

# **Sunderland City Council**

## **Rechargeable Repairs Policy**

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### 1 Introduction

**1.1** This policy sets out our approach to the raising and recovery of costs associated with rechargeable work. This policy covers all circumstances, services and work considered rechargeable.

### 2. Our aims and the purpose of this policy

**2.1** Sunderland City Council aim to operate an effective Value for Money (VFM) process through our fair and responsible collection of income from rechargeable work. This policy seeks to identify the services and work considered rechargeable and sets out the circumstances in which we will recharge.

**2.2** Specifically, this policy is designed to help staff to:

- Recognise the existence of rechargeable work and services and to clarify exactly what costs are rechargeable to the tenant, and when
- Understand how to raise and recover rechargeable debts and provide incentives for prompt payment
- Ensure that a consistent and fair approach is adopted in relation to the raising and collection of these debts

- Ensure that income collected through rechargeable costs is reinvested appropriately in the housing service

### **3. Relevant legislation**

**3.1** Through the implementation of this policy, Sunderland Council will act in accordance with the relevant legislation as detailed below (this list is not exhaustive):

- The Landlord and Tenant Act 1985, Section 11 (Repair obligations)
- The Housing Act 1985, Section 97 (Permission to undertake alterations)
- The Public Health Act 1961, Section 35 (Filthy or verminous properties)
- The Equality Act 2010, Section 29 (Provision of services)

### **4. Definitions: What is rechargeable work?**

1. For the purpose of this policy, rechargeable work or services is defined as any work Sunderland City Council must do to ensure a property is safe and/or suitable to be re-let, for which the tenant is responsible. The Repairs and Maintenance Policy sets out what repair work tenants are responsible for.

2. Where a tenant has caused damage that is beyond normal wear and tear, the cost of repairing this is also deemed to be rechargeable. This includes damage caused by members of the tenant's household, family members, friends, or other visitors (including pets).

3. Other costs may be recharged at the end of a tenancy for: the correct disposal of rubbish; clearing and/or cleaning a property or garden; or for any other work needed to bring the property back to a lettable standard.

### **5. Prevention**

**5.1** An aim of this policy is to reduce the amount of rechargeable work or services Sunderland City Council carry out, to avoid unnecessary costs being recharged to tenants.

We aim to do this by:

- Providing better information and advice on tenant repair and maintenance responsibilities when tenants are let a property and when identified throughout the life of a tenancy.
- Providing information on tenant repair and maintenance responsibilities when tenants go onto the mutual exchange, transfer or housing waiting list.

- Promoting a more positive, joined-up approach to tenancy audits and pre-term visits; to help tenants understand their responsibilities and what they could be recharged for.

## **6. Recharging**

**6.1** If a tenant does not maintain the property and carry out repairs that they are responsible for during the term of their tenancy, Sunderland City Council will do it when they leave and recharge the cost of this back to them. Sunderland Council will also carry out essential repair work where failing to do so would create a health and safety risk to a current tenant (see 7.3). Sunderland City Council will endeavour to collect the full cost back from the tenant.

## **6.2 Creating a recharge**

- Sunderland City Council will create a recharge by sending an invoice for the rechargeable work or services as soon as possible. This will state what we are recharging for and the total cost payable.
- Any cost recharged will be fair, accurate and reasonable, and will be substantiated with documentary evidence including photos. Wherever possible we will seek to obtain the tenant's agreement accepting responsibility for the damage or work needed prior to ordering this work.
- Tenants will be charged according to a rechargeable works schedule of costs that sets out the cost of each type of repair or job. Tenants will also be expected to pay an administration fee and, where applicable, VAT will be added at the current rate.
- Sunderland City Council may decide to waive a recharge on the basis of a tenant suffering extreme vulnerability or hardship or where the cost of collecting the debt is likely to exceed the value of the recharge. Housing Management Officers will exercise discretion in these cases and a decision to waive a recharge will be based on supporting evidence.
- Where a decision has been made to waive the recharge, it will still be recorded to ensure accurate accounting with regard to the rechargeable work. The cost of the work will be met through the repairs budget.

## **7. Circumstances when Sunderland City Council will recharge**

Examples of when Sunderland will carry out rechargeable work or services are as follows:

### **7.1 Gaining access**

Sunderland City Council may recharge tenants where costs are incurred gaining access to their home to carry out emergency works, where previous attempts have been ignored e.g., to conduct the annual gas safety inspection.

### **7.2 Void work**

Sunderland City Council will recharge the cost of clearing a property and/or garden at the end of a tenancy. This includes a reasonable cost for cleaning and clearance of any rubbish that has not been disposed of correctly.

Sunderland City Council will recharge the cost of clearance, storage and/or disposal of items that have been left behind by the tenant when it has been vacated (e.g., following an eviction).

Sunderland City Council will also recharge the cost of any work carried out to correct a former tenant's repair responsibilities, to facilitate the prompt re-letting of a void property.

