



NORWICH
City Council

**Tenant
approved**

Decommissioning of council housing policy

April 2009



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Definition of terms

- ‘We’, ‘us’ or ‘our’ as used in this policy, means Norwich City Council as the landlord or the freeholder of the property concerned.
- ‘Tenant’ as used in this policy, means a tenant of Norwich City Council (including a service tenant), unless it specifically states otherwise.
- All references in this policy to tenants (council or private), residents, owner-occupiers, leaseholders, and housing applicants, only applies to people who have to move out of their home due to a decommissioning scheme, unless it specifically states otherwise. It is usually expected that this will be council housing stock, or leasehold property that was purchased from the council (usually under the Right to Buy scheme), for which the council owns the freehold.
- ‘Current legislation’ means legislation current at the date of this policy.
- ‘HOME OPTIONS’ means the choice-based lettings system currently used by Norwich City Council.
- ‘In writing’ includes the use of suitable alternative formats for people with a sensory, physical, or mental impairment(s).
- ‘RSL’ means a registered social landlord, also known as a housing association.
- ‘CMT’ means the corporate management team of the council.



1 Introduction

This policy has been written in accordance with the corporate objectives to provide sufficient, good quality, affordable housing and deliver the growth point agenda for the city.

This policy will cover situations where one or more tenants or leaseholders of Norwich City Council will lose their home permanently due to demolition and redevelopment, whether that action is due to planned work or in response to an emergency situation.

The policy also recognises the impact that the demolition and the consequent relocation has on the people concerned, and aims to help reduce the effects of unnecessary disturbance to them. It provides the framework under which the decisions to decommission properties are made, and the procedures through which residents are to be treated during this process.

1.1 Other council policies and procedures to refer to

- Greater Norwich HOME OPTIONS allocations policy.
- Norwich City Council direct let procedure.
- Norwich City Council asset management strategy.
- Norwich City Council nominations agreement.



2 Site identification

Sites requiring decommissioning can come forward from a variety of sources including, but not exclusively, the following:

- **Asset management strategy** – This provides a framework for the management of the council housing stock and includes carrying out condition surveys of all the stock owned and managed by Norwich City Council. The framework sets out the neighbourhood status, the address status, and the planned maintenance and repairs required over the next 30 years. This information once gathered may result in some stock being uneconomical to maintain and therefore require decommissioning and redevelopment.
- **Neighbourhood housing** – The teams can advise on properties and areas that are hard to let due to their location, antisocial behaviour or property type being unsuitable.
- **The sheltered housing service**, are also able to identify where sheltered schemes are no longer required, do not meet current standards, or where land holdings can be better used. For properties such as these, or those with other vulnerable residents in them, other relevant groups, for example Norfolk Supporting People, will be consulted to ensure that groups are not disadvantaged.
- **Asset and city management** – manage all the non-housing property owned by Norwich City Council. They can identify properties that are adjacent to housing land that are suitable for wider redevelopment or regeneration.

- **Housing development** – The housing development team work in partnership with local registered social landlords (RSLs) and as such will look for opportunities for land assembly adjacent to partner’s land holdings. The development team will also look at potential redevelopment sites on council-owned housing land where there are opportunities to increase density.
- **Residents / ward councillors** – occasionally sites are identified by local residents and / or councillors that are causing concern to the local community or may require some land assembly to make them viable.

- sustainability
- environmental concerns
- land usage
- any special features, landmark or conservation issues
- assessment of any benefits to the area that can be gained
- any other details deemed significant

At the outset of any decommissioning scheme the aims and objectives will be outlined along with the success criteria that they will be measured against.

Once the potential options for the site have been analysed the lead officer will provide a briefing for the director of regeneration and development and relevant portfolio holders.

It is planned that at this stage an informal consultation will be held with residents, providing as much information as is available in order that any representations can be considered prior to any decisions being taken. This consultation will be on the principle of decommissioning as well as the process of decommissioning if agreed.

3 Analysis of the site

Once a site has been identified an exercise will be carried out to analyse the potential of the site for repair/renovation, redevelopment or regeneration.

