

**MID SUFFOLK DISTRICT COUNCIL**  
**Council Offices, 131 High Street, Needham Market, Suffolk, IP6 8DL**  
**01449 724500**

**(Decant and Home Loss Payments Policy)**


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## **1. Introduction**

1.1 This policy covers situations when it is necessary for Mid Suffolk District Council (MSDC) to ask its tenants, leaseholders or owner occupiers to leave their permanent home either temporarily or permanently because of circumstances set out in S29 of the Land Compensation Act 1973 such as compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place. Mid Suffolk District Council wants to ease the stress and inconvenience associated with people having to leave their home so will at all times consult with tenants, leaseholders and owner occupiers and guide them through the moving process whilst ensuring that financial compensation payments are administered fairly and in line with regulations. This policy will outline financial compensation and practical support that is available to all eligible Mid Suffolk District Council tenants, leaseholders and owner occupiers having to move from their permanent home.

## **2. Equality and Equality Impact**

2.1 We are committed to giving an equal service to all. This means we will not treat individuals any differently because of: sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief or sexuality. It also means our work will focus on individual groups within our community who may be disadvantaged and therefore require help the most. We also look to ensure that we have robust policies in place that reflect our wish to promote good race relations and our commitment to the Key Lines of Enquiries set by the Audit Commission.

## **3. Policy Statement**

3.1 This policy provides details about eligibility for financial and practical support available to tenants, leaseholders and owner occupiers living in Mid Suffolk who are required to move home either temporarily or permanently because of circumstances set out in 29 of the Land Compensation Act 1973. Practical guidance is offered in this policy for tenants, leaseholders and owner occupiers regarding payment amounts that can be claimed, how to make a claim for a payment and when it can be expected to be received. The policy contains other guidance about the process of decanting people in Mid Suffolk, such as support available for vulnerable tenants and how the process is dealt with start to finish, as well as what can be expected of MSDC. The policy will also act as guidance for Officers and partner registered housing providers should the situation of decanting arise.

## **4. Definition of decant**

4.1 Decant is defined as 'to provide support to and rehouse people either temporarily or permanently when their homes are being rebuilt or refurbished (including as a result of emergency situations or when a prohibition notice has been served).

## **5. Aims**

5.1 When decanting tenants or homeowners we aim to:

- Provide financial and practical support for all tenants, leaseholders or owner occupiers
- Minimise stress and inconvenience associated with moving home
- Minimise the vulnerability of remaining tenants and homeowners awaiting an offer of housing

- Minimise the time that homes remain empty to avoid environmental impacts such as vandalism and squatting and to reduce running costs such as Council Tax
- Offer the best housing options available ensuring that people are rehoused suitably and in the right areas to avoid personal disruption
- Work effectively in partnership with registered housing providers

## **6. Objectives**

6.1 When decanting tenants or homeowners the following objectives apply:

- Make sure that payments made are fair
- Make sure that payments are made quickly
- Rehouse tenants and homeowners as quickly as possible in a suitable home
- Providing support to tenants and homeowners to secure a suitable home
- Ensuring all rehousing options are equal, fair and inclusive of all
- Reduce the period of time that homes remain empty
- Reduce environmental impacts associated with empty homes

6.2 This policy aims to meet Strategic Objective 1) Affordable and Decent Housing: to make housing more affordable to more people and to ensure all Council homes meet the required standard by 2010 contained within the Council's Strategic Plan 2007-2011.

6.3 This policy aims to meet the 'Gold Standard Customer Service' also stated in the Council's Strategic Plan 2007-2011.

## **7. Taking possession of a property**

7.1 When taking possession of a property as part of the decant process, owner occupied properties will be compulsory purchased to allow MSDC to take possession. A Notice of Seeking Possession will be served to tenants which will require a tenant to move from their home by a certain date.

7.2 Mid Suffolk District Council must issue an initial and final demolition notice which informs tenants and homeowners of demolition works. This can be for reasons such as prohibition orders or redevelopment works.

