structural repairs can be undertaken and/or for other reasons suggesting it is not reasonable for the tenant to remain in situ. Whilst there is no statutory requirement to produce a Decant Policy, a written Policy will allow future decants to be undertaken in a transparent manner adhering to the principles outlined in the Social Housing Regulation Act 2023.

On average ten households are decanted per year into alternative self-contained properties. If there was an emergency dis-repair required, then the council has the option of using in the immediate short term nightly paid bed and breakfast accommodation of which officers obtain three quotes. Individual households and circumstances are considered on a case-by-case basis and tenants remain the focus of our priority.

The policy has been produced following internal consultation with departments who support the decant process and was also heard at the 'Tenant consultative group' (TCG) on the 14th September 2023. TCG welcomed the updated draft policy and its customer focus whilst approving the clear procedural guidance for internal departments across different directorates. TCG endorsed the policy, and no recommendations were given.

Options/Legal/ Risks Considered

Options	Options	Risks	Benefits
Option 1	Do Nothing	Low to Medium -Current policy independently reviewed via self-assessment and advised fit for purpose and adequate. Would be in breach of new legislative requirements.	Arrangements already in place with the repairs team and estate management and would carry on as normal.
Option 2 - Recommended	Implementation of the Policy attached	Training requirements for internal departments	<ul style="list-style-type: none"> • Transparency for tenants and internal departments • Tailored- service provision. • Economic focus • Compliment in relation to legislation concerning disrepair. • Support the wider work being undertaken with regards to tenancy standards as detailed with

⁴ [Tenancy Standard - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

			<p>the Social Housing Regulation Act 2023.</p> <ul style="list-style-type: none"> Enhanced management of Council owned properties to prevent high value voids
Option 3	Non-implementation of the Policy	<ul style="list-style-type: none"> In breach of requirements under the Social Housing Regulation Act Lack of clarity for customers and internal departments Fail to advance corporate priorities under 'Living in Tamworth' and 'The Economy'. Risks to the Council should legal challenge be brought as a result of disrepair claims. 	<ul style="list-style-type: none"> No updated work to be undertaken or considered by Council.

Financial/Resource Implications

Expenditure arising from the proposals within this report can be met from existing resources in the Housing Revenue Account (HRA) and the tenant removals expenses budget is just over £7k per annum. There are no direct financial implications from this policy. If there is a substantial disrepair claim the rent loss on properties forms part of the negotiation arising from any tenant compensation claim(s).

If there are any statutory home loss/disturbance payments these would be considered out of any corresponding regeneration schemes and would not be met from core revenue budgets.

Equalities Implications

All activities to give due consideration to the Councils Equality and Diversity Policy- Making Equality Real in Tamworth (MERIT). An Equalities Impact Assessment has been completed please see Annex 2.

Environment and Sustainability Implications (including climate change)

Decanting tenants is often to allow for repairs to be completed to homes. This has the environmental benefits associated with it in terms of meeting decent homes requirements.

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Appendices

Document Annex	Purpose
1. Draft updated Decant policy September 2023	Full draft policy setting out the Council's approach to the management of decants within its housing stock.
2. Impact assessment September 2023	Examples of good practice, positive changes and updates to community impact and impact on tenants who need a decant.