This analysis will be carried out by officers of the council and they could be called from any or all of the teams identified above. It will also include members of the planning team to give advice on any potential redevelopment of the site.

A lead officer will be identified at this stage to project manage the progression of the site.

In order to reach a decision on decommissioning a property, the following factors will be taken into account:

- the age and condition of the property
- its location
- whether it is fit for purpose
- housing need
- financial viability



A report will then be taken to the corporate management team (CMT) outlining the background and the options available, including a recommendation for a preferred option.

Any recommendations arising from CMT will be considered before preparing a paper for the council's executive to make a formal decision on the preferred option to proceed with the site. This formal decision will outline the aims, objectives and measurable success criteria for the project.

At all stages of the decision making process feedback will be given to all affected parties.

The portfolio holders for regeneration and development and housing will be fully briefed throughout the progress of the project.

Once a formal decision has been made by executive committee there will be further consultation with residents on the outcome and for the progression of any redevelopment plans.

4 Consultation and information

It is recognised that any decommissioning scheme is likely to involve a large amount of communication of information and consultation with local residents. It is therefore imperative that a full communications plan is drawn up by the communications team prior to the commencement of any project.

The communications plan will include who we will engage / consult with, how and when we will engage or consult with those stakeholders and how we will work with the media. We will also need to identify any vulnerable residents who may need carers, family members, or advocates to be consulted on their behalf.

Unless there are exceptional circumstances, an open meeting(s) for all residents, with carers, family members, or advocates as necessary, is planned. Local tenant and

resident associations, members of the sheltered housing tenants forum, representatives from City Wide Board and the Leaseholder Association will also be invited as appropriate. This meeting will, if possible, be held at a location close to the area affected. It will conform to accessibility criteria, and will be held at times when a range of people will be able to attend, for example afternoons or evenings.

Information should also be provided in writing and as required in other accessible formats. Carers, family members or advocates can receive a copy of any correspondence and information provided, with the formal written consent of the resident concerned. Information will also be made available to the associations and forums as above if required.

It is envisaged that tenant and resident engagement and consultation will be the responsibility of the neighbourhood and strategic housing service.

Public consultation that forms part of the statutory planning process for the re-development of any scheme will be led by the council's development control team in planning services. Further information on the council's statement of community involvement can be obtained from planning services.

Local ward councillors should be kept informed of the engagement/consultation processes and sent copies of any correspondence relating to this. They should be also invited to any engagement or formal consultation meetings with residents.

The outcome of the engagement/consultation will be reported back to councillors, tenants and residents in an appropriate format, and without identifying comments made by individual respondents.

Any formal tenant and resident consultation will meet any legislative requirements. For council tenants, as at the date of this policy, Part 5, section 105 of the Housing Act 1985 (as amended) covers 'consultation on matters of housing management'. This includes the decommissioning of council housing stock.

This legislation requires a reasonable amount of time to consult with all council tenants. The formal s.105 consultation period will be in accordance with current legislation, and will be for a minimum of 28 days. Wherever possible we will aim to extend this period and will only undergo the minimum required in urgent cases.

During this consultation period, tenants will be informed of the council's proposals for the scheme, including any phasing of work to minimise disruption, and will be able to make their views known to the council within this specified period either in writing or through open meetings.

The council has no statutory obligation to consult with residents who are not tenants of the council, except through planning or compulsory purchase processes. However, in general, the council will consult with other residents in an area regarding decommissioning where it is considered appropriate to do so by the lead officer. This consultation will be carried out alongside the consultation process for the council's tenants.

As far as possible information provided to people living in the same block, scheme or street will be provided simultaneously or almost so. When affected households are advised of the decommissioning scheme that affects their home, they will receive a comprehensive package of information that they can refer to throughout the process.

5 Possession of property

Tenants and residents will be informed through the initial engagement process that if decommissioning is approved by council's executive that the council will require vacant possession of their property.

The executive should also come to a decision on which legal route to use to gain possession of those properties, should it not be possible to come to a voluntary agreement with tenants and residents.

