

# **CAMBRIDGE ROAD ESTATE (CRE) KINGSTON KT1**

## **COUNCIL TENANTS' DECANT POLICY**

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## **1 PURPOSE**

- 1.1 The Council has ambitious plans for the Cambridge Road Estate. Regenerating the estate will require a programme of ‘decants’ – moving residents from their homes whilst improvements are carried out – which this policy will enable.
- 1.2 The policy sets out how the Council intends to manage the process of moving its secure tenants (Council tenants) from their homes in order to facilitate the regeneration of the Cambridge Road Estate. This policy applies to Cambridge Road Estate Kingston Council tenants only, but may be adopted in future for other Kingston Council tenants elsewhere.
- 1.3 The Council recognises the major impact moving out of an established home can have and this document outlines the Council’s approach to decants. It also explains entitlements to financial assistance that may be offered in certain circumstances and the practical guidance and support the Council can provide to those affected.
- 1.4 The policy outlines how the Council will obtain possession of properties on the Cambridge Road Estate and how tenants will be moved to alternative accommodation, where necessary.

## **2 CONTEXT AND AIMS**

- 2.1 This policy should be read alongside the Council’s current Housing Allocations Scheme.
- 2.2 The aim of the Cambridge Road Estate regeneration is to increase both the supply and quality of affordable housing in the area, in line with the Council’s stated objectives as set out in the Council’s Housing Strategy 2015 – 2020 and the Council’s Housing Allocations Scheme. In order to achieve the Council’s ambitions for more and better quality homes existing housing stock will need to be demolished.
- 2.3 The Council is committed to meeting tenants’ housing need in the first instance and will also take account of wishes, meeting them where this is reasonable and achievable in the context of wholesale estate regeneration.
- 2.4 The Council has published two separate decant policies, one for secure Council tenants (this policy) and one applicable to Leaseholders and Freeholders (a separate policy).
- 2.5 The Council will exercise discretion in applying this policy but will comply with duties imposed by statute, any relevant mandatory code of guidance and its own policies. The Council is committed to ensuring that no person receives less

favorable treatment on the grounds of their protected characteristics as defined in law, by: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex, and sexual orientation.

### 3 SCOPE

- 3.1 This policy applies to the Cambridge Road Estate only and secure tenants on that estate who are Kingston Council tenants.
- 3.2 This policy does not apply to squatters; private tenants; sub-tenants; lodgers; non-resident landlords, and licensees; nor does it apply to any unauthorised residents or occupants.
- 3.3 This policy will not be used in the case of emergency repairs, as existing procedures for decanting for repair are dealt with within the Council's Housing Allocations policy.
- 3.4 This policy does not apply to Leaseholders and Freeholders on the Cambridge Road Estate. There is a separate policy applicable to Leaseholders and Freeholders on the Cambridge Road Estate.
- 3.5 Any existing households housed in temporary accommodation on the estate (not housed there as part of the decanting process for secure tenants because of the planned regeneration) will not be eligible for the full range of rehousing options available to secure tenants. Any such households will be offered temporary accommodation in accordance with the allocations policy.
- 3.6 Private tenants living on the estate will receive advice and assistance from the Council's housing options service and are not covered by this policy.
- 3.7 This policy will be used by the Council, either:
  - to move tenants on a temporary basis whilst permanent accommodation is being built (a temporary decant); or
  - to move tenants directly to permanent accommodation (a permanent decant).

### 4 LEGAL FRAMEWORK

- 4.1 Legislation and the relevant policies, strategies, etc., used to formulate this policy are set out below (including legislation as subsequently amended or re-enacted):

#### Legislative & policy context:

- Land Compensation Act 1973

- Housing Act 1985
- Housing Act 1996
- Town and Country Planning Act 1990
- Human Rights Act 1998
- Homelessness Act 2002
- Housing Act 2004
- Section 138C of the Housing Act 1985, which was inserted by Section 183(2) of the Housing Act 2004
- Housing and Regeneration Act 2008
- Equality Act 2010
- Housing and Planning Act 2016
- RBK Housing Allocations Scheme
- Cambridge Road Estate Freeholders and Leaseholders decant policy
- RBK Equality policy
- RBK Strategic partnership
- RBK Housing Strategy 2015-20
- LDF Core Strategy Adopted April 2012, Thematic Policies 6: 149 (planning).

