



Tamworth Borough Council – Tinkers Green and
Kerria Decant Policy
February 2014

Documentation Master Sheet
Amendments to this Document are Detailed Below

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1. Introduction

This policy covers situations where one or more tenants of Tamworth Borough Council, will lose their home **permanently** due to the regeneration of Tinkers Green and Kerria.

For this policy the following definition applies

Decanting - A move required due to permanent loss of a home as a result of demolition, decommissioning, redevelopment, re-designation of, or similar works to, that dwelling.

Decommissioning - The process whereby a council property will no longer be used for its current purpose as a result of demolition, redevelopment, re-designation of, or similar works to, that dwelling.

This policy does not apply to the decanting of tenants on a temporary basis. Please refer to the repairs policy for temporary decants.

This policy does not apply to commercial or industrial property that may be affected by the decommissioning scheme.

This policy does not apply to homeowners, private tenants or leaseholders that may be affected by the decommissioning scheme.

This policy recognises the impact that the demolition, redevelopment, or re-designation of their home, and the consequent relocation, has on the people concerned. It aims to strike a balance between mitigating the impact on individuals by, and securing long-term benefits to the community from, the redevelopment that will be taking place.

This policy details the re-housing priorities using, for guidance, the criteria set out in the Council's Allocations Policy and within this policy, and try to meet people's needs and wishes on their re-housing.

This policy recognises that affected households have different needs and therefore there is an element of flexibility the policy.

If it is possible to give tenants or residents the choice of returning to the site they had to move from, then they will be given that choice.

Policy aims

- To provide clear and transparent guidelines for council tenants affected by decanting from council owned housing stock
- To ensure fairness and equality of opportunity in the re-housing of affected tenants
- To support residents to access a wide choice of re-housing options
- To minimise the disruption and stress caused to tenants by decanting.
- To compliment the councils wider regeneration agenda
- To set the support on offer resulting from home loss and or disturbance

2 Notice period and possession

Households will be given as long a period of notice of the need to move home that is possible. This period of notice will be in line with current legal minimum requirements.

For those with whom we can reach agreement, the period of notice can be agreed between the Council and the tenant. It will then be included in the documents used for this agreement.

Where a voluntary agreement cannot be reached, the Council will pursue a possession order. If we need 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. As at the date of this policy the legislation governing this is the Housing Act 1985 (as amended) - grounds 10 or 10A of Schedule 2.

3. Eligibility for re-housing under this policy

This policy specifically relates to Council tenants who will lose their home **permanently** due to the regeneration of Kerria and Tinkers Green.

Everyone to be housed under this policy must provide adequate information for officers to decide what their housing needs and requirements are. It is expected that the usual way of providing this information would be to complete a housing application form. These housing needs and requirements will be determined by officers using for guidance the criteria set out in the Council's Allocation Policy and this policy.

Under this policy we will rehouse any council tenant who will be displaced by a scheme to decommission the housing stock they live in, with one exception. This does not apply to anyone who we have been awarded an outright possession order against, by a court, for a breach of their tenancy conditions. Any such household will not be re-housed under this policy.

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

4. Financial Compensation:-

The Council will pay both statutory and discretionary financial compensation to those affected by the decommissioning of their housing. As of 2014 Home Loss compensation is £4700. Tamworth Borough Councils discretionary compensation is a disturbance allowance of £1300.

4.1 Home loss compensation:-

Home loss compensation is a sum paid to a Council tenant to reflect and recognise the distress and discomfort of having to move out of their home. As such this is paid in addition to a disturbance allowance or payments. Home loss compensation is paid only once per household.

Home loss compensation will be paid according to the relevant legislation. As at the date of this policy 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 Council tenant to move home to enable decommissioning of Council property, it will in most cases pay home loss compensation.

In the event that the Council tenant who is entitled to the Home Loss Payment dies before making a claim, any member of his household who is aged 18 or over or, held in trust, may claim provided that he/she satisfies the same residency criteria as the deceased and is a beneficiary in the estate of the deceased.

Trespassers and squatters will not be paid home loss compensation.

4.2 Claiming home loss compensation:-

A home loss payment must be claimed in writing. We will be provide advice and assistance to make such an application. The amount paid is laid down in law.

The time limit for claiming home loss compensation has a statutory limitation of six years. A home loss payment will be paid within three months of the applicant making an application for it, and provided the household has moved from the original property. If there is a dispute regarding entitlement to home loss compensation, the case will be heard in the county court.