The council's preference will always be to try to come to a voluntary agreement on the arrangements for moving out with those concerned. The lead officer for the scheme will determine the maximum length of time that is required for tenants and residents to move out. This period of notice will be at least in line with legal requirements, but will be agreed between the council and the tenant or property owner, and will be documented accordingly.

Where voluntary agreement cannot be reached the options for the council at the date of this policy are either the gaining of a compulsory purchase order (CPO), or (for council tenants) the gaining of a possession order.

5.1 Compulsory purchase order

If the council decides to pursue compulsory purchase then we will comply with legislation covering the use of compulsory purchase orders. As at the date of this policy this legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). This legislation governs the length of notice to be given, formal mechanisms for accepting or objecting to compulsory purchase, and lays down what aspects can be negotiated on.

A compulsory purchase order (CPO) is made by the council, upon the formal decision of the executive. A CPO covers a defined area of land, and will include a schedule, a map of the affected area, and a statement of the reasons why it has been made.

5.2 Possession order

If we need to apply for a possession order for a council tenant, then it is the court that will decide when the tenant will need to leave the property. As at the date of this policy the legislation governing this is the Housing Act 1985 (as amended)

- A notice will be served under Ground 10 or 10A of the Housing Act 1985 (as amended), followed by court action if it proves necessary.
- The council will, as this act requires, offer 'suitable alternative accommodation' to the tenant(s).
- In making the decision on the suitability of the accommodation, we will take into account the provisions in Schedule 2, Part 4 of the Housing Act 1985 (as amended), when looking at each household's individual circumstances.

5.3 The right to buy

The council has the right to halt the right to buy in certain circumstances. The decision whether to do this will be taken by the council's executive. We will do this in

accordance with current legislation which allows for the following:

Under the Housing Act 2004, sections 182 and 183, the right to buy of any council housing stock scheduled for demolition will be suspended from the date that an initial demolition notice is served on the council tenant(s). This notice is served where we intend to demolish the property concerned within five years. It will include the reasons, and the timescales, for the demolition. It will stay suspended for as long as this notice remains in force, and means, that the council cannot be required to complete the transaction.

The service of a final demolition notice, extinguishes the right to buy on these properties completely. Any prospective right to buy purchases which are underway but have not completed will not now proceed.

No new right to buy application on these properties will be accepted.

In order to serve it we must have agreed to, or be entitled to, acquire all the affected properties. This notice is only served where demolition is expected within two years.

The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. We will pay these expenses where required by law. This compensation includes relevant legal fees, surveyor's fees, and other disbursements which have already been paid.



6 Financial matters

6.1 Payment made to the owner(s) of residential property to purchase that property

Wherever possible, the council will endeavour to come to a voluntary agreement with a property owner regarding the purchase price of a property. If it is not possible to come to a voluntary agreement, the council will use the mechanisms provided by current legislation dealing with compulsory purchase. As at the date of this policy, this legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

The process of valuing and purchasing property affected by a decommissioning scheme will be dealt with by the council's property services team and the council's solicitors. The council will be the purchaser of the property bought due to a decommissioning scheme. It may then dispose of, or sell on, that property to the registered social landlord or developer who will be carrying out the actual decommissioning scheme.

The amount paid for a property will be the market value of that property, ie it is based on the amount the property might be expected to realise if sold on the open market by a willing seller. Any appeal on the valuation of the property will be to the Lands Tribunal.

If there is an outstanding mortgage or loan secured on the property, then the mortgagee (usually a bank or building society) will be paid off first. If the value of the property is less than the outstanding debt on the mortgage, then nothing of this money will be paid to the owner. The lender will still have the right to pursue the owner for any monies

outstanding even after the payment for the property is made.

The amount paid for the purchase of the property concerned will not affect the amount of home loss, disturbance allowance, or disturbance payments, paid to affected owner occupiers.

6.2 Home loss compensation

The council makes no commitment to provide payments for displacement beyond the statutory requirements.

Home loss compensation is a sum paid to a council tenant, owner occupier or private tenant of residential property to reflect and recognise the distress and discomfort of having to move out of their home.

