



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Housing Overview and Scrutiny Committee

Monday, 20 January 2025

Report of Councillor Virginia Moran
Cabinet Member for Housing

Decant Policy

Report Author

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Purpose of Report

This report provides the committee with details of the Council's proposed Decant Policy which explains the approach that will be followed when requiring tenants to be decanted from their home.

Recommendations

The Committee is recommended to:

- 1. Note the proposed Decant Policy which is in line with best practice and will provide clear operational guidance.**
- 2. Recommend the Decant Policy for submission and adoption at Cabinet**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Connecting communities
Sustainable South Kesteven
Enabling economic opportunities
Housing
Effective council

Which wards are impacted?

(All Wards);

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications associated with this report.

Completed by: Paul Sutton Interim Head of Finance (Deputy s151)

Legal and Governance

1.2 There are no legal or governance implications that are not already outlined within the body of the report.

Completed by: Mandy Braithwaite, Legal Executive

Health and Safety

1.3 Section 3 of the Health and Safety at Work Act 1974 requires the Council to ensure that persons, not in their employment, are not exposed to health or safety risks. As outlined in the policy some works, for example those concerning substances, could create an additional risk and it is right that decant is considered where the existing mitigations may not be sufficient.

Completed by: Phil Swinton, Emergency Planning and Health & Safety Lead

Equalities, Diversity and Inclusion

1.4 A full equality impact assessment will need to be undertaken and any identified changes made to the policy prior to it being put forward for adoption.

Completed by: Carol Drury, Community Engagement Manager

2. Background to the Report

- 2.1. The Housing Ombudsman states that: *'landlords should have a clear and accessible policy for decant procedures, outlining the circumstances a decant may be considered'*
- 2.2. South Kesteven District Council, as a landlord, is obliged under the terms of its tenancy agreements to keep the structure and exterior of our properties (including communal areas) in good repair.
- 2.3. Improvement works and major repairs will normally be carried out whilst the tenant remains in their home. However, there will be certain situations, such as those when the health and safety of the tenant would be at risk or the works are extensive, when works cannot be carried out with the tenant in the property.
- 2.4. Where this is the case, the Council will arrange to move the tenant and their household. This will either be done on a temporary or permanent basis, depending on the nature of the works and the tenant will normally be given this option.
- 2.5. This policy shows the practical steps the Council will take to facilitate this process.

3. Key Considerations

- 3.1. Decanting tenants from their properties is something that the Council is already in the practice of doing as in some cases, this is the only practical way to ensure that works are completed safely and effectively.
- 3.2. However, we have no formal policy in place for this process. Adopting this policy will effectively manage tenants' expectations and provide clear guidance for officers when dealing with such cases.
- 3.3. During the creation of this policy, other existing policies were researched. As such, the policy presented is largely based on Ashfield District Council and Tendring District Council's Decant Policies which are examples of good practice. In addition, we have cross referenced against the Housing Ombudsman decant expectations detailed here: [Decant expectations - Housing Ombudsman](#).

4. Other Options Considered

- 4.1 The other option considered is to not produce a decant policy. However this would mean that there is no policy in place and therefore no clear guidance in dealing with such cases.

5. Reasons for the Recommendations

- 5.1. If this policy is adopted, we can ensure that we are compliant with the Housing Ombudsman's landlord expectations when dealing with decants.
- 5.2. Adopting this policy will ensure a consistent and transparent approach for dealing with such cases.

6. Consultation

- 6.1. There are no statutory requirements for a consultation on the proposed Decant Policy and therefore no consultation is proposed. The policy is intended to be a working reference document that pulls together the legislative requirements and states how the Council applies it practically.

7. Appendices

- 7.1. Appendix 1 - Decant Policy