

Southampton City Council

Decommissioning of Housing Stock Policy

Permanent rehousing due to the decommissioning of council housing stock



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Decommissioning of Housing Stock Policy 2017



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Version	1.0	Approved by	Cabinet
Date last amended	October 2017	Approval date	14/11/2017
Lead officer	Mark Bradbury	Review date	14/11/2020
Contact	mark.bradbury@southampton.gov.uk	Effective date	21/11/2017

Purpose

1. This policy sets out the approach Southampton City Council will take to moving council tenants to a new permanent home, where a decision has been made to decommission the property, meaning that the tenant and their family are required to move out of their current residence permanently.
2. A property will be 'decommissioned' when the council makes a decision either to remodel, redevelop or dispose of the property. This may include the large-scale regeneration of an estate, or occur on a smaller scale, involving smaller numbers of properties or a single property. Southampton City Council will only seek possession of a property let by the local authority for the purpose of decommissioning in accordance with current legislation and statutory guidance.
3. This policy recognises the impact that the decommissioning and loss of home has on tenants and their families, and 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.
4. Southampton City Council will deal with rehousing tenants in accordance with legislation, and using the criteria set out in the council's Allocations Policy and in this policy. The council will seek to meet tenants' needs, and within reason tenants' wishes, on their rehousing within the limitations of circumstances and resource availability at the time. Financial compensation for the loss of the tenants' original home will be paid in accordance with legislation.

Scope

5. This policy applies to all tenants of Southampton City Council affected by a decommissioning scheme or programme.
6. The provisions of this policy do not apply to:
 - Unauthorised occupants or squatters who are inhabiting a property affected by decommissioning.
 - Commercial or industrial property that may be affected by the decommissioning scheme.
 - Leaseholders or freeholders, or their tenants, affected by a decommissioning scheme – this is covered in separate guidance.
7. The policy applies to all Southampton City Council staff who are required to administer arrangements for rehousing, including Tenant Liaison Officers, Allocation Officers, Assistant District Housing Managers and District Housing Managers, as well as any tenants affected by a decommissioning proposal.

Legislative Context and other Related Documents

- Housing Act 1985
- Housing Act 1996
- Homelessness Act 2002
- Housing and Planning Act 2016
- Localism Act 2011

- Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

Southampton City Council:

- Allocations Policy
- Pets Policy

POLICY STATEMENT

Consultation

8. Any provision of information to tenants will be done in line with legislative requirements. Southampton City Council will, wherever possible, ensure that any information provided to people living in the same block, scheme or street will be provided simultaneously, or as close to simultaneously as is reasonably possible.
9. Section 105 of the Housing Act 1985 sets out the legal obligations of local housing authorities for consulting with secure tenants on “matters of housing management” which are likely to significantly affect them, including changes to the management, maintenance, improvement or demolition of properties let by them or the provision of services or amenities in connection with those properties. S137 of the Housing Act 1996 imposes similar consultation requirements on local authorities for introductory tenants. Southampton City Council will consult with tenants affected by a proposed decommissioning scheme in accordance with this legislation.
10. The formal S105/137 consultation period will be in accordance with current legislation, and will be for a minimum of 28 days. These time periods are in addition to any formal periods of notice which have to be given. During this consultation period, tenants will be informed of the council’s proposals for the scheme, including the phasing of work to minimise disruption, and will be able to make their views known to the council within this period. These representations will be considered before the council makes its final decision.
11. If possession proceedings are being brought under Grounds 10 or 10A of the Housing Act 1985 (as amended), the council will consult with tenants as a pre-condition of obtaining approval for the scheme concerned. As part of this process a written notice of the scheme will be served on every affected tenant under Schedule 2, Part V of the Housing Act 1985 (as amended). Tenants have a minimum of 28 days to respond to the consultation. If possession proceedings are brought under Ground 10A the council must consider any representations before applying to the Secretary of State for approval and the Secretary of State must also consider the representations before making a decision.
12. Once a decision to proceed has been made, consideration will be given to the processes used to gain possession of the properties concerned. The first option will be to come to a voluntary agreement with the tenants concerned. If voluntary agreement does not prove possible, will seek possession orders in the County Court (under the Housing Act 1985, as amended).