In the case of a joint tenancy, Home loss payment will be made only once per household and divided equally between tenants.

4.3 Housing and Council Tax Benefit Claimants:-

As at the date of this policy, national housing benefit regulations state that home loss compensation is counted as capital for housing and council tax benefit purposes.

It is the legal responsibility of housing benefit and council tax benefit claimants to advise the housing and council tax benefits service as soon as they receive this increase to their capital. We will remind claimants of this legal duty when the payment is made.

In order to assist this process, a list of recipients of home loss compensation, paid due to the decommissioning of council housing stock, will be disclosed to the housing and council tax benefit service. This is because the money involved can affect a person's benefit entitlement, and it is therefore reasonable for this information to be shared in this way.

4.4 Tenants of Tamworth Borough Council:-

As at the date of this policy, home loss compensation is paid as a lump sum. For a tenant it is £4700 (as of the date of this policy). 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 will be carried out, or because their home is being demolished.

Home loss compensation is subject to the tenant giving up their tenancy of the property to be decommissioned (i.e. subject to the tenant losing their home). As such it will only be payable once the tenant has handed in the keys of their old property to the Council, unless in exceptional circumstances.

Before any home loss compensation is paid to a tenant, the Council will deduct any monies owed to the council including Council tax debts. The Council will not deduct any debts from any disturbance allowance or disturbance payments.

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

- They are living in the affected property on a temporary tenancy via the Homelessness Unit, and have been living there as their only or main residence for less than a year.

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 provision before they make the decision as to whether to return to the original site or not.

Where the Council is re-designating its housing stock, and the tenant may choose to leave the property but does not have to, then home loss compensation will not be paid.

Where the tenant does not meet the criteria for home loss payment a discretionary amount, dependant upon and proportionate to the length and tenure type, may be made.

4.5 Disturbance allowance

This is what is paid to a Council tenant for the reasonable financial costs incurred, and any losses sustained, in connection with having to move home. As such this is paid in addition to home loss compensation.

Disturbance allowances will be paid in accordance with current legislation. As at the date of this policy, this is the Land Compensation Act 1973. The processing of claims will also be dealt with in accordance with the Council's financial regulations.

Trespassers and squatters will not be paid any disturbance allowance.

A disturbance allowance is a lump sum, calculated to cover eligible items, paid to those required to move home.

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 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.

A one off disturbance allowance of £1300 will be made to each household. Any reasonable costs above the £1300 threshold will be paid after a valid receipt, showing VAT where this is applicable, is received for each item claimed for. All items within the original £1300 limit must be accounted for.

The Council is entitled to refuse to pay all or any 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.

The disturbance allowance includes an amount for removal costs. The Council can arrange removal services at the households request and the cost of these services will be deducted from the disturbance payment.

The Council can also provide reconnection services for washing machines, cookers and dishwashers by suitably qualified contractors for all Tamworth Borough Council tenants at cost. The cost of these services will be deducted from the disturbance allowance.

The Council will provide one rent free week on the new property if the property being moved to is a Tamworth Borough Council owned property. If the property being moved into is an RP or private rent the Council will provide one full weeks rent payment. This will allow a week for the affected occupant to move.

The following expenses will be covered by the Disturbance payment of £1300:

- Telephone and television disconnection and reconnection charges.

- Redirection of mail for three months.
- Cost of fitting and altering carpets and curtains (to a maximum of £300).
- New carpets where refitting is not practicable, e.g. foam backed carpet that has disintegrated (to a maximum of £300)
- Movement of fixtures and fittings such as fitted lights, TV brackets, fireplaces etc (to a maximum value of £300)
- Redecorating new home including cost of materials (up to a maximum value of £400).

This list is not exhaustive.

This does not affect your statutory rights under repairs legislation for compensation.

5. PRACTICAL HELP

This help is in addition to the financial help of the home loss compensation and the disturbance payments. Each scheme will have a dedicated contact who will support and advise council tenants through this process as appropriate.

5.1 Assistance with using the '*Finding a Home*' system:-

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

5.2 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.

5.3 Packing and removals:-

The reasonable expenses of this will be met by a disturbance payment. See section 4 in this policy

Before the move is due, tenants will be provided with information on:-

- What is the tenant's responsibility to do, to be ready for the removal; for example, to empty, defrost, and clean their fridge and freezer before the removal company is due to arrive.
- What a removals company will not want to move, or will not be insured to; for example pets, jewellery, and hazardous chemicals, materials or items.
- What the tenant is responsible for removing to their new property (those items the removals company will not move, or be insured to).