Home loss compensation is not paid to non-occupying owners of residential property.

Where the council requires a tenant, owner occupier or private tenant of residential property to move home to enable the decommissioning of council property, it will in most cases pay home loss compensation, in accordance with the Land Compensation Act 1973 and the Planning Compensation Act 1991. The processing of claims will also be dealt with in accordance with the council's financial regulations. See Appendix 3 – financial compensation glossary for the current prescribed amounts of home loss payment.

Squatters and trespassers will not be paid home loss compensation.

Before any home loss compensation is paid to a tenant, the council will deduct any housing debts owed to the council from this payment. A housing debt is one which arises from our 'tenant/landlord' relationship.

Tenants who have not lived in the affected property long enough to qualify in law for home loss compensation, the minimum period is one year, will receive an ex-gratia lump sum goodwill payment which is pro-rata

to the statutory home loss compensation subject to the exclusions above.

If a tenant is due to move out temporarily, and then return to the original site, the home loss compensation payment will only be paid once, in accordance with legislation. The tenant will be advised of this provision before they make the decision as to whether to return to the original site or not.

6.3 Disturbance allowances and payments

Disturbance allowance may be paid to a tenant, owner occupier or private tenant of residential property for the reasonable financial costs incurred, and any losses sustained, in connection with having to move home as a result of decommissioning. This is paid in addition to home loss compensation.

Disturbance allowance or payments are not paid to non-occupying owners of residential property.

A disturbance allowance is a lump sum, calculated to cover eligible items, paid to those required to move home. Disturbance payments are individual payments made for each eligible item. In exceptional circumstances, for example needs arising from a physical, sensory, or mental impairment, consideration will be given to paying for other exceptional items on an individual basis.

Disturbance allowances and payments will be paid in accordance with the Land Compensation Act 1973. See Appendix 3 – financial compensation glossary for the current level of disturbance allowance payable.

The processing of claims will also be dealt with in accordance with the council's financial regulations. Disturbance payments (not the lump sum allowance) will only be made after a valid receipt, showing VAT where this is applicable, is received for each item claimed for.

Trespassers and squatters will not be paid any disturbance allowance or disturbance payments.

In some cases the council may consider paying a removal company direct. Where this happens the council will deduct the cost from the disturbance allowance payment due.

The council is entitled to refuse to pay all costs where it is felt that some of the claim is unreasonable.

If there is a dispute over whether the council will pay for an item or an amount claimed for, and if agreement on this cannot be reached, then either the person concerned or the council can apply to the Lands Tribunal for a decision. This decision will be binding on all parties.

Any housing debts owed to the council by a tenant will not be deducted from their disturbance allowance or payments, the council will however look to deducting these debts from their home loss compensation.

6.4 Housing and council tax benefit claimants

As at the date of this policy, national housing benefit regulations state that home loss compensation is counted as capital for housing and council tax benefit purposes.

It is the legal responsibility of housing benefit and council tax benefit claimants to advise the housing and council tax benefits service as soon as they receive this increase to their capital. We will remind them of this legal duty when the payment is made.

In order to assist this process, a list of home loss compensation, paid due to the decommissioning of council housing stock, will be disclosed to the housing and council tax benefit service. Because the money involved can affect a person's benefit entitlement, it is reasonable for this information to be shared for these purposes.

National housing benefit regulations do not count disturbance payments and allowances as capital or income for housing and council tax benefit purposes.

7 Resettlement of residents

When considering the resettlement of residents this policy recognises that we will do what we can in the circumstances and with the resources available.

The council's executive will decide on the most appropriate method of support for the resettlement of residents taking into account the size and length of any project, the financial implications of the options and the support that residents are likely to require.

It is recognised that the best practice to manage the resettlement process on a project is to have a dedicated resettlement officer available throughout. For each decommissioning project an officer will be appointed and dependant upon available resources and the size of project this role will either be taken up through existing staff members or by the recruitment of a specific project resettlement officer.