## **5 DEFINITIONS AND GLOSSARY OF TERMS**

- ‘The Council’ means Kingston Council (RBK)
- ‘Tenant’ means secure tenant of Kingston Council (or Private Registered Providers by agreement) unless we specifically state otherwise
- ‘Secure tenant’ refers to a tenant occupying a property on the basis set out in sections 79 - 81 of the Housing Act 1985
- ‘Current legislation’ means the law in place at the relevant time during the operation of this policy
- ‘Decant’ describes the process where residents are required to move from their homes because the Council has plans to regenerate land including their home
- A ‘permanent decant’ / ‘permanent rehousing’ means a tenant being moved out of an old property to a new home where they will live permanently
- A ‘temporary decant’ / ‘temporary rehousing’ means a tenant being moved out of their old property for a period of time until an alternative or permanent new home is available
- ‘Regeneration’ means rebuilding, redeveloping or renewing with improvements an area and / or the provision of new-build homes within it
- ‘Rehousing’ means the provision of alternative housing.

## **6 WHY WILL CAMBRIDGE ROAD ESTATE (CRE) NEED ‘DECANTS’?**

- 6.1 A big regeneration scheme like that planned for Cambridge Road will have its own development (building) plan and timetable that will affect the rehousing options available to secure tenants. The regeneration is likely to be carried out in phases over a period of years with blocks demolished at different times.
- 6.2 Different phases of construction will mean that some households will lose their existing home before a new home is available. When this happens tenants will have the opportunity to move to another home, either temporarily or permanently.
- 6.3 This policy will help the Council 'obtain vacant possession of' (take back) parts of the estate as they are needed for re-building, as well as manage the decanting process. The Council will ensure people are given the proper notice when they have to leave their old property in line with our legal duties and social responsibilities.
- 6.4 The Council will ensure that secure tenants are offered suitable alternative accommodation that meets their need. Where secure tenants refuse offers of alternative accommodation, which the Council believes are suitable, and rehousing by negotiation or voluntary agreement is not possible, the Council will seek possession through the use of appropriate means. Details of how the Council will make offers, including any necessary bidding and the number of offers, is explained in this policy. Means may include use of powers under the Housing Act 1985 to secure possession on the grounds of the Council's intention to redevelop the estate or the use of CPO.
- 6.5 The Council is committed to doing all that it reasonably can to support households to move on a voluntary basis by mutual agreement. Support will be provided to tenants to move through the rehousing process with as little disruption as possible and this process will begin with all those affected being assessed through a housing needs survey, as detailed in Section 7, following here.

## **7 HOUSING NEEDS SURVEY**

- 7.1 Individual housing needs surveys will be completed in a number of ways and if a tenant wants a home visit this will be arranged.
- 7.2 As the regeneration progresses tenants will be kept informed about the decanting programme and housing options. A decant rehousing application will be completed with tenants and housing needs and aspirations discussed, including any health issues (which will require a separate medical assessment to be completed) affecting housing need, in accordance with the Housing Allocations Scheme. The information gathered will inform size, floor level and mobility needs for each household and the level and types of support needed.