The Council will provide reconnection services at cost for washing machines, cookers and dishwashers by suitably qualified contractors for all Tamworth Borough Council tenants and the cost will be deducted from the disturbance payment.

5.4 Time to move:-

The Council will provide one rent free week on the new property if the property being moved to is a Tamworth Borough Council owned property. If the property being moved into is an RP or private rent the Council will provide one full weeks rent payment. This will allow a week for the affected occupant to move.

5.5 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 and if necessary deducted from the home loss payment. Everyone will be advised of this in advance of the moving date.

5.6 Care packages:-

The Tenant Friend will work with social services and the NHS 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".

5.7 Advising of their new address:-

The tenant will be advised that it is their responsibility to tell everyone, and every organisation, who needs to know their new address. This includes advising Council Tax, Housing Benefits and the Benefits Agency.

Each decommissioning scheme will have a dedicated officer who will support and advise them through this process as appropriate. If the tenant has moved into accommodation designated for older people, then the Independent Living Manager will support and assist them with this task as required.

5.8 The standard of any empty council or RP property moved into by a tenant who has lost their original home due to it being decommissioned:-

For tenants having to leave their original home due to a decommissioning scheme, it is expected that any council or RSL property they sign-up for will be in an immediately 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, before the new tenant moves in.

With regard to decorating, the new tenant's disturbance allowance will include the reasonable costs of decorating their new home. However the incoming tenant will be offered the option of having those rooms decorated. The cost of this will be deducted from their disturbance allowance and they will sign to agree this before the work is started. The new tenant will be given a choice of wallpaper and colours with the cost of this covered in the disturbance payment.

As long as the property is in a liveable condition, the actual decorating can be carried out soon after the tenant has moved in, if the timescales of the decant process make this necessary.

The Housing Options Co-ordinator will liaise with any housing association whose property is to be let to people displaced by the scheme, to ensure that it complies with the nominations agreement.

5.9 Tenants own fixtures, fittings, carpets and curtains:-

The movement of tenants own fixtures and fitting will be covered by the disturbance allowance up to a maximum receipting value of £300.

The disturbance allowance will also cover the reasonable replacement costs of carpet or laminate flooring that cannot be moved. For receipting purposes this will be up to a maximum value of £300.

With regard to fitting new carpets or laminate flooring at the new address, if the tenant is an would find it too difficult to organise due to a physical, sensory or mental impairment, then the Council or its contractor will undertake this, with the tenants consent. The cost will be deducted from any disturbance allowance or payment due.

If the tenant is an older person, or has a physical, sensory or mental impairment and, because of this, is unable to take down and/or re-hang their curtains or window blinds, and has no-one to help them do this, then appropriate assistance will be given by the Council or its contractor. This can include:-

- Altering curtain or blinds fixings to fit, if this is possible, but not altering the material of the curtains or blinds themselves.
- Fitting new curtains or blinds, with the tenants consent, and deducting the cost from any disturbance allowance or payment due.

Where this work is carried out by the Council, it will be done by an authorised member of staff or an approved contractor. Tenants taking their own fixtures and fittings with them to their new address will need to obtain permission to re-install them from the Council or their new housing association landlord – before any work is carried out.

5.10 Settling in:-

The Tenant Friend will visit on the day of the move to check all is running as smoothly as possible and all final payments are accurate. Their contact details will be left with the tenant.

If households have moved to another Tamworth Borough Council owned property a new tenancy visit will be conducted within six weeks of the move date to ensure the household has settled in. Where households have moved to a non Council property the Tenant Friend will remain available for contact up to six weeks after the moving date.

5.11 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.

Those visits will still be carried out, but in addition, every attempt will be made to put together a tenancy support package to help them cope better with this situation, if the tenant agrees that they need this. This could, for example, be carried out by a referral to the floating support service.

As part of this process, any agency already involved with the household will be contacted on their behalf, and asked to provide extra assistance to them. It is expected that this support be continued for particularly vulnerable or older people for up to six months after their move. It should only stop once the person is clearly coping with the move to their new home and its after-effects.

6. RE-HOUSING

6.1 Applying for re-housing

Everyone due to be re-housed under this policy must provide adequate information for officers to decide what their housing needs and requirements are. It is expected that the usual way of providing this information would be to complete a housing application form. The Tenant Friend will help people, as necessary, to provide this re-housing information.

