

Cheshire West & Chester Council

# Council Housing

## Decant Policy

Issue date: July 2024  
Review date: July 2027



Cheshire West  
and Chester

## 1. Management Information

Approval Date:	July 2024
Next Review Date:	July 2027
Policy Owner:	Janet Lawton, Head of Council Housing Management Service
Responsible Service Area:	Council Housing Management Service
Responsible Director:	Director of Economy and Housing

## 2. Introduction

This policy sets out the Council's approach to managing tenant decants in circumstances where they need to move temporarily or permanently from their homes. It provides a clear framework to ensure that all affected households are treated fairly, supported throughout the process and that disruption minimised.

## 3. Aim of Policy

This policy aims to ensure that sufficient and reasonable support is available to Council tenants that require either a temporary or permanent decant. In certain circumstances, this may require moving a tenant into alternative accommodation. The Decant Policy will take effect when alternative options have been explored e.g. staying with family or friends.

The key principles of the policy are to:

- Ensure that communication is sent out promptly and in a timely manner to the tenants involved.
- Ensure that tenants are supported throughout the decant process.
- Ensure that the work is carried out in an efficient manner.
- Minimise the inconvenience and disruption to tenants.
- Ensure that the decant period is as short as possible.
- Appropriately compensate tenants for any losses, costs or inconvenience caused by the decant. This would mean ensuring that tenants were not 'out of pocket' due to the move. Home Loss payments are only to be made in certain circumstances.
- Reduce or minimise the potential health and safety risks to the tenant.
- Reduce or minimise any legal claims against the Council.
- Establish home loss payments where appropriate.
- Establish if other statutory payments are appropriate.

## 4. Strategic context

This policy helps the Council to meet the following national and local strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Safety and Quality Standard

- Transparency, Influence and Accountability Standard
- Tenancy Standard

[CWAC Borough Plan 2024 – 2028](#) - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough`s children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.
- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

[Together with Tenants Charter | Cheshire West and Chester Council Council-housing-asset-management-strategy-final Tenant Engagement Strategy 2025-30](#)

## **5. Definitions and legislation**

Decanting is when the Council requires a tenant to be temporarily or permanently moved from their current home based on the level of works required. A decant would apply in the following circumstances:

- Emergency major incidents (e.g., flood, fire, gas explosive) which have made a property unsafe and uninhabitable.
- Major remedial treatment (treating damp, dry rot, woodworm, chemical treatments) which would make a property unsafe and uninhabitable.
- Structural work to the property (major structural flooring, subsidence, etc).
- If there is a Category 1 hazard as per the housing health and safety rating system (HHSRS) which is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in properties.
- Other major works which could not be completed safely while the property is occupied or would exacerbate any medical condition that is evidenced by the tenant.

Works identified as part of a damp and mould survey will be assessed if they can be carried out safely whilst the property occupied. Carrying out any intrusive and / or dusty works in any home as part of property maintenance is unavoidable so when carrying out this type of work, staff will work with tenants to understand their individual needs and aim to work together to meet these. For short-term disruption discretion will be considered to offer respite where tenants or members of their household have medial support or care needs which would be adversely affected during the time the works are carried out.

Planned property improvements do not fall within the scope of this Decant policy as these are prearranged with tenants who occupy the property. (e.g. kitchen and bathroom refurbishment, installation of new windows and external doors, full roof replacement, full rewiring works, works, install damp proof courses, etc.).

## Legislation

Statutory / regulatory and standards which underpin the policy:

LEGISLATION	ISSUES
Housing Act 1985	Security of tenure Removal expenses Possession Landlord obligations
Housing Act 1988	Grounds for possession
Land Compensation Act 1973	Home loss Disturbance payments Re housing Duties
Local Government and Planning Act 1980	Amended the Land Compensation Act 1973
Planning and Compensation Act 1991	Home loss payment update
Housing Act 1996	Grants Allocations Homelessness Nominations

## 6. How the policy will be delivered

To minimise the disruption of a decant as well as understand the needs of each tenant and their household, we will undertake a decant assessment and agree a plan. The tenant(s) will be kept informed throughout the decant process to identify and offer any additional support requirements.

### Temporary Decant

When a tenant is being temporarily decanted, their tenancy is transferred to the temporary property. However, their rights as a tenant (Secure and Introductory) remain and the rent to be charged on the temporary property will not exceed the rent charged at their permanent address.

The temporary accommodation provided by the Council will be determined by the Neighbourhood Services Lead on the type of property required and the urgency of the requirement. Void properties will be utilised for decant purposes. In extreme cases and following the Neighbourhood Services Lead approval, temporary accommodation may be sought at a B&B or hotel.

All the properties used will be of a decent standard and will meet the Lettable Standard. As soon as the Council are aware that a decant property may be required, work should commence to identify a suitable property, and the tenant must be consulted.

The tenant must be kept informed throughout the whole process and should be given an estimated timescale prior to work commencing which should be updated on a regular basis should additional works be required.

A license agreement should be undertaken for the temporary decant property, not a new tenancy agreement.