7.3 Mid Suffolk District Council must serve an initial and a final demolition notice on all secure tenants who are eligible for the Right to Buy prior to property being scheduled for demolition.

## **8. Arrangements for moving**

8.1 Tenants will be advised as early as possible if they are required to leave their permanent home. Mid Suffolk District Council will make all arrangements for moving tenants unless tenants wish to do so themselves. Mid Suffolk District Council will aim to give tenants and homeowners at least one month's written notice when their permanent home becomes available again.

## **9. Re-housing**

9.1 Mid Suffolk District Council can only gain possession of properties that tenants or homeowners live in by making suitable alternative accommodation available.

9.2 Where affected only for a short time and if a tenant or homeowner cannot live with family or friends, MSDC will ensure that people are accommodated elsewhere.

### 9.3 ***Finding suitable accommodation for tenants and homeowners***

9.3.1 If a tenant or homeowner needs to be accommodated elsewhere other than through family and friends, the allocation of accommodation other will be made through use of the Council's Choice Based Lettings Allocations Policy (2009).

9.3.2 Where tenants are moved as a result of major repair or redevelopment works, direct lets are usually made when rehousing takes place. This means a tenant will not have to take part in the usual bidding process for a property. In situations where tenants are moved from their home for reasons other than as a result of major improvements or repairs, such as emergencies or as a result of compulsory purchase, tenants may not be rehoused through direct lets. If it isn't possible to provide a permanent tenancy immediately, then a tenant will be placed in a high band for rehousing.

9.3.3 If the Council cannot find suitable accommodation, then alternative accommodation may be organised through partner registered housing providers or other housing providers.

9.3.4 All tenants and homeowners are to be assured that if they are required to move to another property they will be rehoused in a suitable location, in a property of lettable standard.

## 10. **Tenant declaration**

10.1 All tenants must sign a declaration agreeing to return to their previous home prior to moves being arranged unless the tenant's move is permanent, in which cases this must also be agreed and the tenant must sign a new tenancy agreement.

10.2 Tenants will not normally be able to remain in their temporary accommodation once their permanent home becomes available, however exceptions do apply to this rule. If a tenant has already put in a request for a transfer and meets the Council's criteria for a transfer to that specific property, then a permanent offer of accommodation can be made.

## 11. **Consultation before moving**

11.1 All tenants and homeowners will be consulted on options available to them when plans for moving are being made and put into place. All tenants will be able to express their wishes and concerns to council Officers or registered housing provider staff about having to move from their permanent home. Discussions will be based around:

- Housing need
- Re-housing options
- Moving process
- Problems with tenants financing their move initially
- Compensation payments available
- Special requirement (aids and adaptations)
- Extra help needed for vulnerable people

## 12. Mid Suffolk District Council's responsibilities

### 12.1 Mid Suffolk District Council will:

- Make and pay for arrangements for all tenants and homeowners being required to move as a result of the decanting process
- Make and pay for arrangements for the secure storage of any items that tenants and homeowners are unable to house in their temporary accommodation
- Ensure that all tenants and homeowners are rehoused in a suitable area and within a timely manner
- Ensure that all tenants or homeowners who require extra help and support receive this

## 13. Support for vulnerable tenants and homeowners

Mid Suffolk District Council is aware that some of its tenants and homeowners are vulnerable due factors such as age, disabilities, illnesses, health problems or other vulnerabilities. When this is the case, the Council will do all they can to provide extra support to these people when they are moving home. Help can be provided with things such as packing personal items. Any tenants or homeowners who think they would like extra support when moving home should contact the Council and then help can be provided.

- 13.1 Mid Suffolk District Council understands that other individuals may have exceptional circumstances in which extra help or support is needed. The Council will give consideration to these circumstances.

