Dear Sir/Madam,

The Cabinet Member for Housing (Councillor J.A. Jackson) is to consider the following reports and make a decision on Tuesday, 8th April, 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.


5. **DECANT POLICY** - Report of the Director – Housing Services Manager attached.  **(Page 8)**
Individual Cabinet Member Decision

Report Summary Sheet

Date: 8th April 2014
Subject: Bond Assistance Scheme
Portfolio: Housing (Cllr. J.A. Jackson)
From: Dawn Dawson – Director Housing and Communities

Summary: The Council’s current Bond Assistance Schemes have been reviewed to be more responsive to the needs of our customers and private landlords in the Borough to increase the number of properties available to vulnerable people.

Recommendations:

- That the Portfolio Holder approves the amalgamation of the existing, Enhanced and Non Priority Bond Assistance Schemes.
- That the Portfolio Holder agrees to guarantee the bond and rent in advance for a period of two years, to align all schemes.
- That the Portfolio Holder approves the amended landlord claim process to a more robust claim process.
- That the Portfolio Holder approves expenditure of £30,000 from the existing Homelessness Grant Funding to support this scheme.

Reasons:

1. The current Bond Schemes are now 3 years old and are therefore in need of refreshing to ensure validity and appropriateness.

2. To encourage more private landlords to participate in the scheme and to make it possible for people in housing need to access the private rented sector by giving them more choice and to prevent homelessness.
| Options: | 1. Approve the recommendation  
2. Reject the recommendation and continue to use the existing schemes. |
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<tr>
<td>Subject to call-in:</td>
<td>Yes</td>
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<td>Forward plan:</td>
<td>No</td>
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<td>Corporate priorities:</td>
<td>Aim 1  Priority 1</td>
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**Equal opportunity implications:** The scheme seeks to increase the choice of accommodation to all residents of the Borough.

**Human resources implications:** None

**Financial implications:** Expenditure of £30,000 to be financed from Homelessness Grant Funding.

**Health Inequalities Implications:** None

**Section 17 - Crime and Disorder Implications:** None

**Risk management implications:** Without a robust and up to date Bond Assistance Scheme the Council will have limited ability to secure housing into the private rented sector which will increase homelessness.

**Environmental implications:** None

**Legal implications:** Compliance with the Housing Act 1996, as amended by the Homelessness Act 2002 to prevent homelessness.

**Contact details:** Sharon Clinton, Housing Options Manager 7673 6121
AGENDA ITEM NO. 4

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Councillor Julie Jackson – 8th April 2014
From: Director – Housing and Communities
Subject: Bond Assistance Scheme
Portfolio: Housing (Cllr. J.A. Jackson)

1. Purpose of Report
1.1 To ensure that the scheme is successful and sustainable by encouraging more private landlords to participate in the scheme so that they offer their accommodation to people that the Council refer.
1.2 To make it possible for people in housing need to access the private rented sector by giving them more choice and to prevent homelessness.
1.3 To be able to offer more choice to those registering on the housing register with alternative tenures.

2. Recommendations
2.1 That the Portfolio Holder approves the amalgamation of the existing, Enhanced and Non Priority Bond Assistance Schemes.
2.2 That the Portfolio Holder agrees to guarantee the bond and rent in advance for a period of two years, to align all schemes.
2.3 That the Portfolio Holder approves the amended landlord claim process to a more robust claim process.
2.4 That the Portfolio Holder approves expenditure of £30,000 from the existing Homelessness Grant Funding to support this scheme.

3. Background
3.1 There are currently two Bond Assistance Schemes, the Enhanced Bond Assistance Scheme for priority households where we would have a homeless statutory duty and the Non Priority Bond Assistance Scheme where we would have no statutory duty but offer advice and assistance.
3.2 The Enhanced Bond Assistance Scheme guarantees a Paper Bond up to the value of £500 plus up to £500 cash value for rent in advance for priority households for the lifetime of the tenancy.

There is no commitment to save for a future Bond therefore the tenant has no incentive to become self reliant.

Rent in advance is not repayable to the Council as landlords ask for this before commencement of the tenancy because housing benefit pay in arrears.

3.3 The Non Priority Bond Scheme offers a paper guarantee up to the value of £500 to non priority households for a one year period.

Non priority households are encouraged to save through the Credit Union Savings Accounts and have been expected to save £500 over a 12 month period which equates to £41.66 a month.

3.4 The amalgamation of these schemes and the new proposed time periods that the Council is willing to guarantee for will ensure that both schemes operate for a two year period only. This will prevent the current confusion for landlords and to encourage all households to save for their own bond relinquishing the Council’s commitment.

4. Proposal

4.1 The proposal is to align the schemes into one. Therefore priority households will no longer be given the Bond guarantee for the life time of the tenancy. They will be expected to save £20.83 per month through the Credit Union over a 24 month period. This will encourage self reliance and will relinquish the Council’s commitment enabling more households to be assisted in the future.

The Rent in Advance element of the scheme has not changed and will continue to be paid from Grant Funding.

4.2 Non priority households will be given the opportunity to save over a 24 month period instead of 12 months. Saving £41.66 a month over 12 months is too high for a household on a low income therefore £20.83 a month over a 24 month period is considered more reasonable in the current financial climate.

4.3 By combining the schemes the current claim process also needs to be less confusing. Landlords are able to claim for damage from the Paper Bond Guarantee when the tenant has vacated.

The number of days given to process a claim for damage is proving too long, landlords are unable to let their tenancy until the claim is concluded which is causing rent loss.
The Council’s Landlord Liaison Officer has worked with landlords to resolve the issue. The proposal is a change from 28 days to 14 days for a landlord to return a completed claim from and 7 days rather than 14 for the Council to notify the landlord of the decision.

4.3 Expenses not covered under the scheme have been defined more clearly to reduce disputes especially around fixtures/fittings and cleaning.

4.5 The number of estimates required to establish the value of damage has reduced and will now be administrated by the Landlord Liaison Officer who will ensure damage claims are not over priced.

4.6 All other elements and the eligibility criteria for qualification to the scheme will remain the same.

DAWN DAWSON
AGENDA ITEM NO. 5

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Single Member Decision - 8th April 2014
From: Jane Beard – Housing Services Manager
Subject: Decant Policy
Portfolio: Housing Portfolio Holder – Councillor Julie Jackson

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. Recommendations

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

3. Background

3.2.1 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
Nuneaton & Bedworth Borough Council

Housing & Communities

Decant policy 2013 DRAFT

September 2013
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 HA 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 de-cants

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 De-cants

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 the tenants would be compensated).
- Providing temp accommodation such as B&B’s, caravans hotels, guest houses.
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. 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)
• 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.
• Carpeting: uplifting, refitting and/or replacement.
• Curtains and blinds - refitting and/or replacement.
- Redecoration - to approximately the same standard as the old - which may mean you will not get enough to fully redecorate your new home.
- School uniforms (for a change of school).
- Loss of wages incurred in the removal.
- Agents fees (e.g. solicitors or surveyors costs in connection with the claim).
- Disability adaptations for special needs.
- 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:

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.