**Permanent Decant**– a permanent decant would need to take place in the following circumstances:

- A permanent decant would need to take place in the following circumstances:
- The property is in a major redevelopment area and the Council needs possession of the property to either redevelop or demolish the property.
- The property requires substantial modification (e.g. three small properties may be remodelled to make two larger properties).
- The property forms part of a building that is undergoing a change of use.
- Staff will ensure that the new property is suitable for the tenants, and their household needs.

### **No Access**

In cases where tenants are required to move out of their home on a permanent or temporary basis, the following guidelines will be followed:

- Initially all tenants who are being required to move due to repairs or improvements to their property will be contacted by the Council.
- If tenants fail to respond, a letter should be sent making a one-to-one appointment. Failure to allow access at this point should result in a second letter being sent. If no access continues to be an issue, the Neighbourhood Services Lead should be informed so that appropriate action can be taken.

### **If a tenant refuses to move**

If a tenant refuses to move, where possible, the Council will seek to reach an agreement with the tenant. However, where this is not possible and it is essential that the works are carried out to the property, the Council will consider court action to seek possession of the property so that the works can commence. Court action will only be successful if it is decided that it is reasonable and that the tenant has suitable alternative accommodation to move to.

If a tenant refuses to move from the temporary accommodation back into their permanent accommodation the Council may either seek to allow them to remain if it is like for like and it is beneficial for both the tenant and the Council, or it may be necessary for legal action to commence if the Council do not approve the tenant remaining in the property they have been decanted to.

### **Compensation and expenses**

Tenants who are to be permanently decanted and cannot return to their properties are entitled to either a 'Home Loss' payment and/or a 'Disturbance Allowance' as per section 29 of the Land Compensation Act 1973. Home Loss payments can be provided to tenants who have lived in the property for 12 months or more and are being made to leave their property permanently. The Home Loss payment is £6100.

Tenants who are to be permanently decanted and have not resided at the property for a year are provided Disturbance Allowances. This is paid to the tenant to contribute to a reasonable expense of moving and is not limited to providing removal expenses only.

When a tenant is required to move on a temporary basis, the Council will financially assist them to move into the temporary property and then back in to their permanent home. These costs include:

- The removal and transfer of the tenant's possessions.
- Removal and refit/storage of carpets (where necessary)
- Disconnection and reconnection of cookers, washing machines and refrigerators.
- Redirection of post.
- Telephone and Broadband disconnection and reconnection.
- Refitting of curtain rails.
- Storage of any belongings which do not fit into the temporary property.
- Refitting of any personal house alarms and CCTV.

### **Home Loss for Owner Occupiers and Leaseholders**

Where a property is owned by a leaseholder or owner occupier and it is due to be demolished, we will offer 10% of the market valuation of the home, between the minimum of £6,100 and the maximum of £61,000.

These amounts are set out by law in the Land Compensation Act 1973 (Home Loss Payments Regulations updated 2008).

If a Compulsory Purchase Order is made, the District Valuer will conduct the valuation, and the offer of home loss will be made on this valuation.

As with all expenses / compensation payments, tenants should be advised to keep copies of their receipts showing the money they have spent on the move wherever possible.

Outstanding payments e.g., arrears or recharges will be offset against any Home Loss payment offered.

## 7. Equality and reasonable adjustment statement

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

## 8. Related Documents

[Allocations Policy 2021-2026](#)

## 9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	Inform that this policy can be provided in alternative formats.  Inform about the ongoing equality and diversity training for staff in the delivery of this policy.
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## 10. Consultation and Business Intelligence

The policy was created in consultation with the Council's tenants leaseholders and staff.

## 11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

## 12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council's Executive Cabinet.

Version	Approved by	Date
Approval - V1	ForHousing ( HMT) SMT	30 April 2018

Version	Approved by	Date
Approval - V1	Cabinet Member for Homes and Planning	8 September 2018
Approval - V2	Cabinet Member for Homes and Planning	17 February 2022
Approval – V3.1	Cabinet Member for Homes and Planning	2 July 2024
Approval – V3.2	Cabinet Member for Homes and Planning	3 September 2025

### 13. Document Revision History

Date amended	Version	Key Changes
September 2018	1	Original Version
March 2021	2	Under Policy heading corrected if the property is in a major redevelopment area and CW&C needs possession of the property not ForHousing.  Under Temporary Decant tenancy types under rights as a tenant from assured to Secure.  Updated CW&C responsible Director name and title.
April 2024	3	Information on damp included within the policy
June 2024	3.1	Revised version following tenant feedback: <ul style="list-style-type: none"> <li>• Improved layout to policy document.</li> <li>• Included section about making best use of stock.</li> <li>• Included more detail in appeals process section.</li> <li>• Informed on the various decant options.</li> <li>• Informed on support available to tenant.</li> <li>• Included the refitting of CCTV.</li> <li>• Made clear that this policy document can be provided in alternative formats.</li> </ul> Informed about the ongoing equality and diversity training being provided to staff in the delivery of this policy.
September 2025	3.2	Revised version to take into account the insourcing of the housing management service from ForHousing to the Council.