- 7.3 Tenants will choose a rehousing option, subject to eligibility criteria or any exceptional circumstances, for either permanent or temporary rehousing.
- 7.4 Where a housing medical assessment form is completed the Council's medical advisor will make a recommendation to the Council, usually notified in writing to the tenant within 10 working days, unless additional supporting information is sought by the Council. There is a right to appeal in writing against any medical advisor recommendation in line with the Allocations Scheme. A new medical form can be completed when there is further evidence to provide to the Council's medical advisor.
- 7.5 Any existing households housed in temporary accommodation on the estate (not housed there as part of the decanting process for secure tenants because of the planned regeneration) will also be visited as part of the needs assessment process but will not be eligible for the full range of rehousing options available to secure tenants. A rehousing plan will be agreed with temporary accommodation households and the process and timescales of a move explained to individuals concerned. All moves will happen in line with the agreed criteria for prioritising moves into alternative accommodation as set out in the current Housing Allocations Scheme. Any such households will be placed on the temporary accommodation transfer database and will be contacted when suitable alternative accommodation is available, but are not covered by this policy.

## **8 NEW HOMES - LETTINGS PLAN**

- 8.1 As new homes are built, and become available to let by the Council, first priority for social rehousing will go to those decanted tenants who have been temporarily rehoused. After this rehousing priority will be given to those tenants in homes due for demolition and, finally, any remaining homes will be used to house other priority households from the estate.
- 8.2 Once 'Master-Planning' (the creation of the overall design plan for the estate's street lay-outs and broad outlines for design of buildings) is complete the Council will produce a Lettings Plan, in line with the Council's Housing Allocations Scheme, which will include designated mobility properties or wheelchair homes being matched to applicants assessed as needing those properties.
- 8.3 Properties becoming empty on the Estate will only be re-let on a temporary or other non-secure basis, so that vacant possession can be obtained and the property handed over to the developer when required for the regeneration.

## **9 THE DECANt PROGRAMME**

- 9.1 The decant programme will move households either on a temporary basis, whilst new homes are being built (a temporary decant), or directly from their current secure tenancy to a new home (a permanent decant).
- 9.2 Detailed procedures will be developed to support the decanting programme, including the Local Lettings Plan (referred to above), the decant strategy (prioritising some tenants and some blocks for decanting), and a Communications Strategy (how the Council will keep everyone well informed).
- 9.3 There are five possible options that may be available in the decant scheme. The offer and support available to secure tenants who need to move as a result of regeneration and or development, detailed in the table, below as follows:

Option	REHOUSING OPTIONS
1.	<b>Move straight into one of the newly built homes</b> – when new homes are built the Council will aim, where possible, for new homes to be completed before you have to move out of your old property, with all secure RBK tenants retaining the same terms and conditions of tenure. RBK tenants from the Cambridge Road Estate who choose to live on the regenerated Cambridge Road Estate will remain tenants of the Council if that is their preference; their tenancies will be lifetime secure tenancies with the Council as their landlord.
2.	<b>Get high priority to bid for other homes in your local area or across Kingston</b> – if a secure tenant wants to move to a home advertised on Choice Based Letting (CBL) they will be given high priority, which means they will have a stronger chance of being offered the property as a permanent rehousing offer. This offer might be attractive if there is a particular estate, family member, friend, workplace or school the secure tenant wants to live closer to.
3.	<b>Move into a sheltered housing scheme</b> – secure tenants who qualify for sheltered housing may choose to be re-housed in one of Kingston's sheltered housing schemes, or, if wanting to move outside of London, apply on the Seaside and Country Homes Scheme.
4.	<b>Become a homeowner through a shared ownership scheme</b> - secure tenants will receive priority for new homes being built for shared ownership designed to help households get onto the housing ladder. As a secure tenant you will need to make your own financial arrangements to make sure you can afford to enter into any such arrangement. The minimum proportion to be purchased will be 25%, with the ability to purchase increased shares over time up to 100%.
5.	<b>Accept a temporary rehousing offer but have the option to return to a new home on the Cambridge Road Estate once construction is complete</b> – if it is not possible to complete the new-build homes before a secure tenant move out of their old property, the Council will temporarily re-house the secure tenant until construction of the new home is complete.

