

Part I

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All Wards

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL – 19 MARCH 2025  
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE  
CHANGE)

DECANT POLICY

**1 Executive Summary**

- 1.1 This report recommends the approval of the Decant Policy, as set out in Appendix A. The policy details the approach Welwyn Hatfield Council (WHBC) takes should a tenant or leaseholder be required to vacate a property either temporarily or permanently.
- 1.2 The policy is divided into three sections: section one provides an overview, section 2 covers temporary decants, and section 3 covers permanent decants.
- 1.3 The policy reflects the latest guidance from the Housing Ombudsman, spotlight on decants. Appendix 3 sets out how we are meeting the expectations from the Housing Ombudsman's spotlight report.
- 1.4 The policy clarifies that leaseholders should refer to their lease and their building insurance if a temporary decant is necessary.
- 1.5 This policy does **not** apply to unauthorised occupants, lodgers, or households occupying temporary accommodation provided by WHBC and does not cover general compensation claims. If a resident wishes to make a claim for compensation against WHBC, they should refer to WHBC's insurance team.
- 1.6 The Tenants Panel are to be consulted on this policy.
- 1.7 The review of this policy includes amendments as set out in the report and highlighted in red in appendix A.

**2 Recommendation**

- 2.1 Cabinet Housing Panel to note the contents of the Decant Policy as set out in Appendix A.
- 2.2 If the Cabinet Housing Panel unanimously agrees, the policy will be approved by the Executive Member Decision subject to the consultation with the Tenants Panel.

**3 Explanation**

- 3.1 Revisions to the Policy are shown in red text.
- 3.2 The policy review has also updated the information about leaseholders being recharged if WHB incurs any expenses decanting a leaseholder where there is no expressed duty in the lease.
- 3.3 The legal and regulatory information has been updated.
- 3.4 Subsistence rates have been reviewed. The sum is payable per night and is intended to cover food and drink while works are carried out to their rented home or

alternative accommodation is secured. The payments are not meant to cover full costs, as some would still have to be met if the tenant lived at home.

- 3.5 Some costs, such as weekly laundry, will only be paid when a receipt is produced.
- 3.6 Appendix C sets out the Housing Ombudsman's expectations for decants of tenants. We are following fourteen of the 15 recommendations for landlords. One area of improvement is to review the information provided about decants and to provide a support plan. A standard template letter will be prepared by the end of April 2025.

#### **4 Legal Implications**

- 4.1 As a social housing landlord, we have duties under Social Housing Act 2023, Homes (Fitness for Human Habitation) Act 2018, Landlord and Tenant Act 1985, Decent Homes Standard, commonhold and Leasehold Reform Act 2002, Defective Premises Act 1972 and the Right to Repair Regulations.

#### **5 Financial Implications**

- 5.1 There are no known new financial implications as a result of this report at this time.

#### **6 Risk Management Implications**

- 6.1 Failure to manage decants effectively and to keep tenants updated has the potential to cause uncertainty and distress for tenants, could give rise to complaints (to the Council and Housing Ombudsman) and cause reputational damage to the Council.

#### **7. Security and Terrorism Implications**

- 7.1 There are no security and terrorism implications arising from this report.

#### **8. Procurement Implications**

- 8.1 There are no new procurement implications arising from this report at this time.

#### **9. Climate Change Implications**

- 9.1 There are no new climate change implications arising from this report.

#### **10. Human Resources Implication(s)**

- 10.1 There are no human resource implications arising from this report.

#### **11. Health and Wellbeing Implications**

- 11.1 Effective management of repairs and maintenance in our housing stock contributes positively towards the health and wellbeing of our residents.

#### **12. Communication and Engagement Implications**

- 12.1 There are no direct implications from this report at this time.

#### **13. Link to Corporate Priorities**

13.1 The subject of this report is linked to the Council's Corporate Priorities: Homes to be proud of, Run an effective council and Together, create opportunities for our communities.

**14. Equality and Diversity**

14.1 An Equality Impact Assessment (EIA) has been carried out in connection with the proposals that are set out in this report. Please see Appendix B.

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**Appendices:**

Appendix A – Decant Policy.  
Appendix B – Equality Impact Assessment  
Appendix C - Decant Risk Assessment