The resettlement of residents will be managed by the neighbourhood and strategic housing service, working in partnership with housing options, housing benefit and tenancy services.

A full resettlement project plan will be drawn up for each project. This plan should lay out who will be responsible for each aspect of the resettlement and the timescales involved.

7.1 Rehousing

This policy specifically relates to those who have to leave their home because it is being decommissioned, and who we have agreed to rehouse because of this. Other housing applicants are dealt with solely under the council's allocations policy.

This policy does not include unauthorised occupants or squatters.

All tenants and residents that need to be rehoused under this policy will be given advice and assistance from the housing options team.

Under this policy we will rehouse any council tenant who will be displaced by the decommissioning of their home with the exception of tenants against which an outright possession order has been granted by the court for breach of tenancy conditions.

Private tenants of affected properties will be given advice and assistance by our housing advice service, if necessary, to find alternative privately rented accommodation. Early prevention work is the key however, if they fall within any categories or groups that we might have a duty to assist under current homelessness legislation, then we will assess their application under that legislation.

It is not expected that we will have to rehouse many owner-occupiers under this policy. This is due to the advice they will receive to help them find an alternative property, the home loss compensation and disturbance payments they will receive, and the likely availability of low cost home ownership options. They will be considered on a case-by-case basis by the housing options assessment team.

We will make every endeavour to rehouse tenants and residents 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 residents start to move out.

While we will do what we can to rehouse people in this situation quickly, it will also be in the interests of tenants and residents to consider properties and areas that give a realistic chance of rehousing within the timescales allowed.

7.1.1 Additional priority

In order to facilitate the decommissioning of properties, it is recognised that there may be a need to give a higher housing priority to those residents that are affected. This will be dependent upon the urgency that possession of the properties is required.

In order to facilitate the resettlement of residents in a reasonable time frame it may be necessary for all tenants and residents

accepted under this policy to be considered for a higher banding (emergency) on the choice based lettings system for a period of time (usually six weeks).

If, after this period, there are still residents that have not been rehoused then the council's direct let procedure will apply.

This policy recognises that residents need to be given a choice over where they move to in order to make the process as smooth as possible.

People accepted for rehousing under this policy, will be able to bid for another home using HOME OPTIONS. The exceptions to this are if the numbers concerned are too large, or timescales too short, to enable rehousing by HOME OPTIONS within the timescales required. In these cases, in any emergency situation, or where a person is unable to easily use HOME OPTIONS given their particular circumstances, direct lets will be used.

In this case they should have as much choice of area and location as possible, subject to their choices giving a realistic chance of rehousing within the timescales allowed.

7.1.2 Council tenants who are under-occupying their home

Those tenants, who are under-occupying their home in accordance with the allocations policy, will be encouraged to move voluntarily to a smaller property by explaining:

- What size and type of property they would be eligible for, as an underoccupier, if they choose to move to a smaller property. This will be in line with the property they would be eligible for as an under-occupier under the council's allocations policy.
- The advantages of living in a smaller home, for example, its being easier to manage or to heat.
- The extra choice that higher banding for under-occupation, at the level stated in the council's allocations policy, gives them.

- The practical help they would get in moving to a smaller home, in accordance with council policy.

Any tenant moving under this policy may not leave anyone in occupation of their property, for example a lodger or an adult son or daughter, when they move out.

If a council tenant under-occupying a council property does not wish to move to a smaller property, then they will be able to bid for, or be allocated under the direct let process, a property of the same size and type that they already occupy.

7.1.3 Rehousing (or not) where there are concerns about the unacceptable behaviour of an applicant

Unacceptable behaviour is behaviour that would mean having to consider excluding someone from the housing list in accordance with the allocations policy, or that relates to possible risk issues.

The exclusion for unacceptable behaviour under the allocation 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, even here, they will still be excluded if they are in the immediate process of being evicted for breaching a tenancy or lease condition, ie their eviction is due on or before the date their property is needed back for the decommissioning scheme.



Applicants who owe a housing debt to the council will, if it is not cleared, take that debt with them to their new address in accordance with council policy on the recovery of housing debt. 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 registered social landlord.

