Dear Sir/Madam,

The Cabinet Member for Housing (Councillor J.A. Jackson) is to consider the following reports and make a decision on Tuesday, 7th January, 2014 at 6.00 p.m. in Interview Room A, Town Hall, Nuneaton.

Yours faithfully,

ALAN FRANKS

Managing Director

AGENDA

PART 1

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.
Please also make sure all your mobile phones are turned off or set to silent.

2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. **DECLARATIONS OF INTEREST** - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members’ Code of Conduct.

   **Note:** Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

   Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

   Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

   **Note:** Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

   Where a Member has a Deemed Disclosable Interest, the Council’s Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

   *(Page 2)*

5. **MANAGEMENT MOVE POLICY** – Report of the Housing Services Manager attached.  *(Page 13)*
1. **Purpose of Report**

To seek approval from the Portfolio Holder for Housing to adopt the decant policy in conjunction with the Allocations Policy. The purpose of this policy is to enable NBBC to act appropriately in the event that a tenant needs to move house urgently. (See appendix A for a copy of the policy)

2. **Recommendation**

That the Management Move Policy be approved by the Portfolio Holder to be delivered as part of the Allocation Policy.

3. **Background**

3.1 With the introduction of Home Hunt Choice Based lettings Policy in June 2013 consideration for decanting tenants can be used when urgent work can be carried out within or on their property. This move can either be temporary or permanent. The Tenancy Services officer will authorise the need to move. In these circumstances to meet the urgent housing need the property concerned will be allocated outside the Lettings Policy.

3.2 The Policy statement states that NBBC will aim, where possible, to carry out works around tenants with the minimum of disruption or where possible to keep the decant period as short as possible. NBBC will aim to ensure that all tenants are treated fairly and are fully consulted on every stage of the process.

Tenants maybe decanted for the following reasons:-
Emergency situations eg serious flood
Major repairs
Re-development
Demolition

Jane Beard
Housing Services manager
# DECANT POLICY

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1. Introduction

There will be occasions where Nuneaton and Bedworth Borough Council (N.B.B.C.) must ask tenants to move from their home either temporarily or permanently so that improvements or demolition can take place. This is known as decanting.

This document summarises how NBBC manage the decanting of tenants to carry out essential works to properties.

2. Policy Statement

N.B.B.C. will aim, where possible, to carry out works around tenants with the minimum of disruption or where this is not possible, keep the decant period as short as possible. N.B.B.C. will aim to ensure that all tenants are treated fairly and are fully consulted on every stage of the process.

It may be necessary to decant tenants for the following reasons:

- Emergency situations e.g. serious flood or fire
- Major Repairs
- Re-development
- Demolition

3. Procedure

Before asking a tenant to move out of their home, N.B.B.C. will consider the opportunities for carrying out the works whilst tenants remain in situ and have consideration for the following factors:

- availability of suitable decant housing (including Housing Association accommodation)
- tenants opinion
- health & safety
- inconvenience to both tenants and contractors
- scope of providing alternative services i.e. temp heating
- special needs of residents e.g. illness, new baby, old age
- proposed timescales for works
- security issues
- religious/cultural beliefs

4. Permanent decants
Where decanting has been deemed necessary, all tenants will be consulted regarding the decant programme wherever possible up to 6 months or a minimum of 28 days before the work is to be carried out. Assistance will be offered throughout the decant process in all aspects including any administrative work such as change of address notification etc, to make the process as smooth as possible.

At this stage an occupancy survey will be completed. This will record the level of actual occupancy, including additional household members, and will enable N.B.B.C. to check that tenancy records are up to date. A record will be made of the needs and lifestyle of those required to move and all reasonable efforts will be made to ensure that decant accommodation meets the needs and does not adversely affect work/care arrangements/schooling/family support etc.

N.B.B.C. will aim to meet the specific needs of the tenant within reason and subject to financial constraints of the contracts.

Following the consultation and advice period, a written agreement will be drawn up clearly stating the obligations of both N.B.B.C. and the tenants during the decant process.

Tenants who live in properties larger than their housing needs are considered as under-occupying and will be re-housed in the size of home more suited to their current housing needs. However, tenants who currently under-occupy their home may be made an offer of a property one bedroom size above housing needs e.g. those with carers who need to stay with tenants who are in poor health. All allocations will be made according to the Best Use of Stock criteria contained within the N.B.B.C. Choice Based Lettings Policy.

