

**Report Reference Number: E/21/40**

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**To:** Executive  
**Date:** 3 February 2022  
**Status:** Non-Key Decision  
**Ward(s) Affected:** ALL  
**Author:** Sarah Thompson, Housing Service Manager  
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**Lead Executive Member:** Cllr Mark Crane, Leader of the Council and Lead  
Executive Member for Housing, Leisure, Strategic  
Matters, External Relations and Partnerships  
**Lead Officer:** Suzan Harrington, Director of Corporate Services and  
Commissioning

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**Title:** Collection of Housing Management related policies (Pets, Compensation, Decant, Decoration Allowance and Recharge Policies).

**Summary:**

These five independent but complimentary policies relate to the Council's Housing Tenant and Property Services functions. The aim of all five policies is to assist tenants to understand the decision process for a number of housing related issues that may affect them during their tenancy with Selby District Council.

Although management of these issues has been successfully accomplished for some years, having clear policies in place will strengthen and clarify the Council's position, providing a framework for both tenants and staff as to how these issues will be managed and responded to going forward.

**Recommendations:**

That Executive Members individually approve the attached Housing Management policies to enable swift and consistent operational decisions to be made:

- a) Pet Policy
- b) Compensation Policy
- c) Decant Policy
- d) Decoration Allowance Policy
- e) Recharge Policy

**Reasons for recommendation:**

The publication of these policies has a number of individual benefits. As a collective however, they will assist the Council in their operational decision making and support tenants to better understand key matters that may affect them whilst a Selby District Council tenant.

## **1 Introduction and background**

**1.1** Selby District Council is committed to continuous improvement of its housing service. Although management of tenants and their properties has been successfully accomplished by the Housing Tenant and Property Services teams for some years, it is acknowledged that having clear policies in place for these individual issues will help strengthen and clarify Council decision making. It is hoped therefore that the implementation of these policies will provide a framework for staff which sets out how they will respond to and manage queries, permissions and complaints relating to pets, compensation claims and allowances, the decant process, decoration allowances and recharges. It will create operational procedures that deliver consistent practice, but also allow for a degree of flexibility when considering individual requests.

**1.2** The individual policies to be approved are:

- a) **Pet Policy** – this will provide tenants with details about keeping pets in Council homes, acknowledging the disruption that uncontrolled and irresponsible pet ownership can have on animal welfare and on local communities. It therefore states what action the Council can and will take against tenants who do not have written permission to keep a pet, or where there is a breach to the policy.
- b) **Compensation Policy** – this document will provide information on what circumstances could warrant a compensation claim, and how this claim will be administered. It will provide a framework for the consideration, calculation and authorisation of compensation; and whilst much of the content is led by statutory guidance, will also detail where the Council does hold discretion.
- c) **Decant Policy** - the purpose of this policy is to make clear what the Council will do, and what tenants can expect, when it is necessary for us to move them from their homes; due to a need for the property to undergo major work (which cannot reasonably be done with the tenant in residence) or where a property is to be demolished or disposed of.
- d) **Decoration Allowance Policy** - the aim of this policy is to assist relevant tenants with the financial cost of decorating their homes and, in doing so, assist in the effective maintenance of the Council's housing stock. Allowances act as a contribution towards the cost of materials and equipment needed to carry out internal decoration works and provide tenants with choice when decorating their home.
- e) **Recharge Policy** - This document sets out the recharge policy for tenants of Selby District Council. Recharging relates to both former tenants in the form of void property recharges and current tenants in the form of repair recharges. This policy sets out what kinds of repairs tenants will be charged for, how they will be identified and how they will be dealt with.

## **2 The Individual policies**

### **Pet Policy**

**2.1** As per the Council's Tenancy Agreement, anyone wishing to keep a pet must ask permission from us first. We aim to take a positive view about residents

keeping many different animals as pets, but there are certain criteria which tenants must fulfil and adhere to in order for their request to be granted. All of these conditions are clearly listed in the Pet Policy for tenant's ease.