13. A list of all households affected by the proposed decommissioning scheme, and their addresses, may be shared with relevant internal council services, including the Adults, Housing and Communities Service and the Children and Families Service, to advise them that they will be moving. This information will be used to establish whether the resident is a service user, and whether any reasonable adjustments to the provision of services need to be made.
14. Property in the process of 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.

Rehousing: eligibility and application

15. Southampton City Council will seek to reach a voluntary agreement with tenants on their rehousing. The council will notify tenants in advance, giving as long a period as possible of the need to move home as is reasonably possible. This period of notice will also be in line with legal requirements. During this period the council will work with the tenant and their family to rehouse them according to their needs.
16. Tenants will be eligible for rehousing if the property being decommissioned is occupied as their only or principal home at the time of the public notification of the council's decision to take forward the regeneration project/scheme, and they are still residing at the property as their principle home at the time of rehousing. Any concerns about whether or not a tenant is living at a property as their only or principal home will be verified by relevant investigations.
17. The council will seek to rehouse eligible tenants 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 tenants start to move out. A rehousing timetable, or plan, will be set on an individual scheme basis so that all affected households, and all other involved parties, are aware of the likely deadlines involved.
18. Whilst we will do what we can to rehouse people in this situation quickly, in order to achieve this it will also be in the interests of tenants to consider properties and areas that give a realistic chance of rehousing within the timescales allowed.
19. Council tenants who will be displaced by a scheme to decommission the housing stock they live in may be rehoused in council or partner Housing Association accommodation, unless the tenant falls under the exemption in section 20.
20. Tenants are exempted from this policy and will not be rehoused if an outright possession order against the tenant has been issued by a court, for a breach of their tenancy conditions, unless the council has determined there are exceptional circumstances
21. Tenants due to be rehoused under this policy must provide adequate information to inform an assessment of their housing need. This information should be provided through the completion of a housing application form.
22. The housing needs and requirements of those to be rehoused under this policy will be determined by officers using the criteria set out in the council's Allocations Policy and in this policy. Any applicant for rehousing must meet the council's eligibility criteria in terms of immigration status and the council retains the right to check the immigration status of the applicant.

23. The date of registration for the housing register, for households being rehoused under this policy is the date on which the Cabinet of the council approved the regeneration project/scheme affecting their home. If the applicant already has a current Housing Register application, the date of this application be used.
24. All tenants accepted for rehousing under this policy will be awarded “exceptional points” in accordance with the Allocations Policy. Each application under this policy is to be approved by the Allocations Manager. These points are awarded to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming decommissioning work.
25. These “exceptional points” are to be awarded as “short-term points” in accordance with the Allocations Policy. They will be awarded for four months. Any extension of this time-period will need to be approved by the Allocations Manager, in consultation with the project manager of the decommissioning scheme.
26. Southampton City Council reserves the right to place bids on behalf of tenants and make an offer directly when tenants do not make bids for themselves via the Homebid process.

Rehousing: assessment

27. Tenants will be required to bid for a new property under the Allocations Policy using the Homebid system. Households being rehoused under this policy will be able to bid for properties 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.
28. If a household member is rehoused separately, or moves away, from the original household during the period of notification, then the size and type of the property the original household is eligible for will be re-assessed in the light of the household member(s) having moved out. A re-assessment will also take place if there are other changes in circumstances affecting a household's housing need. Tenants will be required to notify the council of any changes of circumstance including changes in their household size.
29. Needs assessments will be done at the earliest possible stage of each decommissioning phase, for all the affected tenants 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.
30. Tenants in ‘dog friendly’ properties will have the option to bid for similar properties. Where a tenant has a dog in property where dogs are not permitted, the dog will not be considered when assessing a household's needs, in accordance with the council's Pet Policy.
31. Tenants will have the opportunity to identify areas in which they would prefer to live by bidding on properties in their area of choice. However, consideration must be given to the locality and availability of social housing in the city. Areas of choice will be reviewed if a successful bid has not been placed at the end of the four month period (see section 26).
32. In some exceptional circumstances, tenants may be directed by the council to follow a different process rather than using Homebid to bid for a new home. This may include circumstances in which the numbers concerned are too large, or timescales too short, to