Hyperlink to CBL Policy

N.B.B.C. will always seek to reach a voluntary agreement with all tenants, however, a Notice of Seeking Possession will be served to ensure timescales and costs are not disrupted. The notice does not require you to leave your home immediately and is a safeguard to protect N.B.B.C’s interest in cases where negotiations on re-housing fail. In the vast majority of cases, legal proceedings will not progress beyond the issue of this notice.

5. Temporary Decants

It may only be necessary to move tenants temporarily, and for a short period of time, whilst works are being carried out. In these cases alternatives must be considered:

- Making arrangements to stay with family or friends (for which tenants would be compensated).
- Providing temp accommodation such as B&B’s, caravans, hotels, Guest houses.
Paying for tenants to go on holiday

Consideration must be given to the length of time the works are scheduled for. If the work will only take a few days then it may indeed be cheaper and simpler to consider the options above, however, if the work is estimated to take a few weeks then a more permanent offer of accommodation must be offered with a “right to return”. In this case the move would be strictly temporary, with the tenant(s) moving back to their principal home as soon as the works have been completed and the home is available.

Where tenants are moving temporarily their existing tenancy will continue. If they are being re-housed into a vacant property (as opposed to a hostel, bed and breakfast or staying with friends and relatives), they can also be granted a temporary, decant tenancy for this property.

The decant tenancy will only stand for the duration of the works and the tenant’s previous residence continues to be their principal home. The rent may be reduced during this period but any rent that they continue to pay should be for their principal home, not the property they have been decanted to.

If the tenant(s) fail to give up possession of the temporary accommodation, N.B.B.C. has Ground for Possession available under Ground 8, Schedule 2 of the Housing Act 1985.

6. Compensation

Under the Land Compensation Act 1973 and the Land Compensation (Scotland) Act 1973, tenants (and other occupiers) who are forced to leave their homes can sometimes claim compensation for the upset and expense caused. However, where a tenant has had to move out of their home to enable repair work to be completed that was the result of their own negligence, it is unlikely that any compensation will be paid.

A home loss payment is compensation for personal upset caused if a tenant is compulsorily moved out of their home and a disturbance payment is compensation for the actual expenses of such a move.

6.1 Home Loss Payments

A Home loss payment will only be payable to someone who has:

A legal interest in the property (e.g. a tenant, an owner occupier, but not a licensee), and

Been moved as a direct consequence of one or more of the following:
- Compulsory purchase
- A Demolition, Improvement or Closing Order made by the Local Authority housing department (but not applicable to local authority tenants).
- Improvement or redevelopment by a local authority or Housing Association
- Demolition under any other compulsory power
- A court order for eviction from a secure tenancy granted to allow demolition or work. (If the tenant agrees to move out before the Court Order is granted, there is no right to payment, other than by agreement with the landlord.

To qualify for a Home Loss Payment the tenant must have:

- Lived in the house for more than one year at the date of moving, unless the tenant was forced to move (because of one of the above events) from their previous home, without getting a home loss payment, and their total combined residence in the two homes is more than one year.
- The tenant has moved permanently.

The amount available under a home loss payment is determined by Government regulations.

6.2 Disturbance Payments

To qualify for a disturbance payment tenants must have been in 'lawful possession' of their home at the relevant date (this may include cohabiters with occupancy rights and licensees).

The move must have been as a direct consequence of one of certain events listed as follows (except a move caused by an eviction order):

- Compulsory purchase
- A Demolition, Improvement or Closing Order made by the local authority housing department (but not applicable to local authority tenants)
- Improvement or redevelopment by a local authority or housing association
- Demolition under any other compulsory power
- A court order for eviction from a secure tenancy granted to allow demolition or work.

The relevant date will be:

Compulsory purchase -: date of publication of the Compulsory Purchase Order or possibly the date of drafting demolition.
Improvement or Closing Order - date that the Local Authority makes the Order, Improvement or Redevelopment.
In the case of land acquired by agreement - when the agreement was made.
If the home was compulsorily purchased, the tenant is unlikely to receive a disturbance payment if they are entitled to compensation under any another provision.

Disturbance payments are payable for the 'reasonable expenses' of moving - this is a flexible concept and there is no minimum or maximum payment. It includes all expenses reasonably incurred during the move; in addition to the cost of the removal itself upon production of valid receipts and may include:

- Removal expenses.
- Storage.
- Disconnection and reconnection of cookers and gas fires, telephones, washing.
- Machines and television aerials.
- Curtains and blinds - refitting and/or replacement.
- School uniforms (for a change of school).
- Loss of wages incurred in the removal.
- Agent's fees (e.g. solicitors or surveyors costs in connection with the claim).
- Disability adaptations for special needs.
- Phone disconnection and reconnection.
- Redirection of post.
- Satellite or TV aerial disconnection and reconnection.
- Refitting of alarms.

