

DISPOSAL OF POSSESSIONS POLICY & DISPOSAL OF PERSONAL DATA PROCEDURE

Glossary of Terms

'Property' includes dwellings, gardens, garages, outbuildings, decants, and any other accommodation leased from or on behalf of the Council, to include Bed and Breakfasts, Hotels and any other temporary or emergency accommodation.

'Tenant(s)' includes licensees, garage tenants and joint tenants

'Personal Data' pertains to any papers containing personal information left within the property.

1.0 SCOPE AND OBJECTIVES

1.1 To ensure possessions and personal data left in Council property after the end of a tenancy is dealt with reasonably and in accordance with the law.

2.0 RESPONSIBILITIES

2.1 Housing Officers are primarily responsible for this Policy and procedure and should ensure that accurate records are kept on the Housing Management System and copies of all notices served, letters sent and inventories taken both written and photographic are kept on the Council's electronic filing system.

2.2 Authorisation by the Housing Service Manager is needed before any action can be taken.

3.0 DOCUMENTATION

Appendix A: Procedure for disposal and storage of personal data

Appendix B: Section 41 Notice – Local Government (Miscellaneous Provisions) Act 1982

Appendix C Letter to accompany the Notice

4.0 METHOD

- 4.1 When tenants move out of Council properties they are required to also move their personal belongings and data and give vacant possession back to the Council.
- 4.2 To ensure that the risk of liability for damages or theft is minimised, the Policy is devised to deal with the following situations:
- The tenancy/licence ends, the tenant/licensee moves out but leave their possessions and/or personal data in the property.
 - An eviction was carried out and possessions and/or personal data were left in the property.
 - It appears that the property has been abandoned.
 - The tenant has died

5.0 STORAGE OF POSSESSIONS

- 5.1 When a tenant has left personal possessions and/or personal data in a Council property, these will be stored in an appropriate location, unless the tenant has given written instructions that the Council can dispose of them on their behalf. If this is the case the tenant will be charged costs of removal, storage and disposal, at a charge agreed internally and made public by the Council.
- 5.2 When Housing Officers decide to store possessions, reasonable care will be taken to ensure that all possessions and /or personal data are stored at an appropriate locked facility, where risk of damage or theft is minimised.
- 5.3 The Council will make every effort to inform tenants or their representative of any possessions found that are of poor build quality, or are likely to break during removal. Photographic evidence of this will be kept to ensure any insurance claims can be satisfactorily defended.

- 5.4 All possessions found at a property deemed as a Health and Safety risk (including infestations, sharps found on site, risk of blood-borne infection etc.), will be disposed of.
- 5.5 Photographic evidence will be kept of all stored possessions at both the point of collection and following removal to the locked storage facility; logged accurately with a date and time and kept on file on the Council's electronic filing system.

6.0 SERVICE OF NOTICE

- 6.1 When a decision is made to store possessions the outgoing tenant will be served with a one month notice period in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.
- 6.2 An inventory of goods stored must be included in the notice.
- 6.3 The Notice must have a clear date by which the tenant is required to collect the stored possessions. This date must be at least one month from the day the notice was served.
- 6.4 The Notice will clearly state that all stored possessions will become the property of Cambridge City Council when the notice expires.
- 6.5 The Notice will include the total daily charges levied by the Council for the storage of possessions, and the requirement to pay the removal and storage charges in full upon collection.
- 6.6 An explanatory letter should also be included with the Notice and should include an inventory of stored possessions, and will explain that the Council on the expiry of the notice will deal with all stored possessions as it sees fit. The letter will also state the charges that will be levied to the outgoing tenant for the removal and storage and, if the notice expires, the disposal costs.

6.7 Preferably, the notice along with the letter should be served personally on the former tenant. If this is not possible the following methods are also acceptable:

- By recorded or hand delivery to the tenant's forwarding address if this is known to the Council.
- By first class postage to any other address if known where the Housing Officer may deem it reasonable to expect the outgoing tenant to receive the Notice.
- Via email (confirmation of receipt is required).
- To next of kin, if known.
- With all four methods a copy of the notice must be posted to the property the tenant has vacated.

7.0 RECOVERY OF POSSESSIONS

7.1 At any time during the one month notice period former tenants can request return of their possessions verbally or in writing.

7.2 Access to possessions must be given to the former tenant or their representative within 72 hours from receiving the request (not counting non-working days), following receipt of formal identification.

7.3 The costs for removal and storage will need to be paid prior to collection, however at the Housing Officer's discretion these costs can be added to the former tenant's account. The Council's Debt Recovery Policy will then apply.

7.4 If a claim of ownership is made by someone other than the former tenant they must be asked to make a request in writing with a detailed description of all items requested. Under no circumstances will the Council release possessions to a 3rd party without written authorisation

from the former tenant, or, if the tenant is deceased, evidence of a claim to the estate.