enable rehousing by Homebid within the timescales required. In these cases, or where a household has very specific needs (such as an assessed need for wheelchair suitable accommodation) offers of alternative accommodation will be made directly, outside of Homebid.

33. There is no statutory right to return to a site that has been redeveloped. However, tenants who move away from the site will be offered one opportunity to return to the redeveloped site. This offer will only be made subject to suitable accommodation being available. Tenants will only receive support and compensation for one move (the initial move from the site being developed). Tenants who elect to take up an offer of returning to the site at a later stage will not receive additional support or compensation. The tenant will be responsible for any costs incurred by them as a result the move back to the site.

Rehousing: circumstances in which suitable housing is not available

34. If, even with “exceptional points”, a household does not have enough points to obtain a property they are eligible for, because the supply of that property is very restricted, then they may be given a boost in points, up to the equivalent of two years waiting time points under the Allocations Policy. These points are given rarely, only in very exceptional circumstances, and requires a Senior Manager’s approval. These points only apply for the duration of this move, and not for any other application for housing. These provisions may apply where the household is eligible for scarce, larger family housing (for example a 4 bedroom property), or where someone in the household has a very specific requirement.
35. Tenants will be able to bid for, or be direct let, a property that is the next best alternative. This is to at least help to alleviate issues such as the number of stairs leading to, or overcrowding, in their current property. Once they have moved they can apply to the housing register for further rehousing, with their housing points and eligibility at their new address being assessed in accordance with the Allocations Policy. At this point the provisions of this policy will cease to apply.
36. The council retains the right to stop other housing register applications from bidding for properties in circumstances in which there is high housing demand due to decommissioning. This measure will be approved by the Cabinet Member for Housing and Neighbourhoods before it is implemented. This measure will only be carried out if the decommissioning scheme is on such a scale that those people needing rehousing will not be housed unless we stop the existing housing register, or particular queues within it, from bidding. It will only last for as long as required to rehouse the affected households.
37. In some exceptional circumstances, for example an emergency situation, a tenant may not have been rehoused before the decommissioning work is due to begin. In this situation the council will provide 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 the work. If these options have been offered and are refused by the tenants, the council will take legal action to remove the tenant from the property (see section 44-48).

Rehousing: impact on tenancies

38. An existing secure council tenant, moving to another council tenancy, will be given another secure tenancy. If they move to a Housing Association property they will be given the equivalent, in the form of an assured tenancy. (It should be noted that Assured

tenants do not currently have the right to buy, although changes under the Housing & Planning Act 2016 are making this voluntary for Housing Associations. If tenants wish to preserve the right to buy their home, they should establish whether this exists with the nominated Housing Association.)

39. An existing introductory council tenant, moving to another council tenancy, will be granted another introductory tenancy for the remainder of their probationary period. If they move to a Housing Association property they may be granted an assured shorthold tenancy in accordance with the policy of that landlord.
40. An existing demoted council tenant will, if they transfer to another council property, no longer be a demoted tenant. They will be granted an introductory tenancy of their new home, as immediately prior to their move they were no longer a secure tenant. The review date for this introductory tenancy will be set at the 12 month anniversary of the start of the new tenancy. If moving to a Housing Association, they may initially be given an assured shorthold tenancy in accordance with the policy of that landlord.
41. When rehousing demoted council tenants, any receiving housing office or Housing Association will be advised that they were demoted as a sanction in response to their antisocial behaviour, and what that behaviour was.
42. An existing flexible tenant will be offered a Flexible Tenancy (council) to the end of their current tenancy period, but if less than 6 months left, the tenancy should be reviewed and if eligible a further new flexible tenancy offered under appropriate conditions.
43. The tenancy exclusion for unacceptable behaviour under the Allocations Policy does not apply to applicants who have to be rehoused by law, as they are losing their home due to its being decommissioned. However, tenants will be excluded from rehousing if they are in the immediate process of being evicted for breaching tenancy or lease conditions, i.e. their eviction is due on or before the date their property is needed back for the decommissioning scheme.