- 9.4 In accordance with the Housing Allocations Scheme the size of alternative accommodation offered will depend upon the household's housing needs and the number and ages of the individuals who are deemed to be authorised occupants at the time of the move. Consideration may be given to tenants who are currently under-occupying their homes as to whether an offer of one bedroom over their assessed housing need could be made. However, this will only normally be considered if, for example, a resident is in poor health and needs a bedroom for a full-time carer in line with the allocations policy. Further, any request will be assessed by the Council's Medical advisor in line with the guidance set out in the Housing Allocations scheme.
- 9.5 Applicants requiring wheelchair/mobility homes will be assessed in line with the Housing Allocations Scheme and property allocated as appropriate, in accordance with the household's needs.
- 9.6 Tenants will be advised in writing, once all the information has been provided and the application assessed, of their application reference, bed size entitlement, mobility need (if applicable) and original tenancy start date.
- 9.7 The letter will include all the information required to bid for properties and the date their application will be activated with decant priority. It will also confirm the rehousing choice of the household and an estimate of the likely time period a tenant can expect to wait until returning to the Cambridge Road Estate, if exercising the option to return.
- 9.8 Tenants will be supported throughout with further information on request to answer any questions about the assessment and decant process.

## **10 QUALIFICATIONS AND EXCLUSIONS**

- 10.1 As detailed in the Council's Housing Allocations Scheme the following will be eligible for assistance and rehousing under the decant policy, as persons who would reasonably be expected to reside with the tenant, in line with the Council's Allocations Scheme:
- Secure / joint tenants of the Council
  - Existing household members originally housed with the tenant by the Council under part VI Housing Act 1996 (Allocation of Housing)
  - Dependent children who normally reside with the tenant
  - The long-term cohabiting partner of the tenant
  - Adult relatives who are part of the household and would be reasonably expected to reside with them
  - Carers – where the secure tenant is recognised, through a detailed Care Plan, as needing a carer
  - Spouses living at the property with the tenant or who are identified as eligible through the estate's Housing Needs survey.

**10.2 Household members who are excluded from applications:**

- Friends, lodgers and sub-tenants living with the tenant
- Any household member who has moved in and caused the household to be overcrowded
- Children of the tenant whose main/principal home is elsewhere
- Assistance with rehousing will only apply to secure tenants and authorised household members identified as part of the household in the housing needs survey.

**10.3** Tenants may be asked to provide documents to support the length of residency of some household members to satisfy the Council as to their eligibility for inclusion as a household member.

## **11 RIGHT TO RETURN**

The Council is committed to local people remaining in the local area and to giving them the right to return to the redeveloped estate in accordance with this policy, with all secure RBK tenants retaining the same terms and conditions of tenure. RBK tenants from the Cambridge Road Estate who choose to live on the regenerated Cambridge Road Estate will remain tenants of the Council if that is their preference; their tenancies will be lifetime secure tenancies with the Council as their landlord.

## **12 MOVING TO A SUITABLE HOME**

### **New Homes on the Estate**

**12.1** For those who wish to move to a new Council home on the Estate direct offers will be made to a suitable new home when these are available.

### **Permanent Decants**

**12.2** Where more than one household from the Cambridge Road Estate bids for the same property, the length of time residing at the original Cambridge Road Estate property will determine priority. (The terms of the Housing Allocations policy shall continue to apply, in line with the requirement to have a Local Lettings policy under Section 166A (6) (b) of the Housing Act 1996).

**12.3** If a tenant has not been successful in bidding for a new property within the fixed period set and vacant possession of the property is required, the Council will make

one direct offer of a suitable home. In exceptional circumstances, where possible, the bidding period may be extended.

- 12.4 In cases where applicants cannot manage the bidding system they are placed on an auto-bid system, bidding for them based on their housing needs and their areas of preference.
- 12.5 The Council will offer tenants moving permanently to another Council property the same rights and tenancy type as they had in their Cambridge Road Estate property, so that secure tenants will be able to continue as secure tenants of the Council, if that is their preference.