8.0 EXPIRY OF THE NOTICE

- 8.1 When the notice expires, authorisation can be granted by the Housing Services Manager for the possessions to become the property of Cambridge City Council.
- 8.2 The Housing Officer will put a proposal forward to the Housing Services Manager to either sell the possessions or dispose of them. Market value consideration will determine the option to follow.
- 8.3 Former Tenant's personal data will be disposed of securely and in line with the Council's Records Disposal Policy.
- 8.4 If the cost of removal, storage and administering a sale is higher than the market value of the possessions, these will then be disposed of and the cost of disposal will be added to the former tenant account.
- 8.5 If a decision is made to sell the possessions, this must be done through an internally audited auction or by passing the goods to an outside agency to organise a sale.
- 8.6 All proceeds made from the sale will go towards paying in order of priority for the following:
- i. The removal and storage costs.
 - ii. The sale administration fee.
 - iii. Former tenant arrears
 - iv. Other debt owed to the Council.
- 8.7 If any funds still remain after payment of all the above, monies will be paid into the rent account as a credit.
- 8.8 Copies of receipts will be kept on the Council's electronic filing system and referenced to the corresponding former tenant.

9.0 PERFORMANCE AND MANAGEMENT

- 9.1 Officers will discuss all cases with their line manager during supervision meetings.
- 9.2 The process will be documented both in the Council's Housing Management System and electronic filing system.

Policy written: October 2018
To be reviewed by: September 2020

APPENDIX A - PERSONAL DATA DISPOSAL PROCEDURE

1. Personal data left in Council property will be stored alongside all other possessions, as laid out in this Policy.
2. All personal data found in a property will be stored in a green bag, provided by the Streets and Open Spaces Team.
3. If the one-month notice for storage of possessions expires, all green bags left in the property will be removed from the storage location and taken to be stored in a locked container located at the Cowley Road depot. All teams with responsibility for the removal of possessions from a Council property will be granted access to this facility.
4. The green bags will then be included as waste to be incinerated at the NOVOS site, Thriplow, as per service demand.

This procedure has been developed by City Homes, Temporary Housing, Estates and Facilities and Streets and Open Spaces to protect a tenant's personal data, as far as is reasonably practicable, from fraud.

APPENDIX B - SECTION 41 LETTER

NAME
ADDRESS

DATE

Dear NAME

ADDRESS

As you know this property was (repossessed/notice expired) on the DATE.

When the Council took possession the following items were found in the property:

Please see attached notice for details.

I now attach, by way of service, a notice pursuant to the provisions of Section 41 of the Local Government (Miscellaneous Provisions) Act, 1982 which specifies as follows:

1. That if the items listed in the notice are not collected from the Council by the date specified in the notice then on that date those items will become the property of Cambridge City Council and the Council can then dispose of, or sell them as it considers appropriate in the circumstances.
2. The daily storage charge that the Council is imposing whilst it keeps the items is £XX per day.

You are reminded that the total removal and storage costs (calculated to the date of collection) must be paid, in cash, when you collect the items from the Council.

If you wish to discuss this letter or the attached notice then please telephone me on

Cambridge City Council Housing Management Service

Yours sincerely

Name
Housing Officer

APPENDIX C - SECTION 41 NOTICE

CAMBRIDGE CITY COUNCIL

Local Government (Miscellaneous)
Provisions Act, 1982 – Section 41

To: NAME

Of: ADDRESS
Cambridge

YOU ARE HEREBY GIVEN FORMAL NOTICE AS FOLLOWS: -

1. That the property detailed in the Schedule to this notice has come into the possession of Cambridge City Council after being found in the following buildings or premises owned or managed by the Council: -

ADDRESS

2. Cambridge City Council requires you to collect the property detailed in the Schedule by

ONE MONTH FROM ISSUE

3. That if the property itemised in the Schedule is not collected by the specified date then by virtue of the provisions of Section 41(3)(a)(ii) of the Local Government (Miscellaneous Provisions) Act, 1982 that property will vest in and become the property of Cambridge City Council.

4. That by virtue of the provisions of Section 41(11) (b) of the Act the charge that the Council proposes to levy for storing the property is £0.00 (divide weekly rent by 7) per day. 11

5. The Council will require you to pay any removal and storage charges when you collect the property.

Dated this DATE

.....
For and on behalf of
Cambridge City Council

SCHEDULE

Of the property in the possession of
Cambridge City Council

LIST ITEMS

I confirm that the above inventory lists all the items left within the above dwelling and outside area (including any shed, garage and garden)

The above items are to be disposed of Date:

The above items are to be stored until Date:

Signed.....

Housing Officer/Assistant Housing Officer

Authorised by:

Housing Services Manager

Date:

Photographs		
No	File Location	Items