Legal Action

44. In all cases, the preferred approach is to reach a voluntary agreement with the tenant on the vacation of the property and rehousing options. Where it has not been possible to come to a voluntary agreement with the tenant, the council will pursue a possession order.

Possession Orders

45. As above the council will always attempt to obtain a voluntary agreement with a tenant to be re-housed. If though a tenant refuses to move the council can seek a possession order from the Court. Under current legislation, if the council applies for possession of the property under Grounds 10 or 10A of the Housing Act 1985 (as amended), the council must 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.
46. In accordance with the Housing Act 1985 Schedule 2 Part IV, the council will take into account the following considerations for rehousing when a possession order has been sought:
 - the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;

- the distance of the accommodation available from the place of work or education of the tenant and of any members of his family;
 - its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's well-being;
 - the needs (as regards extent of accommodation) and means of the tenant and his family;
 - the terms on which the accommodation is available and the terms of the secure tenancy;
 - if furniture was provided by the landlord for use under the secure tenancy, whether furniture is to be provided for use in the other accommodation, and if so the nature of the furniture to be provided.
47. If the council determines it wishes to seek possession of a property it must first serve a formal Notice on the tenant usually a Notice Seeking Possession which gives the tenant a period of time to vacate the property and give possession to the council. The council must follow the relevant legislation and court rules. Possession orders can be sought by the County Court or High Court.
48. With regard to any secure tenancy the initial process for process is the service of Notice under Ground 10 or 10A of the Housing Act 1985 (as amended), followed by court action if the tenant fails to vacate the property after the Notice period has expired. Alongside this the council will, as this Act requires, offer "suitable alternative accommodation" to the tenant. This accommodation will be available at the time the notice is served and the council will need to demonstrate that suitable alternative accommodation is available for the tenant and their family at the time of the possession hearing. If the Court make a possession order it will usually give the tenant 28 days to vacate the property.

Outstanding debt

49. Applicants who owe a housing debt to the council will, if it is not cleared, take that debt with them to their new address. When an offer of a property is made, any such debts will be recorded in the information sent either to a receiving housing office, or in a nomination to a Housing Association.
50. Before any compensation (discretionary or statutory Home Loss) is paid to a tenant, the Council will look to deduct any housing debts owed to the council from this payment. The council will not deduct any housing debts from any disturbance payments.

Compensation Payments and Support

Home Loss Payments

51. A Home Loss payment is a sum paid to a 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 any disturbance allowance or payments made. A Home Loss payment is paid as a lump sum, and is only paid once, even if subsequent moves are undertaken by the tenant in relation to the original decommissioning and rehousing. Unauthorised occupants and squatters will not be paid home loss compensation.
52. A Home Loss payment must be claimed in writing, unless the applicant is unable to submit in this format. The amount paid is laid down in national legislation. It will be paid only once, and will be paid to the statutory tenant. Only one payment is made to joint tenants.