## 14. Payments

- 14.1 Mid Suffolk District Council will make reasonable payments to eligible tenants, leaseholders and owner occupiers (including those living in a caravan or on a caravan site) who suffer a loss, disadvantage or have extra costs to pay because of having to move home as a result of MSDC or a partner registered housing provider needing to close, repair, maintain or improve their home.
- 14.2 If a tenant or homeowner is moved from their home permanently because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place and the works were registered under the Housing Associations Act 1985 when they started living in their home, they are entitled to compensation called a 'Home Loss payment' (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991).
- 14.3 There are two types of Home Loss payments that can be made: 1) Mandatory, and 2) Discretionary.
- 14.4 Mid Suffolk District Council will also pay for reasonable moving costs in the form of 'Disturbance payments'.
- 14.5 ***Mandatory Home Loss payments – moving home permanently***
- 14.5.1 Tenants and homeowners must have met the following conditions for at least one year before they become eligible for a Mandatory Home Loss payment (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991):

- The tenant or Homeowner is moving home permanently
- The move must be a consequence of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place
- At the time of taking up a tenancy or purchasing the house the works were registered under the Housing Associations Act 1985
- The tenant or homeowner was living in the property as their only home
- The tenant or homeowner was living in the home with an interest or right to live there
- A claim for Home Loss payment can only be made once a homeowner or tenant has moved home

#### 14.6 ***Discretionary Home Loss payments - moving home permanently***

14.6.1 If a tenant or homeowner is moved from their home permanently because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place and meet the conditions to receive a Mandatory Home Loss payment but have not lived in the property for one year or more, then they may be entitled to compensation called a 'Discretionary Home Loss payment' (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991).

#### 14.7 ***Disturbance payments – moving home permanently or temporarily***

14.7.1 Disturbance payments can be made where a tenant or homeowner is moved from their home either permanently or temporarily because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place. Disturbance payments are required in accordance with circumstances set out in the Land Compensation Act 1973 amended by the Planning and Compensation Act 1991 and are subject to maximum thresholds set by MSDC.

14.7.2 Mid Suffolk District Council will arrange and pay for all reasonable costs (in the form of Disturbance payments) as a result of tenants and homeowners moving from their home either temporarily or permanently, for example:

- Removal expenses
- Costs of altering soft furnishings
- Re-connecting movable fixtures and fittings
- Telephone reconnection charges

14.7.3 Please note that the above list is not exhaustive.

### 15. **Payment amounts**

15.1 Payment amounts depend upon the value of the property taken.

#### 15.2 ***Home Loss payment amounts for homeowners as of 1<sup>st</sup> September 2008***

15.2.1 Home Loss payment amounts will be 10% of the house market value subject to the following maximum and minimum thresholds:

- Maximum threshold £47,000
- Minimum threshold £4,700

*Source: Land and Compensation Act 1973, Planning and Compensation Act 1991, and, The Home Loss Payments (Prescribed Amounts) (England) Regulations 2008.*

15.2.2 The payment amounts above have been calculated by reference to the Department of Communities and Local Government's House Price Index.

### **15.3 Home Loss payment amounts for MSDC tenants as of 1<sup>st</sup> September 2008**

15.3.1 All tenants will receive a flat rate payment equal to the minimum payment owed to owner occupiers. Tenants who are moved permanently on or after 1<sup>st</sup> September 2008 are entitled to a minimum flat rate payment of £4,700.

*Source: Land and Compensation Act 1973, Planning and Compensation Act 1991, and, The Home Loss Payments (Prescribed Amounts) (England) Regulations 2008*

15.3.2 The payment amount above has been calculated by reference to the Department of Communities and Local Government's House Price Index.

15.3.3 The Discretionary Home Loss payment amount made will not be more than a Mandatory Home Loss payment amount if the tenant or Homeowner had initially satisfied the conditions to receive a Mandatory Home Loss payment.

### **15.4 Disturbance payment amounts**

15.4.1 Disturbance payments will reflect reasonable costs incurred as a direct result of moving. Mid Suffolk District Council will pay for all reasonable moving costs up to a maximum of £1000.

15.4.2 Other financial support is available to tenants and homeowners for moving costs which are beyond the scope of acceptable costs the Council will pay for and for moving costs that exceed £1000 (see section 18). Individual circumstances will be taken into account if tenants or homeowners find they are in financial difficulty.