- 2.2** The Pet Policy provides tenants with information regarding the refusal of permission, and how they can challenge this decision; as well as what will happen if they acquire a pet without first seeking permission from the Council. More generally, the policy also lists the various enforcement options that the Council can take towards a tenant if they are keeping their pet in any way which causes a nuisance and/or is deemed a form of anti-social behaviour.
- 2.3** The Council also recognise that there will be many tenants who have previously acquired pets without seeking or obtaining the proper permission. We have therefore decided to grant an amnesty; lasting six months from the date the policy is published, for all pet owners to notify us of their pets. As long as these pets are an approved animal, the tenant is prepared to comply with the policy and sign the 'Responsible dog/pet owner Agreement,' the Council will grant retrospective permission. After this time, any pet owner who has not come forward will be liable to enforcement action.

### **Compensation Policy**

- 2.4** Selby District Council aims to provide good quality homes that are well maintained and meet the needs of all our tenants. Services are however susceptible to unplanned failure, and from time to time things can go wrong. This document therefore provides information on what circumstances could warrant a compensation claim, and how this claim will be processed. It includes statutory compensation processes where the Council must follow set legislation, but also notes where the Council does hold discretion.
- 2.5** The policy also advises on circumstances where claims for compensation will not be paid. The Council also reserves the right to offset any financial compensation to be paid against any outstanding amounts owed by tenants in terms of housing rent, council tax and other debts owed to the Council. This ensures that compensation paid is fair and appropriate to the case in hand, and that the Council is maximising income and reducing unnecessary outgoings. Ultimately, this policy aims to increase transparency between the Council and tenants and helps to manage expectations.

### **Decant Policy**

- 2.6** The Council recognises that moving home under any circumstance can be unsettling, especially if the requirement to move is not a matter of choice for the tenant. Where possible, the Council will carry out works whilst the tenant remains in their home. However, there will be certain situations when this is not possible and where this is the case, we will arrange to move the tenant on either a temporary or permanent basis.
- 2.7** The policy outlines:
- In what situations a move would be required, and whether this move would be temporary or permanent.

- Alternative housing options for those undergoing the decant process.
- What support and assistance will be provided by the Council.
- Impacts on tenancy and tenure rights.
- Treatment of a tenant's belongings throughout the decant process.
- Potential compensation for tenants, linking to the Compensation Policy.

**2.8** The ultimate aim of this policy is to clarify Selby District Council's approach to the decant process, assisting both staff and tenants in decision making and managing expectations. For example, the policy also outlines the Council's position should a tenant refuse any offer of accommodation or refuse to return to their original address once works have been completed. Having a clear and concise procedure will ensure that the decant process is managed effectively at every step, reducing the likelihood of successful appeals and customer complaints.

### **Decoration Allowance Policy**

**2.9** Decoration Allowances (in the form of store vouchers) are only provided to tenants in certain circumstances: either the property is deemed 'hard to let' because of its poor decorative condition; or they are deemed necessary following planned maintenance or improvement work carried out by the Council. The aim of this policy is therefore to clarify for staff and tenants when allowances will be made, and when they will not.

**2.10** The policy also includes a list of what can be purchased with the vouchers and provides scope for the Council to follow up a voucher allocation with a property inspection to confirm that the vouchers have been spent appropriately. Like all the policies referenced in this report, its aim is to provide staff and tenants with additional clarity. By having a clear policy in place, we hope to speed up the decision making process, ensure decision making is consistent amongst staff and help to provide tenants with realistic expectations.

### **Recharge Policy**

**2.11** As advised, recharging relates to both former tenants in the form of void property recharges and current tenants in the form of repair recharges. The Council recognises that the vast majority of tenants have high standards and will look after their homes. However, there are a small number who do not value their homes or take responsibility for ensuring they comply with the terms of their Tenancy Agreement relating to property standards. In line with this policy, the Council has the tools to be able to recharge those tenants who do not comply; and thereby help to keep rents and service charges low for our remaining tenants.

**2.12** As a landlord, Selby District Council has certain responsibilities to maintain and repair our properties. However, tenants also have responsibilities to maintain and carry out certain repairs to our properties, set out in their Tenancy Agreement. This policy therefore outlines what is a rechargeable repair, and how such repairs are identified. Once rechargeable works are identified, the policy advises on the various options given to tenants to rectify this damage; as well as how recharges will be calculated and raised against the tenant should the Council undertake this work themselves.