53. The time limit for claiming Home Loss compensation is the statutory limitation of six years. A home loss payment will be paid within three months of the tenant making an application for it, and provided the household has moved from the original property.
54. 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 to their old property to the council and given vacant possession.
55. A tenant will qualify for Home Loss compensation if:-
- a. They have occupied that accommodation as their only or main residence for a minimum period of one year.
.... and
 - b. They have to move out of the property permanently, either because of improvement or development works that we will be carrying out, or because their home is being demolished.
56. 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.
 - They are there on a decant move from another address, and have been living at the property concerned, as their only or main residence, for less than a year.
 - They moved in after the decision to carry out the decommissioning work was formally made by the council, and they were advised in writing of this decision.
57. A tenant will not qualify for compensation if they elect to move outside the provisions of this policy.
58. Home loss compensation is counted as capital for Housing Benefit and Council Tax Reduction purposes, as well as for any other purposes (e.g. income based welfare benefit claims). It is the legal responsibility of Housing Benefit and Council Tax Reduction claimants to advise the council's Benefits Service as soon as they receive this increase to their capital. The council will remind them of this legal duty when the payment is made.
59. 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 council's 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.

Disturbance Payments

60. Disturbance Payments are a payment made to tenants to compensate for certain costs which may be incurred because Southampton City Council requires vacant possession of their property, and therefore the tenant is required to move.
61. Disturbance costs that you can claim from the council include:
- Removal costs
 - Redirecting mail (for 1 year only)
 - Carpet alterations
 - Curtain alterations
 - Disconnection and reconnection of appliances
 - Disconnection and reconnection of services
 - Special adaptations of the replacement premises
 - Moveable fixtures and fittings

- Special adaptations to replacement properties
- Replacement carpets and curtains- However these are only permitted if you can demonstrate that your existing furnishings do not fit your new home, or cannot be modified to fit your new home.
- Other expenses as considered appropriate

62. The Disturbance Payment can be paid in two ways:

Option 1:

A one-off lump sum payment. If the tenant chooses this option the full amount will be paid in a single sum, regardless of the actual cost incurred to the tenant. The tenant will not be required to submit receipts and invoices for the costs incurred by their vacation of the property. The lump sum amounts offered by the Council are detailed in Annex A.

Option 2:

A claim for actual costs and losses, for reasonable expenses directly related to the move. To qualify for this payment the tenant will be required to submit all receipts and invoices relating to the additional costs incurred to them by the requirement to vacate the property to verify the claim amount. The receipts and invoices may be checked and queried by Southampton City Council before payment is issued.

63. If the tenant chooses option 2 it is important that all receipts and invoices are produced, and recommended that they use reputable companies which provide genuine receipts and invoices that feature:

- VAT Registered and VAT Number
- Company headed paper
- Contact details
- Company registration details
- Date
- Invoice number
- Description of services provided
- Invoice total

64. Disturbance Payments will be paid to the tenant at the point at which vacant possession of the property is returned to the council.

Additional Support

65. Additional practical support with the move including organising removals, packing and un-packing, arranging the disconnection and reconnection of white goods and utility connections, may be made available to vulnerable tenants.

Governance

66. Southampton City Council's nominated Head of Capital Assets is the lead officer accountable for ensuring that the decommissioning of council properties is undertaken in a manner that is at all times compliant with this policy.

67. The rehousing of tenants affected by decommissioning will be monitored in order to keep a check on the progress and cost of their rehousing, and to be of use when planning for any future decommissioning schemes. This monitoring will be the responsibility of the Allocations Manager, who will be provided with any necessary statistics and information by the project manager and the local housing office concerned.

68. This policy sets out the minimum standards and services which Southampton City Council will provide to tenants in cases where they are affected by the decommissioning

of property. The council retains the right to act outside the provisions of this policy to provide additional support or compensation on a discretionary and case by case basis, provided the services and provisions are at least in line with the minimum standards set out in this policy.

Annex A: Disturbance Payments

Disturbance costs are to cover the expenses of moving home including removal costs, disconnections and reconnection fees, new carpets and curtains etc.

Option 1: Southampton City Council's fixed sum for moving out is as follows:

- Studio/one bed properties £1,200
- Two bed properties £1,500
- Three bed or more properties £1,800

Only one Home Loss and one Disturbance payment will be made per property

[END]