The housing needs and requirements of those to be re-housed under this policy will be determined by officers using for guidance the criteria set out in the council's Allocation Policy and in this policy.

Everyone to be housed under this policy must have a record on the Council's lettings system.

If there is any question over a person's eligibility for a secure tenancy due to their immigration status, relevant details will be passed to the council's solicitors to enable them to check this.

Each decommissioning scheme, where people are required to move home, will have a dedicated officer who will give advice, and support people through this process as appropriate. It is expected that a higher level of support will be needed if designated accommodation for older people is affected.

6.2 Timescale-

We will make every endeavour to re-house tenants and residents within as short a time-span as possible. This is so that people are not left on the affected site for long once their fellow residents start to move out.

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 involved.

Whilst we will do what we can to re-house people in this situation quickly, it will also be in the interests of tenants and residents to consider properties and areas that give a realistic chance of re-housing within the timescales allowed.

Property in the process of, or awaiting, being decommissioned, with people 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.

6.3 Priority status Band 1+:-

All tenants accepted under this policy will be awarded band 1+ in accordance with the Council's Allocations Policy.

Priority is awarded to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming decommissioning work. The date of registration and eligibility for the housing list, for households being re-housed under this policy is the date on which a final demolition notice is served.

Where needs are assessed as the same priority within this band, applicants will be placed in date order from when they were accepted

in to the band. For applicants with the same band date, a weighting system will be applied to prioritise offers of accommodation, in order to maintain a fair and transparent allocation.

Weighting factors	score	Priority rating
Need to move to a particular locality in the Borough to prevent any disruption in their child/ ren's education	1	Extremely high
Need to move to a particular locality in the Borough to give and. / or receive care and support	2	high
Need to move to a particular locality in the Borough due to work commitments	2	high
Where we have evidence from the Police or Social Services to support that a particular locality would place the applicant (s) at risk	2	high

Scores will be added together for an overall weighting score.

Applicants will be able to bid on eligible properties advertised through the council's choice base letting scheme 'Finding A Home' and will be invited to bid for themselves; offering them the opportunity to express preference in choice in property type and areas for re-housing. Applicants will be restricted to two tenancy offer refusals after which they will be directly matched to the next available suitable property. This is to enable an offer of accommodation to be made as soon as possible and reflects the urgency of the applicants re-housing need.

Applicants will be asked their reasons for refusal. If they feel the offer of accommodation was considered unreasonable they must provide details to the Housing Options Manager who will make the decision, on the reasonableness of the offer within 5 days. The offer of the property will be held open whilst the decision is being made. If the decision is that the offer was not reasonable the applicant can continue to bid. If the review decision is that the offer was reasonable the applicants can take up the tenancy or continue to refuse the offer. If they continue to refuse the reasonable offer this will lead to band 1+ status being withdrawn. In addition it is likely the council will take legal action for possession of the property.

Reasonableness of an offer of a property will consider;

- Medical / health reasons
- Disability of any person
- Proximity & accessibility of support of family
- Proximity & accessibility of schools

Applicants who are affected by a regeneration or decommissioning scheme and are suffering stress and anxiety that is affecting their health may apply for re-housing before their allocated time and be considered in accordance with the standard housing allocations policy. If they choose to move before their allocated time they will not be eligible for the compensation and support package as described in sections 4 and 5 of this policy.

6.4 Property size and type:-

Households being re-housed into Council Housing under this policy will be awarded a property of the size and type they are eligible for under the Allocations Policy. This is therefore not necessarily a property of the same size and type they are currently living in.

6.5 Pet suitable properties

Council tenants who are living in a property designated as pet suitable (with an enclosed garden to which they have sole use of and a separate entrance to their property) and have a pet at the time of notification of decommissioning will be offered another “pet suitable” property using for guidance the criteria set out in the Council’s Allocation Policy and this policy, or they will be able to bid for one using *Finding a Home*, Tamworth Borough Councils choice based letting service. That is, unless they choose to consider a property that is not “pet suitable” because they do not wish to keep a pet.