### **Temporary Decants**

- 12.6 Tenants being temporarily decanted (as they wish to move to a new Council home on the Estate but a suitable home is not yet available) will be automatically issued one direct offer of suitable temporary housing usually 6-12 months before the date by which vacant possession is required. Direct offers may include temporary housing in another block or phase of the estate.
- 12.7 The Council will discuss with you your preferences for temporary decanting and will aim, where possible, to accommodate these. However, where the Council considers it has made a reasonable offer taking these preferences into account, and a household does not accept this, they will be considered a permanent decant without the right to return. They will be given a high priority and approved to bid through the CBL scheme for a permanent home elsewhere.
- 12.8 When moving temporarily, a tenant will keep their original tenancy agreement and sign a temporary contractual agreement at the temporary decant property. Tenants housed temporarily will retain their secure tenancy rights until permanently rehoused.
- 12.9 Tenants being permanently decanted away from the Estate will be given a high priority on the Choice Based Lettings (CBL) scheme. They may bid for suitable properties for a fixed period of 3-6 months depending on the scheme timeline and the date by which vacant possession is required.

## **13 FINANCIAL AND OTHER ASSISTANCE**

### **Home Loss**

- 13.1 A statutory home loss payment will be paid, where the tenant has been resident for 12 months prior to their move date, for tenants who lose their home. The amount payable is fixed by statute. Tenants may also claim disturbance

payments to cover reasonable costs incurred when moving. Only one home loss payment will be made.

### **Disturbance payment**

- 13.2 A disturbance payment, which may be paid as a lump sum, will be paid to all households in addition to any other compensation that you may be entitled to, which is designed to compensate you for certain costs that you may incur as a result of having to move home.
- 13.3 Some of the items that can be claimed are listed below, although this is not an exhaustive list:
  - Removal costs
  - Special adaptations to the replacement premises subject to a needs assessment
  - Altering soft furnishings and moveable fittings and fixtures to fit your new home
  - Disconnection and reconnection of services (gas, electricity, telephone etc.)
  - Redirecting mail (for one year only)
  - Carpet alterations
  - Curtain alterations
  - Disconnection and reconnection of appliances (e.g. washing machines, cookers)
  - Replacement carpets and curtains (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. This is subject to written approval from the Council).
- 13.4 Other expenses may be considered appropriate with prior written agreement from the Council. It is important that you discuss these with the Council at the earliest opportunity.
- 13.5 The Council may offer the option of a lump sum payment without the need for the Council to review the receipts and invoices for the costs you incur. If this option is not offered you will need to provide receipts or invoices and the Council will reimburse based on these, so it will be important that you keep a detailed record of costs incurred. The disturbance payment may be paid in one of two ways – either (a) a one-off payment as a lump sum (to be determined by the Council) without the need for the Council to review the receipts and invoices for the costs you incur, or (b) you can provide receipts or invoices and the Council will reimburse based on these.
- 13.6 For option (b), it is important that you keep a detailed record of the costs incurred in connection with the move. In order for the Council to reimburse you for these costs, you are required to provide the Council with receipts for all reasonable

costs. It is important to get a receipt or pro-forma invoice from the companies that you use to carry out any works or services that you wish to seek reimbursement for. We strongly recommend that you use reputable companies which provide genuine receipts and invoices which feature:

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

- 13.7 Should any items that you wish to claim be over the value of £750, the Council will require three quotes from reputable companies to ensure that value for money is achieved. For works or services over £750, the Council will need to approve all payments in advance of the work being commissioned.
- 13.8 Disturbance claims must be supported by receipts and invoices bearing the name and address of the company, providing such receipts and invoices for relevant services, the details of which will be verified by the Council.
- 13.9 When moving as a permanent decant, disturbance payments will be made only when the tenant moves to their new permanent home.
- 13.10 Temporary decants may be entitled to two disturbance payments, the first when moving into temporary rehousing and the second when moving into their permanent home.