- 2.13** It is hoped that use of this policy will consequently promote a responsible attitude from tenants towards their property through information and support, and by ensuring that costs, where justified, are pursued from those who are negligent or deliberately cause damage. This will maximise Council income via the recovery of debts owed relating to rechargeable items in the interest of both the Council and their tenants.

### **3 Alternative Options Considered**

None

## **4 Implications**

### **4.1 Legal Implications**

The development of a Pet Policy is designed to ensure that any tenant keeping a domestic pet should be doing so in accordance with the Animal Welfare Act 2006. Its contents are also in-line with the Council's Tenancy Agreement.

The Compensation Policy outlines our legal requirement to provide compensation to tenants based on certain scenarios, through the Land Compensation Act 1973 and the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 (Statutory Instrument Nos. 133 and 613). This document details when and how these claims will take place, but also where the Council does have discretion to make independent decisions.

The Decant Policy will ensure that the decant process is managed effectively by staff at every step, reducing the likelihood of successful legal appeals and customer complaints. Under the Housing Act 1985, it also outlines where the Council can take legal action to both take possession of a property they intend to redevelop and evict tenants from a temporary address, if required and as a last resort.

The Recharge Policy advises that, as a landlord, Selby District Council does have certain responsibilities to maintain and repair our properties, set out in the various Housing Acts, Landlord and Tenant Act 1985 and the Human Rights Act 1998. However, tenants also have responsibilities to maintain and carry out certain repairs to our properties. These responsibilities are also set out in the Tenancy Agreement.

### **4.2 Financial Implications**

There are no direct financial implications arising from the Pet Policy. However, maintaining a policy on keeping household pets in Council property is good practice and minimises the risk of claims for compensation from members of the public who may be adversely affected by nuisance from animals.

Financial implications in terms of payments to claimants are not altered by the Compensation Policy, as these are statutory compensation amounts determined by Government. However, introducing the policy allows us to offset any compensation amount against outstanding debts owed to the Council. This

ensures that the Council is maximising income and reducing unnecessary outgoings.

There are no additional financial implications arising from the Decant Policy, as any compensation claims will be dealt with under the proposed Compensation Policy. However, it is hoped that maintaining this policy will manage tenant's expectations, therefore minimising complaints and reducing the likelihood of the Council having to pursue court action.

Financial settlements under the Decoration Allowance Policy are relatively minimal, but should assist tenants with the financial cost of decorating their homes and, in doing so, assist in the effective maintenance of the Council's housing stock. This allowance is intended to be a contribution towards the cost of decorating, and tenants should be prepared to make their own financial contribution if costs exceed the amount provided by the Council.

The Recharge Policy provides the Council with the ability to recharge those tenants who do not value their homes or take responsibility for ensuring they comply with the terms and conditions of their Tenancy Agreement relating to property standards. This works to ensure property standards remain high, and that the Council are suitably reimbursed for any work they undertake as part of a recharge.

#### **4.3 Policy and Risk Implications**

The development of all five policies noted in this report will ensure that the council deals with relevant housing issues appropriately, fairly and swiftly. This reduces the likelihood of negative publicity and complaints, and reducing compensation payments being made as a result of poor service.

#### **4.4 Corporate Plan Implications**

N/A

#### **4.5 Resource Implications**

No additional resources will be required in order to implement these policies. They will be enforced by the Housing Tenant and Property Services Teams, in line with current roles.

#### **4.6 Other Implications**

N/A

#### **4.7 Equalities Impact Assessment**

All five policies have undergone Equality, Diversity and Community Impact Screenings on 17/05/2021. Screenings for the Compensation, Redecoration and Recharge Policies showed that there were no equalities implications as a result of the policies. Where issues were noted for the Pets Policy and Decant Policy, actions have been put in place.

## **5 Conclusion**

Separately, all five cited policies have a number of individual benefits. As a collective, approval of the policies will assist the Council in their operational decision making; ensuring decisions are fair, appropriate and consistent. They will also support tenants to better understand key matters that may affect them whilst a Council tenant, managing expectations and reinforcing the relevant conditions of their Tenancy Agreements.

## **6 Background Documents**

N/A

## **7 Appendices**

- a) Pet Policy
- b) Compensation Policy
- c) Decant Policy
- d) Decoration Allowance Policy
- e) Recharge Policy

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