7.1.4 Applicants who want to return to the original site

If it is reasonably possible to give tenants or residents the choice of returning to the site they decanted from, then they will be given that choice. For example, if the new social housing on the site is of a suitable size and type for them.

If there is a choice to return to the site, then this will be agreed with any involved social landlord at the earliest possible stage. This choice will be made available to people when they are advised of the timetable for the decommissioning, unless there are very exceptional circumstances for not doing so, for example an emergency situation.

In order that people may make an informed decision on whether to return to the site, they should be given the following information as far in advance as possible of their having to make that decision:

- What type and size of property they could expect to be offered.
- Whether this property will be owned by the council or an RSL, and what an RSL is.
- If the new tenancy agreement will have different requirements from their current one, eg on right to buy, car parking, and any different clauses on rent arrears, etc.
- What the layout and appearance of the site will be.
- What, if any, extra compensation, disturbance allowance or assistance with the move will they get if they move home twice, in order to return to the original site after being decanted.

There is no statutory right to return to a site that has been redeveloped, but we will offer this as an option to the original residents whenever it is reasonably possible to do so. This section will be included in any local nominations agreement made with the RSL for a specific site.

8 Managing empty properties

It will be decided on a scheme by scheme basis at what stage the empty properties become the responsibility of the developer or contractor carrying out the decommissioning scheme. This will include taking on the responsibility for the security of the site. Until then the council will be responsible for its property.

As soon as households begin to move from the affected site, appropriate security measures will be applied to the empty properties and to the site as a whole. This is to ensure that the safety of people remaining on the site, and those living nearby, is not compromised by the presence of the scheme.



We will aim to ensure that one household on their own is not left in an otherwise empty block of flats.

8.1 Options for security of the site

The options to be considered for the security of remaining residents whilst the decommissioning process is undertaken will include:

- The use of the properties as temporary accommodation for homeless applicants to the council.
- The boarding up and securing of empty properties.
- Employing a security company to manage the properties by letting them on a temporary basis for the duration of the decommissioning
- early demolition

On any scheme one or more of the above options will be considered and the most appropriate measure(s) to take will be decided by the council's executive. When making this decision the executive should be mindful of the impact on remaining residents, the length of any project, and the financial implications of the proposed measures.

Norwich City Council will not use decommissioned properties as temporary accommodation for staff either relocating to Norwich or otherwise.

9 Monitoring

It is expected that the rehousing of these tenants and residents 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.

After they have moved, it is also expected that all decanted tenants will, where reasonable to do so, be asked their opinions on the following:

- Their new home, the standard it was offered to them in, and (if new build) its features.
- How they felt the decant process went.

The purpose of this evaluation exercise is to learn from any issues raised and to assist in future planning of any redevelopment or decommissioning schemes.

10 Redevelopment

On any decommissioning project we will identify early on what the council's aims and objectives are from any redevelopment.

The density, property types and tenure mix of any redevelopment will be advised by the strategic housing service in line with the Greater Norwich strategic housing market assessment and in consultation with planning policy.

Where appropriate the strategic housing team will liaise with planning and other departments to develop a design brief for the affected site.