However they will be advised that, given the housing stock we have available to us, the need for a “pet suitable” property is likely to prolong the period of time taken to find an appropriate property for them. If due to the scarcity of “pet suitable property” and a suitable property can not be found, consideration may need to be given for people to bid for, or be offered, properties they would not usually be eligible for. However this would only be after all other routes to re-housing have been exhausted

6.6 The choice of area:-

People accepted for rehousing under this policy, will be able to bid for another home using *Finding a Home* TBC choice based lettings service. The exceptions to this are if the numbers concerned are too large, or timescales too short, to enable rehousing by *Finding a Home* within the timescales required. In these cases, in any emergency situation, or where a person is unable to easily use *Finding a Home* given their particular circumstances, direct lets will be used.

Each decommissioning scheme, where people are required to move home, will have an officer who will advise and support people through

the processes involved in finding a new home including, as necessary, the use of *Finding a Home*.

If *Finding a Home* is not to be used, for the reasons stated above, applicants will be offered property through a direct let outside of *Finding a Home*. In this case they should have as much choice of area and location as possible, subject to their choices giving a realistic chance of rehousing within the timescales allowed.

Under current legislation, if we have to apply for possession of the property under Grounds 10 or 10A of the Housing Act 1985 (as amended), we will be able 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.

We will aim to ensure that one household on their own is not left in an otherwise empty block of flats. However we cannot do this if that household has not moved because they would not consider, or have refused, property that would have enabled them to have moved within a reasonable time period.

6.7 Adaptations

Needs assessments will be done at the earliest possible stage, for all the affected tenants and residents due to move into another council, or into a rented housing association property, to establish whether anyone will need adaptations carrying out in their next home. The decision on what adaptations, if any, are needed is the responsibility of the specialist housing occupational therapist.

Where possible, direct matches will be found for households moving to maximise the investment made by Tamworth Borough Council in adapting properties.

6.8 Returning to the original site *subject to consultation*

If it is reasonably possible to give tenants or residents the choice of returning to the site they decanted from, then they will be given that choice. For example, if the new social housing on the site is of a suitable size and type for them. This choice will be made available to people when they are advised of the timetable for the decommissioning, unless there are very exceptional circumstances for not doing so, for example an emergency situation.

In order that people may make an informed decision on whether to return to the site, they should be given the following information as far in advance as possible of their having to make that decision:-

- What type and size of property they could expect to be offered.

- Whether this property will be owned by the council or an RP, and what an RP is.
- If the new tenancy agreement will have different requirements from their current one, e.g. on car parking, where washing can be dried, any different clauses on rent arrears, etc.
- What the layout and appearance of the site will be.
- What, if any, 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.

6.9 Priority allocation for returning to housing on the original site

This concerns situations where there are not enough new properties in total, or not enough of the particular size and type that people are eligible for.

Applicants who are eligible, and who wish to pursue the option, should be offered the first choice of buying into any low cost home ownership option on the site.

Under this policy, people can be offered property of the size and type they are eligible for with reference to the Allocation Policy.

With regard to the rented properties on the site, where there are fewer of a particular size or type of property than returning applicants for them, this will be determined by a local lettings plan.

6.10 Moving to a privately rented property.

Due to the limited stock it may suit households needs better to move into a privately rented property. If a household chooses this option the following will be fully explained to them

- the change in tenure type, the advantages and disadvantages of this.
- the status of their application if they should reapply to Tamworth Borough Council for housing at a later date.
- the implications this may have on any housing benefit claim they may be making from the new property.

Assistance will be provided in finding a suitable private rented property and where required, the Councils bond scheme can be used to assist with a deposit. Where it is an advantage for the Council to do so, additional support or payments may be made. For example where the re-housing of a household is delaying the progress of the decommissioning activity.

6.11 Moving into homeownership or low cost homeownership

Low cost home ownership schemes include shared ownership, shared equity, and part buy/part rent schemes.

Where low cost home ownership is available on the original site then residents wishing to return there will be given information about it. Those who are eligible for the scheme(s) on the original site are to be given priority for the properties concerned, as one way of helping to promote a cohesive community there.

All residents affected by the decommissioning scheme will be given general information about low cost home ownership options as part of the information they will receive on their re-housing options.

Tenants wishing to explore this option will be given help and assistance from the Council including access to an independent financial advisor to assist them to understand if homeownership is a viable option for them and signpost them towards new buy and Local Authority Mortgage Scheme (LAMS) if applicable. This will be provided free of charge. The Council will also reimburse any charges relating to purchasing fees including mortgage arrangement fees, the cost of surveys and legal purchase costs of the new property up to £4000. Where it is an advantage for the Council to do so, additional support or payments may be made. For example, where the re-housing of a household is delaying the progress of the decommissioning activity.

