

# RUNNYMEDE BOROUGH COUNCIL

## Recharge Policy

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Review due:

## **1. Introduction**

1.1 A key activity of the housing service is to maintain our stock to the highest standard possible by managing the repairs & maintenance budget and using the rent we collect effectively. We recognise that most tenants act responsibly and maintain their homes to a satisfactory standard and condition but on occasion circumstances lead to repairs being required which would otherwise be the tenant's responsibility. When this happens, we may need to act to prevent the property from deteriorating further by undertaking the repair and then recovering the cost from tenants.

1.2 Whilst the majority of tenants do keep their homes in good condition there are others who do cause damage deliberately or through neglectful acts. When repairs are required we call these rechargeable repairs. We do not want tenants who look after their homes to share the cost of repairs for those who do not.

1.3 Tenants should be encouraged to report accidental damage or health and safety matters to the Council even if it is the tenant's responsibility if they are unable to resolve this themselves. The Council will take a proportionate approach with the primary aim of ensuring that tenants live in homes in a good state of repair.

1.4 This Policy covers the subject of recharging for repairs and other reasons associated with housing management. This policy is intended to apply to all Council tenants (where the Council accepts that it is the tenant's direct landlord) of whatever legal tenure they occupy their premises at the time when any damage to the Council's property (to include land as well as premises) is caused.

1.5 The Recharge Policy to tenants for repairs undertaken at their former or current property and will be provided to tenants at the start and at the point of notice to end the tenancy either by the Council, the tenant, or their representative. Unless the tenant has been approved for written communication documents will be available to them through their online Housing Account.

1.6 This policy will not provide a comprehensive list of potential rechargeable repairs but outlines the approach that the Council will take to ensuring that properties are well maintained and safe, that tenants comply with their obligations to maintain their home under the tenancy agreement and where this is not done the Council has the ability to enforce compliance and ensure homes are not allowed to deteriorate. At all times the Council will balance our statutory obligations with our role as a social landlord and take into consideration the needs of individual residents.

1.7 A user friendly version of the policy will be produced and will be available on request, on the Council's website and through Housing Online accounts when launched.

## **2. Aim**

2.1 The Council aims to deliver 'Value for Money' services and ensure maximum and efficient use of Housing Revenue Account funds.

- We will be consistent and fair in the treatment of all tenants and leaseholders
- We will aim to raise recharges promptly and accurately with the minimum of administration cost.
- Recharges will be set to ensure that tenants are covering the cost of carrying out these “additional” repairs including staffing costs for raising, managing, post inspecting and invoicing the item, this will be monitored to ensure that this service is self-funding but does not result in the tenant paying more than the true cost to the Council.
- We will ensure that tenants with a disability will not be unfairly penalised under this policy
- Tenants who are suffering from financial hardship will be able to access repairs to their homes with incremental payments.
- Tenants who are the victims of crime or domestic abuse will be able to access repairs such as lock changes and repairs to doors to ensure their home is secure.
- Tenants will be encouraged to report repairs even where they are caused by neglect or wilful damage and work with the Council to restore their home to an acceptable condition.

### **3. Potential Recharge Reasons**

3.1 The general circumstances where repairs are likely to be recharged are:

- The repair is caused by neglect, wilful/malicious damage, misuse, and accident
- Repairs for Tenant’s Obligations following Notice to Vacate/Possession Order/ Eviction
- Repairs for Tenant’s Obligations in connection with Mutual Exchanges
- Repairs for Tenant’s Obligations in connection with Transfers
- Repairs that are the tenant’s responsibility, but they are unable to carry them out and for health and safety / safeguarding reasons the Council agrees to carry out the works and recharge.

### **4. Rechargeable Repairs**

4.1 Runnymede aims to promote a culture of providing homes with rent levels which remain affordable and in return we expect our tenants to act responsibly and look after their homes.

4.2 The following list are repairs which would attract a charge to the current or former tenant of the Council property where damage or neglect necessitates additional repairs.

- Wilful damage e.g., replace broken door damaged by someone in the household or a visit,
- Remedy work carried out by the tenant which has damaged the fabric/ structure of the Property

- Neglect e.g., repairs required further to rubbish removal, missing keys (including windows locks),
- Clear blocked sink, drain, bath and toilet of e.g., nappies, toilet fresheners, etc. removal of fire doors, frozen/burst pipes, etc
- Misuse - e.g. – replace tiling, repair damage to walls (graffiti), allowing water damage through failure to report a leak, broken kitchen units.
- Damaged decoration (related to start of tenancy)
- Accident - e.g. – damage or loss of function to a fixture and/or fitting that occurs suddenly as a result of an unexpected and non-deliberate external action e.g., broken sink or bath due to an item being dropped in it.
- Tenants will also be responsible for work that may be required when moving out of their home in order to bring it up to an acceptable standard for it to be re-let. This includes cleaning of the property, replacing missing fixtures and fittings, clearing gardens.