## **16. When payments will not be made**

16.1 Payments will not be made to tenants or homeowners if they move voluntarily before being moved by MSDC because of a compulsory purchase, a prohibition notice or because of major home improvements, alterations or redevelopment works. Reasons for moving voluntarily may include: being on the transfer register or by agreeing to a mutual exchange with another tenant. Please note that these reasons are not exhaustive.

16.2 Home Loss payments will not be made to those living in a caravan or on a caravan site if there is a suitable site to move to (Land and Compensation Act 1973) or to those who have to move because of an emergency prohibition notice.

16.3 A tenant or homeowner is not eligible for a Home Loss payment if they can return to their present home when the work is complete.

16.4 There is no duty for MSDC to fund moving costs in the form of a Disturbance payment when an emergency prohibition notice is made.

16.5 If for any reason a tenant has to move home because of major repairs resulting from damage or neglect to their home then the tenant will not be entitled to any payment.

16.6 If a tenant or former tenant has costs owing to MSDC, then these amounts may be deducted from the total Home Loss payment the tenant makes a claim for.

## **17. How to claim for a Home Loss or Disturbance Payment**

17.1 Claim forms can be obtained by visiting the Council offices, by contacting the Housing Options Manager by calling: 01449 724500, by writing to the Housing Options Manager using the address above or by sending an email request via: [webinfo@midsuffolk.gov.uk](mailto:webinfo@midsuffolk.gov.uk).

17.2 All claims must be made in writing using one of the Council's claim forms and must be sent to: Housing Options Manager, Housing Services, Mid Suffolk District Council, Council Offices, 131 High Street, Needham Market, Suffolk, IP6 8DL.

17.3 All claims will be investigated and processed by the Housing Options Manager with authorisation needed by the Head of Housing Services or the Corporate Director for large amounts being claimed.

17.4 A claim for Home Loss payments can only be made once a homeowner or tenant has moved home as a result of compulsory purchase, a prohibition notice, emergencies, or so that major repair, demolition or redevelopment works can take place.

17.5 Home Loss payments can be administered at different times depending on the circumstances of the person claiming.

17.6 Home Loss amounts payable rise with the rising cost of house prices, however, in today's housing market, regulations may prescribe lower amounts to reflect the decreasing prices of houses.

17.7 All claims for Home Loss payments can be made up to six years after moving.

17.8 By law, tenants and homeowners must receive their Home Loss payments within three months of a claim being made.

17.9 All Disturbance payment claim forms must be accompanied by valid receipts.

17.10 All payments will be made by cheque to the tenant or homeowner.

## **18. Interest free loan**

18.1 Some tenants or homeowners may incur moving costs which are beyond the scope of acceptable costs the Council will pay for, or for costs that exceed £1000. In these cases, MSDC may offer tenants and homeowners an interest free loan. This loan and the amount of the loan will be administered at the Council's discretion based on individual circumstances.

18.2 If a tenant or homeowner feels they may have trouble financing moving costs which are beyond the scope of acceptable costs the Council will pay for or that exceed the Council's maximum Disturbance payment amount of £1000, and would like to apply for an interest free loan, then tenants and homeowners should contact the Housing Options Manager by calling 01449 724500, or by writing to the Housing Options Manager at the following address: Housing Services, Mid Suffolk District Council Offices, 131 High Street, Needham Market, Ipswich, Suffolk, IP6 8DL.

## **19. What to do if a tenant or homeowner dies and has not claimed a Home Loss payment**

19.1 If a tenant or homeowner dies and was entitled to a Home Loss or Disturbance payment, it still may be claimed by a joint tenant, by anyone who was living in the property for more than a year and/or has succession rights to the property. If more than one person is entitled to claim the payment, it will be split equally.

## **20. Rent changes**

20.1 If a tenant moves to an alternative property temporarily their rental amount will stay the same unless the rent amount is less in the temporary accommodation, in which case the tenant will pay the lesser amount.