A discretionary payment may be made for tenants who do not fulfil the qualification for a statutory Home Loss or Disturbance Payment. For example, a tenant is being re-housed permanently but does not qualify to receive Home Loss because they have been a resident for less than a year.

6.3 Claiming a home loss & disturbance payment

Home loss payments will be paid on the latest of the following dates:

- Date of removal.
- Within three months of the tenant making the claim.

Tenants must claim in writing within six years of the removal date. However this will form part of the consultation exercise.

For disturbance payments, there is no legal time limit in respect of making a claim as the full expense of the move may not be apparent until long afterwards. Tenants are advised to claim in writing as soon as possible after making the expenditure, enclosing receipts.
7. Rent Arrears

The amount of compensation a tenant receives may be affected if the tenant is in rent arrears. During the consultation, if the existing rent account is in arrears, the tenant must meet with an Officer from the Financial Inclusion Team to reach an agreement as to the repayment of the arrears, if one is not already in place. This agreement will then be incorporated as an express term of the tenancy agreement either for the tenancy of the temporary accommodation provided or for the alternative permanent accommodation provided.

The obligation on the tenant to pay arrears which have accrued previously will be a condition of the tenancy itself and therefore failure on the part of the tenant to pay the arrears would give rise to grounds for possession. Disturbance payment costs will not be offset against arrears but home loss payments may be offset against existing arrears and be paid directly into the tenants rent account. However, this is not a blanket policy and careful consideration will be given to each claim.

8. Removals

N.B.B.C. will arrange and pay the contractor direct for the removal company to transport belongings. If tenants wish to arrange their own removals, N.B.B.C. may agree to this subject to financial limits. N.B.B.C. will arrange new for old insurance cover for furniture in transit.

9. Storage

Where it is necessary to store the tenant’s belongings, tenants will be fully expected to be involved in the process of: Preparing an inventory; labelling items and taking notes of condition and taking photographs of belongings.

Tenants will be given a copy of the inventory to keep for future reference.

10. Single point of contact

For some tenants, emotional support may be just as important as practical help and financial compensation. The Housing Officer will be responsible for co-ordinating all of the communications with affected tenants and attend both home visits and meetings with other officers. The Housing Officer will support the tenant(s) through the decanting process from start to finish. To do this they will:

- Visit them as early in the process as possible.
- Provide encouragement and reassurance where required.
• Assure that they are easily accessible at all times.
• Be organised and have all information available in order to keep the tenant up to date
• Take ownership of tenants' concerns and find solutions to any issues.

11. Legal Framework

The list of legislation below applies and should be consulted when carrying out decanting:

• Homelessness Act 2002.
• Housing and Regeneration Act 2008.

12. Complaints

The Housing Services department aim to deliver our services so that they fully meet the needs and wishes of all those who use them. However, if you feel that the way we have dealt with an issue is not as good as it should be then we want to hear from you. We value complaints because they help us to improve our services and put things right.

Most problems can be put right quickly by the Housing Officer who dealt with the matter, or you can speak to their line manager if you would rather.

There are some things that we cannot change, for instance:

• A decision, made properly, which you disagree with.
• Any legal action taken against you.
• Anything which might go before a Court.

If you don’t know who to call, our Customer Contact Centre will help you on 024 7637 6376.
AGENDA ITEM NO. 5

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Single Member Decision - 7th January 2014
From: Housing Services Manager
Subject: Management Move Policy
Portfolio: Housing Portfolio holder - Councillor Julie Jackson

1. Purpose of Report

To seek approval from the Portfolio Holder for Housing to adopt the Management Move policy in conjunction with the Allocations Policy. The purpose of this policy is to enable NBBC to act appropriately in the event that a tenant needs to move house urgently.

2. Recommendations

That the Management Move Policy be approved by the Portfolio Holder to be delivered as part of the Allocation Policy

3. Background

3.1 With the introduction of Home Hunt Choice Based lettings Policy in June 2013 consideration for management moves can be used in exceptional circumstances where we may need to move an existing tenant to a different property.