4.3 The Council understands that from time-to-time repairs may be required that are not the landlord's responsibility and this may be difficult for some tenants to organise or pay for. One of the aims of this policy is to ensure that tenants are able to access good quality repairs and maintain their homes so that they are complying with their Tenancy Agreement. Tenants in breach of their repairing and maintaining obligations may be offered the services of a rechargeable repair and if they fail to remedy the defect will be served a Notice

## **5. Garden Maintenance**

5.1 Tenants are responsible for maintaining their gardens (where they are part of the tenancy, not communal spaces). This means keeping plant growth under control so that it does not encroach onto neighbouring properties. Trees must be safely maintained, and water features should be safe for pets and small children.

5.2 Lawns should be maintained, and growth must not be allowed to cause damage to fences, windows, wastewater pipes, drains or pathways etc. Maintenance of gardens is a tenancy condition and in exceptional circumstances where tenants are unable to manage their gardens the Council can arrange for a contractor to carry out the work on payment by the tenant of the relevant charges. Tenants will be encouraged to move to a more manageable home.

5.3 Where Health and Safety concerns are raised about the condition of a garden the Council may carry out works and recharge the tenant if the item is their responsibility.

## **6. Recharges – Housing Management General**

6.1 Recharges may also be appropriate for other reasons associated with housing management

- Damage identified following routine property inspections
- Mutual exchange inspections
- Unauthorised alterations identified during routine property inspections
- Rubbish, fly tipping, blocking refuse chutes
- Excessive hoarding of items within the property
- Damage to fences and gates to car parks
- Damage to controlled access systems
- Damage to TV aerials
- Gas servicing access difficulties that result in forced entry and/or a lock change being requested
- Recharges by gas contractor when called out to calls that result from no meter credit, turned down thermostat, tenant damage to heating system fixtures and fittings
- Dog fouling within or upon the demised premises and communal areas
- Graffiti within or upon the demised premises and communal areas
- Misuse of recycling bins
- Garage evictions (to include clearance costs and lock change costs)
- Removal of garden shrubs and trees
- Removal of garden rubbish
- Tidying of gardens where it is the responsibility of tenant(s)

## **7. Hoarding**

7.1 Hoarding can be a complex issue to manage, tenants will be supported to gradually reduce hoarding and officers will have discretion to recharge a proportionate amount for clearances if the resident is on a low income without savings. The primary concern will be for the welfare of the resident and agreeing a manageable reduction in the problem.

## **8. Charges on Termination of a Tenancy**

8.1 When the Council receives or gives notice to end a tenancy, before the end date of the tenancy a technical or management officer will arrange to visit and carry out an inspection which will be photographed and all rechargeable repairs will be identified and the tenant put on notice that if they are not carried out to an acceptable standard will be done by the Council at the end of the tenancy and will be recharged to the tenant or their estate. This will be known as a "Notice Inspection" All properties should be inspected before the tenant leaves and where the tenant is transferring to another social housing tenancies the new home will be held or withdrawn if the level of rechargeable repairs is unacceptable.

8.2 When a tenant signs the tenancy agreement for a new property, they will be provided with a condition report including photographs of each room. The Council has a Void Standard to which each property will be brought. On termination of the tenancy the tenant must return the property to the Council in the same condition, other than reasonable wear and tear. A check out report will be completed in the same format and any additional cost caused by tenant, neglect, unreasonable condition of the property or damage will be recharged to the tenant. This will include recharges to the estate of a

deceased tenant. Their representatives will be notified on receipt of the death certificate that the estate should not be disposed on until such time as the Council confirms any applicable charges.

## **9. Charging Policy**

9.1 Where any work is carried out by the Estate Services staff, it will be at the actual hourly cost to the Council (per operative time allocated and cost of material) plus a % (or fixed rate) admin fee. This may be to external areas, communal areas or within an individual property.

9.2 Where works require an external or internal contractor, the total costs incurred by the Council will be invoiced and will be re-charged in full with an admin fee.

## **10. Estate Services Staff**

10.1 Where any work is carried out by the Estate Services staff or a contractor, it will be at the actual hourly cost to the per operative and cost of material) plus a % (or fixed rate) admin fee. This may be to external areas, communal areas or within an individual property.

10.2 Where works require an external contractor, the total costs incurred by the Council will be invoiced and will be re-charged in full with an admin fee.