### **7.3 Repairs**

Sunderland City Council will carry out any repairs that are normally the responsibility of the tenant that, if not done, pose a health and safety risk. This includes any work necessary to protect the local authority housing asset. In these cases, the minimum amount of work required to achieve this will be undertaken and recharged to the tenant.

We will recharge for any repair work that becomes necessary as a consequence of the actions of the tenant, beyond what we consider to be reasonable wear and tear. This includes recharging the cost for the replacement of any fixtures or fittings in the property that have been damaged or destroyed.

In cases where the tenant has caused wilful damage to any Council property, Sunderland City Council may report the matter to the police in order that criminal damage charges can be brought against the guilty party.

At the end of a tenancy, we will recharge former tenants the cost of any work that was their responsibility that we have had to carry out because they have not done it.

Sunderland City Council will recharge tenants or former tenants for any work required to correct unauthorised alterations to properties, particularly where this poses a health and safety risk or compromises fire safety.

### **7.4 Miscellaneous costs**

We will recharge the cost of clearing bulky items from Sunderland City Council communal areas that has resulted in a charge to Sunderland City Council and the tenant responsible for the inappropriate disposal of this can be clearly identified.

Sunderland City Council will recharge for any costs associated with clearing and repairing a dirty or verminous property during the course of a tenancy (as defined under section 35 of the Public Health Act 1961).

Sunderland City Council will recharge when a tenant has lost their door entry key or key fob.

We will also recharge tenants or former tenants for any other action, service or circumstance that causes unreasonable cost to Sunderland City Council, for which the tenant is responsible.

Sunderland City Council will also recharge tenants for the clearing of their gardens as the consequence of enforcement action.

## **8. Exemptions**

### **8.1 Circumstances in which Sunderland City Council may not recharge**

There may be circumstances when Sunderland City Council may decide not to recharge. Housing Management Officers will exercise discretion before making a decision on whether or not to recharge. This will be clearly documented. Examples of when we may exercise this discretion are as follows:

#### **8.2 When a tenant should not have to pay**

When a tenant has passed away, and there is no estate to pay the cost; or when a tenant goes into residential care and has no means to pay.

When a tenant has been a victim of a serious crime and has reported this to the police. This must be substantiated by a crime reference number and can provide supporting evidence from the police.

Where the tenant has been a victim of domestic abuse and was unable to prevent damage being carried out to the property. Supporting evidence will be required from the police or social services.

### **8.3 Certain types of repairs or improvements**

Where it is evident that required work is due to fair wear and tear of the property; or for items left in the property that have been agreed by Sunderland City Council. For improvements made to the property, where approval to carry out such works has been granted by Sunderland City Council.

## **9. Collecting debt**

**9.1** Sunderland City Council will ensure tenants are treated fairly and, wherever possible, recover the whole debt from the tenant in a timely and efficient manner.

**9.2.** Wherever possible all tenants will be required to agree to a recharge prior to Sunderland City Council attending, prior to any works being undertaken. This process allows Sunderland City Council to document the agreement and assists with the collection of the recharge. This also provides an opportunity for the tenant to challenge the decision before the work is carried out and avoid a potential dispute later. An exception to this would be any work needed to rectify a health and safety risk, which will be dealt with immediately.

#### **9.4 Non-payment of debt**

In exceptional cases, and where it would be cost-effective to do so Sunderland City Council may seek a judgement from the courts for persistent non-payment of

recharges. This would be dependent on the individual circumstances and the balance outstanding.

## **10. Disputes and appeals**

- 10.1** Sunderland City Council operates an appeal process for dealing with any disputes, which may arise regarding a decision made to recharge. If a tenant or former tenant wishes to have their liability for the cost of a repair reviewed, they must make their request to Sunderland Council Housing Operations Team.
- 10.2** Sunderland City Council will investigate the tenant or former tenant's case and respond within 10 working days to resolve the issue. If the tenant is not satisfied with the decision, they have the right to make a complaint through Sunderland Council Housing Service Complaints and Compliments Policy. The complaint will be investigated and responded to by a manager independent from the original decision-making process.

## **11. Data protection**

- 11.1** We will encourage a co-ordinated approach to sharing tenant information and managing multiple debts by liaising with other Council departments who may be seeking recovery of other debts from the same individuals. Only details in relation to the debt will be disclosed (where necessary) and no other personal information will be shared.
- 11.2** Sunderland City Council is a data controller under GDPR. We process personal data in compliance with data protection legislation. Sunderland City Council privacy notices can be found at the website on <https://www.sunderland.gov.uk/article/15536/Privacy-notice>.

## **12. Equality and diversity**

- 12.1** Sunderland City Council acknowledge the need to provide an effective service, but one that is sensitive to tenants' needs. Through the implementation of this policy, Sunderland Council will treat tenants courteously and be fair and objective at all times.

## **13. Monitoring and review**

- 13.1** The policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.