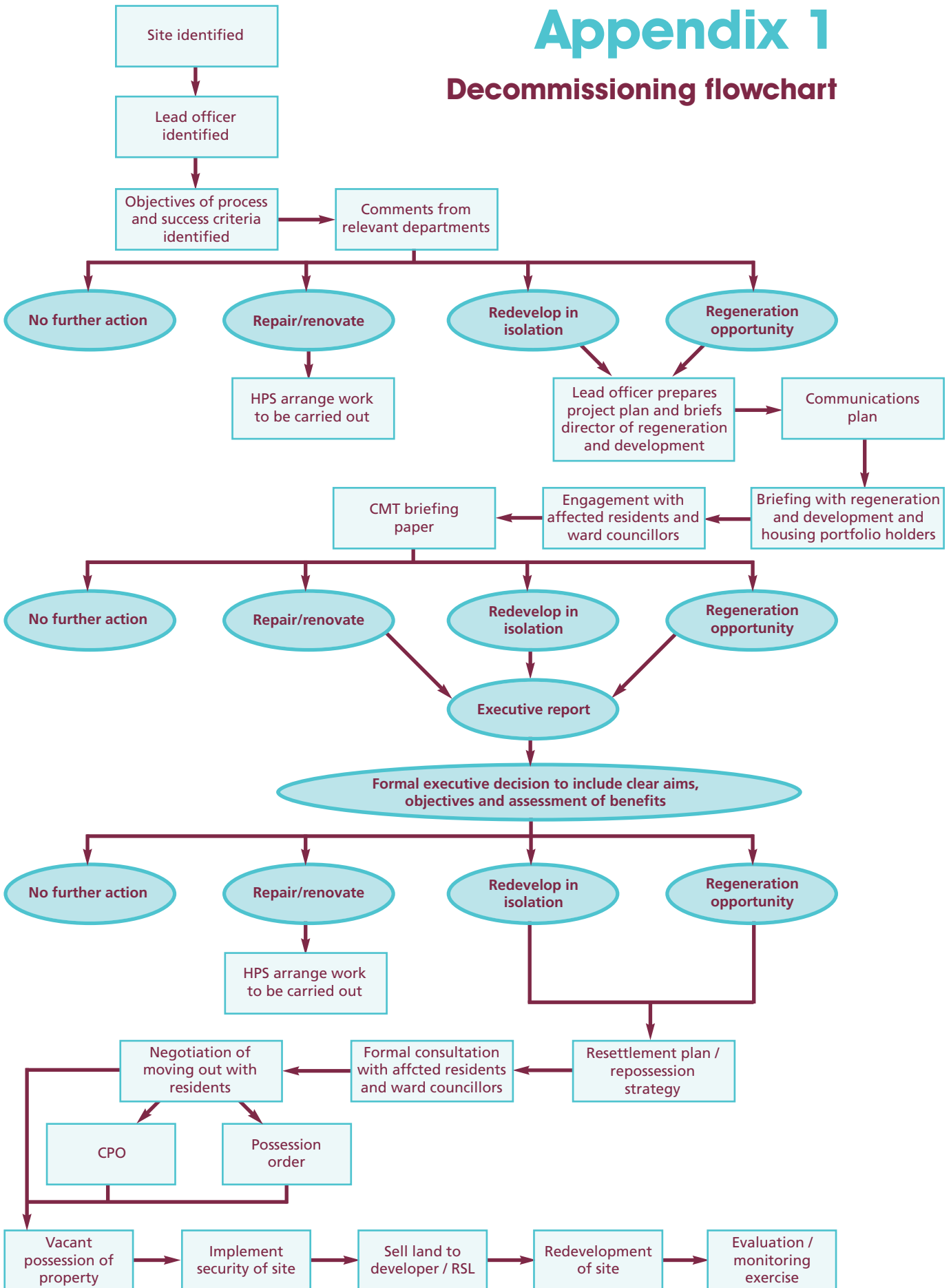
Where re-provision of 100 per cent affordable housing will be required on the site officers will work in partnership with local RSLs to develop a scheme that meets the identified aims and objectives.

Where larger sites are identified, or where mixed tenure development is required including open market housing, or where regeneration opportunities exist sale to a private developer may be explored. This decision will be determined by the council's executive following consultation with various departments across the council and consideration by CMT.



Appendix 1

Decommissioning flowchart



Appendix 2

Checklist

Site name

Site identification

Lead officer identified

Each service to consider and advise on relevant strategies and policies.