10.3 Examples of works that Estate Services staff may carry out for which the fee above will be levied are:

- Rubbish removal
- Graffiti cleaning,
- General cleaning after rubbish removal,
- Cleaning of carpets (Temporary Accommodation)
- Additional refuse collection due to contaminated recycling
- Dog fouling
- Cleaning of communal areas in shared houses.
- Bulk items left in communal areas or refuse areas. Only general household refuse is covered by the Waste service funded though Council Tax. Bulk items must be removed like any other resident of the borough.

10.4 Unless there are exceptional circumstances such charges will be paid in full prior to the work being carried out.

## **11. Recharge Categories – Current Tenants**

11.1 When a repair is requested that is not the landlord responsibility arranging a rechargeable repair will fall into two categories

11.2 Category 1 Health & Safety where the Council may arrange the repair once the tenant has contracted to pay the recharge and has set up a direct debit

11.3 Category 2 Non urgent items which can wait until the charge is paid or depending on the item following a financial assessment when 25% of the charge has been paid.

11.4 The Recharge procedure will outline repairs that can be carried out without the full cost being paid, where the ability to carry out a normal life with the property is hindered, e.g., broken door to a bedroom.

## **12. Insurance**

12.1 Runnymede Borough Council are only responsible for undertaking any necessary repairs to the building; tenants are strongly advised to take out a comprehensive contents policy to insure their private possessions and belongings and to cover damage caused by overflowing sinks, defective washing machines etc which will be the responsibility of the tenant.

12.2 Damage caused to another property such as to a property below will be the financial responsibility of the causing tenant, e.g., repair of decorations to a flat where a washing machine has leaked into the ceiling of the property below.

## **13. Accidental Damage**

13.1 Where damage has been caused to a property accidentally and where rechargeable Repair is agreed, an officer may give due consideration to the incident and the tenant's account of the incidents before recommending discretion to a senior officer.

## **14. Fair Wear and Tear**

14.1 Where damage has been caused to a property and where a rechargeable repair is appropriate, provided that the damage was only caused further to the reasonable use of the premises by the tenant and the ordinary operation of natural forces (i.e., the passage of time), an officer may give due consideration to the tenant's account of the cause of the damage before consulting with their Line Manager to decide whether the Council would apply discretion and not levy any charges for the Rechargeable

## **15. Discretion**

15.1 Runnymede Borough Council may decide not to recharge in certain instances. This will not always be applicable and if the following circumstance apply but if the tenant is in receipt of additional benefits and has funds available discretionary assistance will not be given solely on the basis of a disability or condition:

- Those with Learning Disabilities living alone
- Registered Physical Disability that prevents tenant carrying out their obligated repairs and they live alone.
- Debilitating Medical or Mental Health condition, and living alone
- Households that have been the victim of crime or Domestic Abuse (where the perpetrator is not living in the property)

- In addition, an officer may recommend a relaxation of the recharge policy for a tenant who has an excellent record of conduct during their tenancy

15.2 All potential rechargeable items will be identified on the housing system. When a recharge is applied or waived the system will require the reason for this to be recorded. Recharges will be monitored to ensure that they are being applied and waived with consistency and are not being disproportionately levied on any particular cohort of residents.

## **16. Former Tenants**

16.1 Action will be taken to recover recharge debts from former tenants, the debt will be considered a Housing related debt and will be considered in assessing future applications under the Housing Allocation Scheme. Debts will be subject to the Corporate Debt Recovery Procedure ensuring that residents with multiple debts and a low income are able to make management payment plans.

## **17. Recovery**

17.1 There will be a recovery policy for debts to the Housing Revenue Account, this will cover recharges, court costs, rent and any other sundry debts which are outstanding.

17.2 Appeals against decisions to levy Rechargeable Repairs can be made to the Head of Housing and Business Planning or Head of Housing Technical Services. Appeals will be considered where the policy has not been adhered to, and financial hardship will not necessarily result in charges being waived on tenant responsibilities.

## **18. Human Rights**

18.1 The Human Rights Act 1998, made the provisions of the European Convention on Human Rights (ECHR) directly enforceable in UK law. The operation of the recharge policy must be compatible with the Articles of the ECHR, most notably Article 8 by which everyone has the right to respect for their private and family life, home and correspondence. The Council will continue to take this into consideration in determining whether to carry out rechargeable repairs.

## **19. Equalities Implications**

19.1 In producing this document an Equality Impact Assessment (EIA) has been carried out and is available as a separate document.

19.2 An EIA is a way of assessing the impact, or likely impact, that a particular policy, procedure or decision will have on particular groups.



## 20. Version Control

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
V1	February 22	First draft		Maggie Ward	

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