20.2 If a tenant moves to a new property on a permanent basis and the rental amount is higher, the tenant will have to pay the higher rental amount.

## **21. Appeals**

21.1 If for any reason the accommodation that has been offered or the accommodation a tenant or homeowner has been moved into either temporarily or permanently is considered to be unsuitable, for instance for medical reasons, they have the right to appeal.

21.2 If for any reason a tenant or homeowner thinks the payment they have received is unsuitable they have the right to appeal.

21.3 All appeals must be made in writing to the Head of Housing Services, Mid Suffolk District Council, Council Offices, 131 High Street, Needham Market, Suffolk, IP6 8DL. If you have any queries regarding appealing please contact the Head of Housing Services by calling 01449 724500.

## **22. Legal**

22.1 The following legislation relates to the decanting process:

- Sections 29-34 of The Land Compensation Act 1973
- Section 68 (3) of the Planning and Compensation Act 1991
- Sections 106 -110 of the Planning and Compulsory Purchase Act 2004
- The Home Loss Payments (Prescribed Amounts) (England) Regulations 1<sup>st</sup> September 2008
- The Housing Associations Act 1985 (as amended by Housing Act 2004 and Housing Act 2008)

## **23. Monitoring**

23.1 Monitoring of this policy will take place annually by:

- 1) Looking at performance indicators for average time to relet properties (weeks) and number of empty properties quarterly,
- 2) Monitoring and recording amount of payments made quarterly,
- 3) Monitoring and recording the time taken to make payments from the date claims are received quarterly,

- 4) Monitoring incidences of environmental impacts such as vandalism, fly tipping and squatters, in areas where decanting has or is taking place and acting on feedback,
- 5) Any rehousing, either temporary or permanent will be monitored by racial group and evaluated in light of reactions from tenants and homeowners, and,
- 6) Looking at the performance indicator for Tenants' Satisfaction with Landlord Services.

## 24. Review

24.1 A full review of this policy will be take place 3 years from the date of implementation.

## 25. Equality Impact Assessment

25.1 The outcome of this policy's equality impact assessment is (insert summary of outcome.) A copy of the EIA for this policy is available separately either on the website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or by contacting (Aimi Serjeant) on 01449 724500.

## 26. Human Rights

26.1 The Council will respect all individual human rights at all times and will always act in accordance with the provisions of the European Convention of Human Rights.

## 27. Risk Assessment

27.1 Activities associated with this policy are risk assessed on an annual basis by each Head of Service.

## 28. Sustainability

28.1 Sustainability issues have been taken into account with the introduction of this policy.

## 29. Other Policies That Apply

- Choice Based Lettings Allocations Policy

## 30. Communication

30.1 All changes to this policy will be communicated to all relevant individuals.

## 31. Further Information

Name	Sue Lister
Job title of Officer/Head of Service	Housing Options Manager
The service or section	Housing Services
Telephone number	(01449) 724500
Mincom	(01449) 724626
Postal address	Council Offices 131 High Street Needham Market Ipswich IP6 8DL
E-mail	<a href="mailto:Sue.Lister@midsuffolk.gov.uk">Sue.Lister@midsuffolk.gov.uk</a>

## 32. Complaints

32.1 If you feel you have reason to complain please contact Mid Suffolk District Council for a copy of the complaints procedure, which will tell you how to go about it. Contact details for the Council are:

Email: [webinfo@midsuffolk.gov.uk](mailto:webinfo@midsuffolk.gov.uk)

Telephone: (01449) 724500

Address: Complaints, Council Offices, 131 High Street, Needham Market, Ipswich.  
IP6 8DL

## 33. References

Department for Communities and Local Government. Available at: <http://www.communities.gov.uk>. [Accessed 13/02/2009].

Mid Suffolk District Council. Strategic Plan. Available from: <http://www.midsuffolk.gov.uk>. [Accessed 13.02.2009].

