

## **Executive Committee**

**29<sup>th</sup> October 2019**

### **Housing Rechargeable Repairs Policy**

Relevant Portfolio Holder	Cllr Craig Warhurst
Portfolio Holder Consulted	Yes
Relevant Head(s) of Service	Guy Revans / Judith Willis
Wards Affected	All
Ward Councillor Consulted	No
Key Decision : Yes	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report proposes the implementation of a Housing Rechargeable Repairs Policy.

#### **2. RECOMMENDATIONS**

**The Executive Committee RECOMMEND that:-**

- 2.1 The Housing Rechargeable Repairs Policy be adopted.**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 The Council is responsible for providing a cost effective, efficient Housing Landlord service whilst meeting its obligation to deliver value for money for its tenants alongside a sustainable Housing Revenue Account.
- 3.2 The introduction of a Rechargeable Repairs Policy enables the Council to charge tenants for the cost of repair works which are their responsibility under the terms of their tenancy conditions. This will generate income to offset against costs.

##### **Legal Implications**

- 3.3 Social Housing landlords have certain repair obligations owed to their tenants which are set out in the Housing Act 1985 and Section 11 of Landlord and Tenant Act 1985. The **landlord** must perform any maintenance work that is necessary for keeping the rental unit liveable for the tenant and the **landlord** also legally responsible for **repairing** any defects, and will be liable for any injuries resulting from a defect that the **landlord** failed to **repair** or **repaired** ineffectively

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- 3.4 It is a legal requirement for social housing landlords to provide tenants with a written tenancy agreement setting out the terms and conditions that are applicable to both tenants and the landlord.
- 3.5 The Housing Tenancy Agreement and Conditions for the Council set out the responsibilities of tenants in relation to repairs. Tenants are:-
- a) responsible for keeping their homes in a good condition and doing necessary repairs
  - b) responsible for keeping their garden tidy and in good condition
  - c) responsible for repairing, renewing or replacing as necessary any parts of the structure, installations fixtures or fittings, inside or outside of the building that are **damaged** by them, a member of their household or someone they allow into the property including children.
- 3.6 The agreement also stipulates that:
- a) If the Council carry out any urgent repairs that are the tenant's responsibility they will be recharged
  - b) Tenants will be recharged for any other repairs that the Council consider it is the tenants responsibility to fix.
  - c) If a tenant fails to undertake repairs for which they are responsible for, and if the Council has to undertake the work on their behalf, tenants will be recharged.
- 3.7 There is a legal implication on the tenant in the instance of wilful neglect or damage, and as such would result in a breach of tenancy. This could result in a Notice of Seeking Possession being served on the tenant and court action being taken against them which could result in possession of the property (eviction).
- 3.8 The costs imposed by any court action for breach of tenancy in law, can be rechargeable to the tenant.
- 3.9 It is a legal requirement to consult with tenants on matters of housing management.

### **Service / Operational Implications**

- 3.10 The introduction of a Rechargeable Repairs Policy requires a new written procedure for managing, charging and the recovery processes.
- 3.11 The new procedures will require additional activities to be undertaken by repairs officers, housing officers, income officers and administrative staff however will be carried out within existing resources.

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- 3.12 A full list of rechargeable repairs has been detailed in Appendix 1 of the policy for the approval of members as part of fees and charges is sought. These charges will also attract inflationary costs.
- 3.13 To ensure that the Council meets its obligation to consult on housing management matters, tenants and residents were asked to attend a Housing Focus Group to consider the proposals contained within a draft Housing Rechargeable Repairs Policy.
- 3.14 9 tenants and 1 resident attended the Focus group. They were split into groups and provided with a copy of the draft policy, thereafter discuss and respond to a series of questions.
- a) Do you think the Council should apply this policy?
  - b) What would you consider to be the council's responsibility to provide, when setting the letting standards
  - c) What would you consider to be 'necessary' repairs that the tenant should be responsible for?
  - d) How do you consider that charges should be applied. eg full costs upfront /invoiced ?
  - e) Do you think some tenants should have discounts applied eg: OAP's or in receipt of benefits?
  - f) What do you consider to be reasonable costs for: doors, lock changes, blocked toilets/sinks, no access/left card?
  - g) Overall would you consider this to be a fair policy?
- 3.15 Housing Officers worked with the groups and recorded responses and comments.
- 3.16 At the end of the session all groups provided their feedback. Overall there was an agreement amongst those present that a Rechargeable Repairs policy should be implemented. Appendix 2 contains a full list of responses and comments provided.

**Customer / Equalities and Diversity Implications**

- 3.17 All housing tenants and former tenants will be subject to the Rechargeable Repairs Policy.
- 3.18 In some (exceptional?) circumstances the council may decide not to apply a recharge. A Senior Housing Manager will have the authority to make discretionary decisions. For example: where damage to a property is a result of a reported crime.
- 3.19 An Equality Impact Assessment has been undertaken and details no detrimental effect to existing and future tenants.

**4. RISK MANAGEMENT**

- 4.1 The risk of not adopting the Rechargeable Repairs Policy is that the Council will lose significant income and put pressure on the Repairs and Maintenance budgets.

**5. APPENDICES**

- Appendix 1: Housing Rechargeable Repair Policy (to include list of Rechargeable Repairs)  
Appendix 2: Housing Focus Group feedback forms

**6. BACKGROUND PAPERS**

- Background Papers: Housing Tenancy Agreement and Conditions.  
(NB: being considered for adoption also at Executive 29.10.19)

**AUTHOR OF REPORT**

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