If a tenant decides to move into owner occupation the following will be fully explained to them,

- the change in tenure type, the advantages and disadvantages of this, including repairing liabilities of owner occupied housing.

- the status of their application if they should reapply to Tamworth Borough Council for housing at a later date including the discharging of our duty to house.

6.12 Households who require social housing in another area.

In some cases households will want to move to alternative social housing outside of the Tamworth area. Help and assistance will be provided to help the tenant apply to other areas

6.13 Financially incentivising applicants to lodge with family and friends

It may be desirable to financially incentivise applicants to lodge temporarily with family or friends until permanent re-housing can be found. The accommodation must be suitable and not cause over crowding, affordability issues or homelessness. With under-occupation likely to be a key consideration for people as they face benefit

changes, some residents have indicated this would be favourable as it helps to fully occupy properties in the short term.

6.14 Households who have not been moved out by the time work is due to start

We will do everything possible to avoid this situation occurring. However unforeseen circumstances, for example an emergency situation, may mean that this could happen.

This section applies where we have been unable to offer suitable alternative accommodation to an applicant eligible for it under this policy. If we have offered this and they have refused, then the sanctions in section 2.1 of this policy with regard to possession will apply instead of this section.

It is important that we avoid the expense of holding up the contract for this work. Due to this we will offer several options to temporarily alleviate the situation for any affected households, but only implement them if they agree to them, and they involve less expense for that particular household than delaying the contract for this work. These options will be decided at the time by the project manager, and in accordance with the council's financial regulations.

7 Informing other directorates with the Council and County Council:-

A list of all heads of affected households, and their addresses, will be sent to the Communities, Health and Care Directorate, and the Children's Services and Learning Directorate, to advise them that they will be moving. This is so that they can check if any of these households contain any of their clients.

8 Suspension of the Right to Buy:-

The Council has the right to halt the right to buy in certain circumstances. The decision whether to do this will be taken by the Council's Cabinet. We will do this in accordance with current legislation which, as at the date of this policy, allows for the following.

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 we serve an initial demolition notice 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 we will have decided exactly what properties are to be included in the scheme concerned. This notice is

served where we intend to demolish the property concerned within 5 years. It will include the reasons, and the timescales, for the demolition.

Final demolition notice:-

The service of a final demolition notice, under current legislation, extinguishes the “right to buy” these properties completely. Any prospective “right to buy” purchases which are underway, but have not completed, will not now proceed.

No new right to buy application on these properties will be accepted. In order to serve it we 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.

8.1 Right to buy expenses:-

The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. We will pay these expenses where required to by current legislation, as at the date of this policy 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.

9. Wider Community Impact

9.1 Potential impact to the wider allocations process-Holding of void properties

This is an extreme measure to take and as such, this measure will need to be approved by the Portfolio Holder for Housing before it is implemented.

This measure will only be carried out if the decommissioning scheme is on such a scale that those people needing decanting will not be housed unless we stop the existing housing list, or particular queues within it, from bidding. It will only last for as long as we need to re-house the affected households.

In the event of such a situation occurring, we will offer property by the direct let process to households who come under this policy

9.2 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 decommissioning scheme. 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 by the presence of the scheme. The following measures may be implemented.

On site security

On site security may be provided to ensure the safety of the site and existing residents.

The letting of properties outside of the HRA

Empty properties may be let privately, outside of the HRA, on six month assured short hold tenancies. This would ensure properties would be occupied and help to keep the area safer. It would also provide an income to the Council.

Temporary accommodation

Empty properties may be used to house homeless families who the local authority has a duty to house but who are in temporary accommodation whilst waiting for a suitable property. This would reduce any need for bed and breakfast accommodation.

Discharge of homelessness duty into the private sector

Empty properties may be used, where suitable, for the discharge of homelessness duty into the private sector through the Councils Private sector Leasing Scheme PSL.

9.3 Continued and co-ordinated investment in the wider area.

Investment in the wider area will continue as planned and be co-ordinated inline with regeneration and decommissioning activities wherever possible. This will help to maintain improvement and investment in the area for those households not directly affected by decommissioning of housing stock but who may be affected by wider changes to the community infrastructure.

9.4 Community development work for new housing sites:-

Where people are moving back to the original site, which now has a different population or tenure profile, it is expected that work to develop the community will be carried out by the Council, new owner or landlord of the site. It is expected that this work will include these returning residents.