Office of Public Sector Information. The Land Compensation Act 1973. Available from: [www.opsi.gov.uk](http://www.opsi.gov.uk). [Accessed 08/01/2009]

Office of Public Sector Information. The Home Loss Payments (Prescribed Amounts) (England) Regulations (2008). Available from: [www.opsi.gov.uk](http://www.opsi.gov.uk). [Accessed 08/01/2009].

Office of Public Sector Information. The Planning and Compensation Act (1991). Available from: [www.opsi.gov.uk](http://www.opsi.gov.uk). [Accessed 08/01/2009].

### 34. Glossary of Terms

Term	Description
MSDC	Mid Suffolk District Council
Decant	To provide support to and rehouse people either temporarily or permanently when their homes are being rebuilt or refurbished (including as a result of emergency situations or when a prohibition notice has been served)
Disturbance Payment	Are made to compensate for reasonable expenses incurred as a result of moving i.e. removal expenses.
Compulsory Purchase	Compulsory purchase is a legal function in the United Kingdom and the Republic of Ireland which enables certain bodies to obtain land or property without the consent of the owner if they need to
Demolition Notice	A demolition notice is used to tell tenants and leaseholders that we plan to demolish their home in the future. It also details the reasons why this is necessary. Demolition Notices come in two stages (Initial and Final)
Home Loss Payment	Payments are made in recognition of the personal distress and inconvenience suffered by people who are moved from their homes permanently as a result of circumstances such as major repairs or redevelopment.
Initial Demolition Notice	An Initial Demolition notice is usually issued when the local authority intends to demolish the property but has not yet planned when it will take place.
Final Demolition Notice	A Final Demolition Notice may be issued before the demolition can take place. An Initial Demolition Notice can suspend the Right to Buy whilst a regeneration scheme is being developed

## Appendix 1: Document Control

**Policy Name:** Decant and Home Loss Payments Policy

**Policy Owner (Dept):** Housing Services

Policy Information				Approval Process			
Policy Version & Date	Author(s) Amenders(s)	EIA Date <sup>1</sup>	EIA Assessors name)	Date	Individual / Committee	Committee Report No.	Outcome
1	Aimi Serjeant Sue Lister	27.10.2009	Aimi Serjeant	10.11.09	Community Policy Panel	CO/56/09	Approved
				30.11.09	Executive Committee	X/107/09	Approved

<sup>1</sup> *Equality Impact Assessment*

Document status: APPROVED

Date of approval: 10.11.2009

Committee Report Number: CO/56/09 and X/107/09

Consultation List <sup>2</sup>			Distribution List	
Department (if internal)/Organisation (if external)	Date	Outcome <sup>3</sup>	Department (if internal)/Organisation (if external)/Location i.e. website	Date
Housing Services	07.07.09	1 Response received from Private Sector Housing: 07.07.09. 1 Response received from Strategic Housing: 07.07.09. 1 Response received from Tenancy Services: 14.07.09.	Housing Services	01.11.2009
Corporate Director MSDC	07.07.09	2 Responses received: 13.07.09 and 14.07.09	Registered Housing Providers (agreed partners)	01.11.2009
Democratic and Legal Services	07.07.09	Consulted	Corporate Director	01.11.2009
Unison	07.07.09	Consulted	Tenants' Forum	01.11.2009
Tenants' Forum	07.07.09	Received: 21.09.09	Website	01.11.2009
Other tenant representatives x3	07.07.09	1 Response received: 25.09.09	Intranet	01.11.2009
Suffolk Compact signatories	07.07.09	Consulted		
Hastoe Housing Association	07.07.09	Consulted		
Circle Anglia Housing Association	07.07.09	Consulted		
Orwell Housing Association	07.07.09	Consulted		
Flagship Housing Association	07.07.09	Consulted		

<sup>2</sup> Consultation should be carried out in accordance with the Suffolk Compact Guidelines. All relevant signatories of the Compact should be consulted on for not less than 3 full months.

<sup>3</sup> **Please note** if a person/organisation has been consulted but no response was received please record outcome as consulted. If a response is received please record outcome as 'response received' followed by the date it was received