Strategic housing comments

Housing property services comments

Neighbourhood housing comments

Planning policy comments

Asset and city management comments

Finance comments

Legal comments

Analysis

Officers preferred option:

Repair / renovate

Redevelop in isolation

Regeneration opportunity

No further action

Consultation

Communications plan

Briefing with director of regeneration and development

Portfolio holder briefing

Information pack

Resident engagement / meeting

Formal resident consultation

Corporate management team (CMT)

CMT paper prepared

Date of CMT meeting _____

Decision of CMT
(Insert text of decision here)

CMT preferred option:

Repair / renovate

Redevelop in isolation

Regeneration opportunity

No further action

Feedback to residents

Executive

Paper prepared

Date of executive meeting _____

Decision of executive
(Insert text of decision here)

Executive preferred option:

Repair / renovate

Redevelop in isolation

Regeneration opportunity

No further action

Feedback to residents

Possession of council property

Compulsory purchase order

Possession order

Resettlement of residents

Resettlement officer identified

Resettlement plan

Managing empty properties

Temporary accommodation for homeless applicants

Boarding up and securing of empty properties

Employing a security company

Early demolition

(Tick one or more boxes)

Redevelopment

Sell to a registered social landlord

Sell to a private developer

Council to develop (when possible)

Appendix 3

Financial compensation glossary

To be reviewed annually in August.

Home Loss Payments

STATUTORY INSTRUMENTS

2008 No. 1598

ACQUISITION OF LAND, ENGLAND

COMPENSATION, ENGLAND

The Home Loss Payments (Prescribed Amounts) (England) Regulations 2008

Made: 19th June 2008

Laid before Parliament: 26th June 2008

Coming into force: 1st September 2008

The Secretary of State, in exercise of the powers conferred by section 30(5) of the Land Compensation Act 1973(1), makes the following Regulations:

Citation, commencement and application

- 1.— (1) These Regulations may be cited as the Home Loss Payments (Prescribed Amounts) (England) Regulations 2008 and shall come into force on 1st September 2008.
- (2) These Regulations shall apply in relation to cases of displacement in England only.

Revision of prescribed amounts for home loss payment

- 2.— (1) This regulation applies where the date of displacement is on or after 1 September 2008.
- (2) For the purposes of section 30(1) of the Land Compensation Act 1973—
- (a) The prescribed maximum amount of home loss payment (2) shall be £47,000; and

(b) The prescribed minimum amount of home loss payment shall be £4,700.

(3) For the purposes of section 30(2) of the Land Compensation Act 1973, the prescribed amount of home loss payment shall be £4,700.

Revocation and savings

- 3.— (1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (England) Regulations 2007(3) are revoked.
- (2) The Regulations mentioned in paragraph (1) shall continue to have effect in relation to a displacement occurring before 1 September 2008.

Signed by authority of the Secretary of State
Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government
19th June 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the amount of home loss payments payable in England under section 30 of the Land Compensation Act 1973 (“the Act”). A person is entitled to a home loss payment when they are displaced from a dwelling by compulsory purchase or in the other circumstances specified in section 29 of the Act.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner’s interest, the amount of home loss payment is calculated as a percentage of the market value of the interest, subject to a maximum and minimum amount.

Section 30(2) specifies the amount of the home loss payment in any other case.

Regulation 2(2) (a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £44,000 to £47,000 and regulation 2(2) (b) increases the minimum amount from £4,400 to £4,700.

Regulation 2(3) increases the home loss payment under section 30(2) of the Act from £4,400 to £4,700.

These increases have been calculated by reference to the Department for Communities and Local Government’s house price index, which varies in line with changes to house prices.

The revised amounts apply where the displacement occurs on or after the 1 September 2008.

Regulation 3 revokes, with savings, the Home Loss Payments (Prescribed Amounts) (England) Regulations 2007.

A full impact assessment has not been produced for these Regulations, as they put into effect an annual up-rating in line with house price inflation.

(1)

1973 c.26. Section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c. 34). Back [1]

(2)

For the definition of ‘home loss payment’, see section 29(1) of the Land Compensation Act 1973. Back [2]

(3)

S.I. 2007/1750. Back [3]

Disturbance allowance payments

Disturbance allowance

A relocation allowance, payable on a discretionary basis to assist tenants with removal expenses. These payments are based upon the size of property to which the tenant will be moving:

3 bed or larger	£1,250
2 bed	£1,095
1 bed	£890

Decommissioning of council housing policy – April 2009



NORWICH
City Council