### **Debts and Rent Arrears**

- 13.11 The Council reserves the right to seek to use part or all of the home loss payment to settle outstanding debts owed to the Council by the tenant. The Council will also seek to recover Housing Benefit overpayments, former tenant arrears and former temporary accommodation arrears from the home loss payment. In these circumstances, the Council will write to the tenant detailing the debt type and amounts and setting out the deductions from the home loss payment.
- 13.12 It is the tenant's responsibility to keep up with the rent payments throughout the term of any tenancy they hold during the decanting programme.
- 13.13 Officers will discuss rent arrears with tenants during the rehousing interview phase. Tenants will be helped to make housing benefit claims and referred to debt advice and support schemes for help with managing their income, where appropriate.

- 13.14 If arrears action has been started and a court date for outright possession or the execution of a warrant has been applied for, the Council will continue with possession proceedings and enforcement that has already commenced where appropriate, with each case considered on its merits case-by-case.
- 13.15 Rent arrears on any temporary accommodation will be dealt with in line with the Council's arrears recovery procedure. All tenants will receive written information about their rights and responsibilities in their temporary home upon signing the tenancy agreement.

### **Discretionary Payments**

- 13.16 The Council may make a discretionary home loss payment to a tenant who does not meet the 12 month residence requirements, provided that it is their only or main home on the date they are required to leave it. Each case will be assessed on its merits on a case-by-case basis.

### **Support**

- 13.17 Tenants will be supported through the decanting process and will be asked to work closely with officers to ensure the application, rehousing process and all moves go as smoothly as possible with minimal disruption for tenants.
- 13.18 Officers will play a pivotal role in supporting households who have been identified as vulnerable and needing more support, working with support professionals and supported housing staff to create individual support plans where appropriate.
- 13.19 Additional practical support including organising removals, arranging the disconnection and reconnection of white goods and utility connections can be organised and undertaken by the Council where required.

## **14 APPEALS**

- 14.1 Secure tenants can appeal to the Council or any duly delegated person, about how this policy is applied to their personal circumstances. Appeals must be made in writing within 21 days of any decision, or of any written notification of the application that the tenant seeks to challenge, setting out the reasons why the tenant believes that decision does not accord with the decant policy or the Housing Allocations scheme. The Council's delegated officer will decide on the appeal within 28 days following its receipt.

- 14.2 If the appeal is successful an alternative decision will be made. If the appeal is unsuccessful the Council's original application of the relevant policies will remain.
- 14.3 Secure tenants have certain statutory rights in respect of a claim for possession brought by the Council and may have the right to defend such a claim.
- 14.4 **Appendix C** sets out the procedure the Council will follow in relation to any appeals made under this policy.

## 15 DISCRETION

- 15.1 There may be some circumstances when the Council, or delegated officers, may exercise discretion in relation to this policy due to exceptional individual circumstances and they will do this by taking into account all circumstances considered relevant.

## APPENDIX A

### Suspension of Right-to-Buy

The Council may decide to stop the 'Right-to-Buy' in certain circumstances. The decision whether to do this will be taken in accordance with current legislation that allows for the following:

#### **Initial demolition notice**

Under the Housing Act 1985 (as amended by subsequent legislation) the "Right-to-Buy" of any affected Council housing stock will be suspended from the date an initial demolition notice is served on the 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 the Council will have decided what properties are to be included in the scheme. This notice is usually served where it is intended to demolish properties

concerned within a reasonable period (which can't be more than 7 years) - it will include the reasons, and the timescales, for the demolition.