3.2 The allocation policy states that to meet an urgent need, the property concerned will be allocated outside the letting policy. The property allocated will be at the discretion of the Tenancy Services Manager and only one offer of suitable accommodation will be given. Refusal of the offer should be placed in writing to the Tenancy Services Manager for investigation.

The policy is to help those tenants who need to move urgently for the following reasons:-

Domestic Violence
Victims of racial, homophobic or other harassment
Urgent need for management reasons
Exceptional circumstances where it is unreasonable for them to remain in their current house
Fear of life and/or serious risk of harm

Jane Beard
Housing Services manager
### MANAGEMENT MOVE POLICY

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1. Introduction

There will be occasions where Nuneaton and Bedworth Borough Council (N.B.B.C.) will be required to move tenants from their home in cases of dire emergency and/or for their own safety. This is known as a Management Move.

2. Policy Statement

The purpose of this procedure is to enable N.B.B.C. to act appropriately in the event that a tenant needs to move house urgently. A tenant may need to move house urgently for the following reasons:

- Domestic violence.
- Victims of racial, homophobic or other harassment.
- Urgent need for management reasons.
- There are exceptional circumstances where it is unreasonable for them to remain in their current house.
- Fear for life and/or serious risk of harm.

3. Procedure

Those tenants, who believe themselves in need of a management move must, in the first instance, make contact with their Housing Officer (HO).

The Applicant will be required to provide contact details for any independent Agencies such as:

- Social Services
- Police
- Health workers
- Family Intervention Officers
- Support Agencies

The HO will contact all Agencies involved and obtain supporting evidence for the Management move. The HO will also need to provide the local Police Sergeant with full details of all alleged incidents for them to investigate and respond. A management move is unlikely to be agreed without Police support.

The HO, when satisfied that this is the only course of action available, will complete a full and detailed report giving applicant and tenancy details including actual occupancy, the reason for the request along with all corroborative evidence and details of Police Support.
This report will be submitted to the Tenancy Services Manager (TSM) for their consideration.

Prior to awarding priority on management grounds the TSM will ensure that all possible remedies or interventions have been considered. Such as, but not limited to:

- Mediation
- Tenancy enforcement
- Anti Social Behaviour Orders
- Injunctions
- Referrals to Support Agencies / Social Services etc…
- Mutual Exchange
- Transfer under N.B.B.C. Choice Based Lettings Policy

The TSM, in conjunction with the Housing Options Manager (HOM), may award priority for a management move. This will fall outside the scope of the N.B.B.C. Choice Based Lettings Policy and therefore tenants that have been awarded management priority will be unable to apply for accommodation advertised under this scheme. However, they will be offered alternative accommodation as soon as possible (taking into account the needs of other applicants with a high level of priority and the availability of suitable accommodation).

Tenants that have been awarded management priority will be considered for one offer of reasonable alternative accommodation, usually on a ‘like-for-like’ basis. However, tenants who live in properties larger than their housing needs are considered as under-occupying and therefore may be offered the size of home more suited to their current housing needs, such offers of accommodation will be made according to N.B.B.C.’s Best Use of Stock criteria

**Hyperlink to best use of stock criteria in CBL Policy**

If an offer of accommodation is unreasonably refused, management priority will be revoked.

If the offer of accommodation is accepted the Tenant must do all that is reasonable to ensure vacant possession of their current Tenancy.

**4. Temporary Accommodation**

Whilst the HO is carrying out their investigations for the Management move application and alternative accommodation is being sought, it may be that the applicant cannot return to their home. In cases such as this the applicant may need to be accommodated elsewhere and the HO will assist

- Making arrangements to stay with family or friends).
- Providing temp accommodation such as B&B’s, caravans, hotels,


- Guest houses.
- Secure Accommodation such as a Refuge in cases of Domestic Violence.

5. Moves to other Local Authority Areas

In some cases it may be necessary for management move applicants to move outside that Local Authority Area, in these cases the HOM, in conjunction with the TSM will contact colleagues in the areas identified and the application will then be processed in accordance with the Homeless Act 1996.

6. Single Point of Contact

For some, emotional support may be just as important as practical help. The Housing Officer will be responsible for co-ordinating all of the communications and support the applicant(s) through the process from start to finish. To do this they will:

- Provide encouragement and reassurance where required.
- Assure that they are easily accessible at all times.
- Be organised and have all information available in order to keep the applicant up to date
- Take ownership of tenants' concerns and find solutions to any issues.

7. Legal Framework

The list of legislation below applies and should be consulted when carrying out management moves:


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