### **Final demolition notice**

Once the Council has served a final demolition notice, under current legislation, this will extinguish the "Right-to-Buy" affecting the relevant properties completely. Any prospective "Right-to-Buy" purchases already begun, but not completed, will not proceed. No new 'Right-to-Buy' applications on these properties will be accepted. [The tenant may have a right to compensation for certain expenses already incurred in the Right-to-Buy process which could include relevant legal fees, surveyors' fees, and other disbursements already paid.]

In order to serve a final demolition notice the Council 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 usually only served where demolition is expected within 2 years.

### **Compensation**

The Tenant may have a right to compensation for certain expenses already incurred in the Right to Buy process under current legislation (currently the Housing Act 2004). This compensation would include relevant legal fees, surveyor's fees, and other disbursements already paid.

## **APPENDIX B**

### **Further Information**

#### **Practical Help for Council Tenants**

In addition to the financial help, home loss compensation and/or disturbance payments, tenants will be supported through the decanting process by regeneration team who will work closely with the estate office and the allocations team to ensure the application, rehousing process and all moves go as smoothly as possible.

The regeneration team will play a key role in supporting households who have been identified as vulnerable and needing more support - working with support professionals where necessary. Additional practical support including organising removals, packing and

unpacking, arranging the disconnection and reconnection of white goods and utility connections, will be made available to some of the more vulnerable tenants. We can do this for all tenants, except those who are adamant they want to do it for themselves.

### **Assistance with Choice Based Lettings**

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

### **Accompanied Viewings**

If you are attending a home viewing, we will give you the opportunity of an accompanied viewing for any property that they you are offered.

### **Housing Benefit Claims**

Under the Housing Benefit rules, you can usually only receive Housing Benefit for the home you are living in. In certain circumstance, you may be able to receive Housing Benefit on two properties. However, whether or not this can be paid is dependent on Housing Benefit Regulations in force at the time, as laid down by the government.

### **Packing and removals**

The Council can assist with the appointment of a removal contractor who will move you to your new home if required. The Council will pay this cost as part of any disturbance entitlement. If you wish to organise your own move you will need to provide the Council with three quotes. The Council will arrange reimbursement up to the amount the Council would have paid if we had organised and appointed the removal contractor ourselves or the lower of the 3 quotes you obtain – whichever is the lowest.

### **Clearance of unwanted items**

As the tenant you are responsible for clearing any belongings from the property and for ensuring vacant possession of that property. We reserve the right to clear any items left behind that need to 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.

### **Disturbance**

The Council will reimburse you for all the additional costs you incur as a result of moving home to include items such as redirection of post, removal costs, reconnection of services, reasonable alterations, etc.

### **Care packages**

The regeneration team will work with relevant providers 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, meals on wheels etc.

### **Advising organisations of your new address**

As a tenant you will be advised of your responsibility to tell all relevant persons and organisations of your new address. This includes advising Council Tax, Housing Benefits, the Benefits Agency and any other organisation. Support to complete this will be provided to vulnerable tenants.

### **Empty property standards**

If you are a tenant leaving your original home , it is expected that any Council or housing association property you sign-up for will be in a liveable condition as regards to its cleanliness, state of repair, and the condition of any garden, cleared and cut back if necessary.

### **Settling in**

We will aim to visit on the day of the move to check all is running as smoothly as possible. Their contact details will be left with the tenant following an initial settling-in visit within five working days of the move.

### **More intensive support**

If the 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, you may need more support than the visits outlined in the paragraph on "**Settling In**" above. In this instance the Decant Officer will refer you to the Council's Resettlement team to provide any ongoing support.

## **APPENDIX C**

### **Appeals Procedure Note**

#### **1. Purpose**

This note has been produced to set out the procedure the Council will follow in relation to any appeals made under the Cambridge Road Estate decant policies **adopted on 8 March 2018**. It sets out examples of the decisions which will be considered under the appeals

procedure and sets out the process that the Council will follow for their consideration of appeals. The type of decisions that can be appealed are not limited to the examples given in this note.

## **2. Tenants**

All decisions made by the Council in relation to tenants under the decant policy may be appealed. Examples of issues which will be subject to appeal include, but are not limited to:

- A. a medical adviser recommendation, decision on bed size entitlement
- B. a decision as to who qualifies for rehousing
- C. direct offers in circumstances where the bidding process is unsuccessful or a temporary decant is required
- D. deductions from home loss payments
- E. decisions not to make a discretionary home loss payment.

The above list does not include everything and is for illustrative purposes only.

## **3. Freeholders/leaseholders**

For freeholders and leaseholders there will be a process of discussion and negotiation around the financial offer/compensation which they are offered for their interest in a property. The appeals procedure is not intended to duplicate this.

However, it is recognised that there are a number of decisions that may be made by the Council in relation to freeholders and leaseholders, which fall outside the scope of the financial offer.

The following decisions are those that are considered the most likely to be the subject of an appeal, to be governed by the process set out below: (However, it is accepted that this list may not be exhaustive and does not include everything.)

- A. a decision as to the terms the freeholder/leaseholder is offered for a replacement home
- B. a decision as to the properties the freeholder/leaseholder can choose from on the new development in terms of equivalence/size
- C. a decision that the freeholder/leaseholder is non-resident (as this may impact on the terms on which any replacement home is offered)
- D. the offer made in terms of temporary housing

- E. a decision to offer shared ownership<sup>1</sup> rather than shared equity<sup>2</sup> on the basis that not all compensation is being invested in the new home or the leaseholder or freeholder is unable to raise the borrowing required.
- F. what can be included as disturbance payments and additional costs incurred in selling and purchasing your home.
- G. an assessment that a leaseholder or freeholder is or is not vulnerable and in need of additional assistance and support.

#### **4. Appeals Process**

The key points of the process that will be followed include:

- A. A request for an appeal may be made in writing or orally to the Council and the Council will accommodate and support those who need extra help in submitting an appeal or during any part of the appeal; this can be done by contacting the relevant officer via (tbc)
- B. The appeal submission should be made within 21 days of the date that the person appealing received written notification or notice of the decision they are appealing against. Residents can be supported in making an appeal in the following ways (tbc)
- C. Additional information can be included in the appeal, after the 21 days and up until the appeal date, if there are exceptional reasons why this information was not included within the 21 days.
- D. The person appealing will choose whether the appeal should be considered by way of a hearing or on the basis of a written submission and if there is to be a hearing this will be arranged within 7 days of the appeal submission, unless this is not practicable
- E. Where a hearing is chosen the person appealing will be entitled to bring an advocate or friend to the hearing to support them and/or to speak on their behalf
- F. Appeal applicants may also go to the residents groups for support (details at: tbc) or seek other advice and support as appropriate, to include appropriate attendance at appeal
- G. The appeal may include submission of witness or expert evidence that can be by way of oral or written submissions, but notification of these must be received as part of the initial appeal submission if practical
- H. The appeal will be considered by a Panel of two comprising (1) a senior Council officer who was not involved in the original decision (2) an independent person appointed by the Council, in consultation with recognised residents' representatives, for the purpose

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<sup>1</sup> Shared Ownership is where there is part ownership where rent is paid on the remaining part

<sup>2</sup> Shared Equity is where there is part ownership where no rent is paid on the remaining part

of the appeal process, such person to be suitably qualified and experienced in considering appeals and not directly or indirectly involved in the CRE regeneration or currently working for landlords in regeneration projects.

- I. The decision of the Panel will be communicated to the person appealing in writing (and by whatever other means requested) within 7 days of the appeal hearing or 14 days of the written appeals submission
- J. There is no further RBK appeal but this does not exclude any appeals to the relevant court and the Ombudsman and any other support or remedy available to the appeal applicant, including discussion and negotiation with leaseholders and freeholders.

**30 April 2018**