

Cheltenham Borough Council Recharge Policy

Version control

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Responsible officer

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Approved by:

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Revision history

Revision date	Version	Description
September 2025	1	New policy
November 2025	2	Amendments made to mitigating circumstances and inclusion of section on damage caused by the Council following feedback from Tenant Panel.

Consultees

Internal

- Housing Services division

External

- Tenant consultation
- Housing Committee consultation

Distribution

Employees within the Housing Services division. Council website.

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1. Introduction and purpose of the policy

Cheltenham Borough Council ('the Council') is committed to ensuring that all its properties are high quality, safe and well-maintained. Whilst the Council acknowledges that most of its tenants will maintain their homes to a good standard, instances of wilful damage and neglect do sometimes occur, and the cost of such repairs will be considered rechargeable. The costs recovered from these recharges will be reinvested back into the Council's housing service to help provide long lasting homes for its tenants.

This policy outlines how the Council will identify, determine and recover the cost of repairs that are not covered by the right to repair clause in the tenancy agreement. Repairs will be deemed rechargeable when:

- The repair is the responsibility of the tenant
- Damage to a property belonging to the Council is not attributed to wear and tear and is instead deemed to be wilful, or caused by neglect, misuse or abuse by the tenant, their family or visitors to the property
- The repair is required when moving out of a property to bring it to an acceptable standard

2. Aims and scope of the policy

This policy will ensure the charging and collection of rechargeable repairs is undertaken in a fair, effective and transparent manner, with any recovered expenditure being reinvested back into the housing service.

To achieve this, this policy will:

- Provide clear guidelines on what repairs the Council will recharge for, and under what circumstances recharges will apply
- Explain how recharges are calculated, raised and collected – including the actions to be taken if a recharge is not paid
- Ensure that existing housing stock is maintained and preserved to acceptable standards through the reinvestment of recharge costs

This policy applies to existing and former tenants of the Council.

3. Legislation and guidance

The Council's tenancy agreement forms the basis for this policy. Upon signing, the tenant takes responsibility for any damage caused by themselves, any member of their household or any visitor to the property and agrees to pay any costs reasonably incurred by the Council in carrying out the repair works. Furthermore, it is noted in the tenancy

agreement that any property alterations carried out without consent and approval from the Council will be recharged in instances where remedial work is required.

4. Identification of recharges

Rechargeable works are most commonly identified and categorised in two main ways:

1. Through a customer reporting a repair, or one of the Council's repairs operatives or contractors attending the property. Assessment of the type of repair needed, the cause of the damage and the circumstances surrounding the repair will help the Council determine whether the repair is rechargeable or not. Repairs of this nature are referred to as **rechargeable repairs**.
2. At a pre-termination visit or void inspection. These visits are undertaken by the Council's repairs operatives either prior to a tenancy terminating, or immediately after a termination. The Council's repairs operatives will identify whether any remedial works are required to the property to bring it up to a suitable standard to re-let. These repairs are rechargeable, are referred to as **void recharges** and are the responsibility of the former tenant.

On occasion a recharge may be identified through a third party attending the property, such as the Police or Social Services. This would be reported into the Council who would then follow this policy to raise and issue the repair/invoice.

4.1 Rechargeable repairs

When the Council is made aware of a necessary property repair, whether directly through a tenant, or via a repairs operative or contractor, they aim to determine at the earliest opportunity whether this repair is the responsibility of the tenant and therefore rechargeable, and if so the costings of this. This will then be relayed to the tenant before any repair work commences.

The Council is responsible for maintenance and repair work to the structure, fixtures and fittings of their properties. However, any wilful, accidental or negligent damage will be recharged. For example, lock changes, replacing smashed glass and replacing a toilet seat. In addition, any alterations made to the property by the tenant that have not been pre-approved by the Council are also deemed rechargeable. Examples of such alterations are outlined in the tenancy agreement and include things such as fitting a shower, installing a new kitchen or bathroom, removing walls and making changes to fixtures and fittings e.g. taps. There are further examples of which repairs are the tenant's responsibility and which are the Council's in the Tenant Handbook.

All tenants have the option to carry out repairs that are their responsibility themselves, however if this work is not done to an acceptable standard then the Council will undertake remedial works and this will be recharged to the tenant.

Photographs should be taken of the repair work required and used as supporting evidence for any recharges.

4.2 Void recharges

When a tenant vacates their property, any repair work required to return the property to an acceptable and appropriate standard will also be recharged – these are specifically referred to as ‘void recharges.’

Prior to tenancy termination, a tenant can arrange for a representative of the Council to undertake a pre-termination inspection. The aim of this inspection is to identify any aspects of disrepair which would be the tenant’s responsibility, and therefore rechargeable if not rectified before the end of the tenancy. This provides the tenant with an opportunity to remedy the damage/defects prior to the end of their tenancy and avoid recharges – however, if they do not do so, then void recharges will be issued following the end of their tenancy. All properties are void inspected (post termination when the property is empty) so even those where a pre-termination inspection has not taken place will be assessed for rechargeable repairs at the end of the tenancy period.

Common void recharges include:

- Repairs due to deliberate damage or neglect to the external and internal fabric of the building, including walls and fences (e.g. damage to internal doors, kitchen units or glass)
- Inappropriate use of fixtures and fittings
- Repairs due to unauthorised/unsafe tenant improvements
- Lock changes due to keys not being returned upon tenancy termination
- Clearance of rubbish from properties and gardens
- Removal of sheds/outhouses/other structures not approved by, or provided by the Council

4.3 Out of hours call outs

Repairs can be reported to the Council through their contact centre, which is open Monday to Friday 9am to 5pm. Should a tenant have an emergency repair outside of these hours, this can be reported through the Council’s out of hours service. This service is however for emergency repairs only and as such the cost of the call out can be recharged to the tenant if it is deemed upon arrival that the repair is not an emergency and/or the tenant is misusing the service.

4.4 Damage caused by the Council

There may be rare occasions whereby damage to a property is caused inadvertently by the Council, most likely in cases of an emergency. In these instances, whether there is a

recharge or not would be dependent upon the circumstances preceding the damage and therefore each case would be assessed on its own merit.

For example, if the Council needed to force entry into a property due to safeguarding or welfare concerns then it is very likely that there would be no recharge after the case has been assessed, however if the Council needed to force entry to fix a leak as there had been no successful communication with the tenant, and the leak was entering the property below, then it is more than likely that there would be a recharge for gaining entry alongside the necessary repairs to fix the leak. In both instances before determining a recharge the case would be fully investigated, including a review of previous repair history.

5. Mutual exchanges

Prior to a mutual exchange taking place, both properties will be inspected by the Council. Any rechargeable repairs that are identified must be completed and paid for before final authorisation will be given for the mutual exchange to go ahead.

6. Mitigating circumstances

The Council acknowledges that there may be circumstances under which it is not appropriate to recharge for a repair after additional information has been obtained from the tenant or third party. Some examples are listed below:

- Repairs caused as a result of a crime, for example burglary, will not be recharged for providing the crime has been reported to the Police, a Police incident number has been obtained and provided to the Council and there is a satisfactory history of repairs at the property
- Repairs to damage caused as a result of domestic abuse
- Repairs where a tenant's mental or physical health, or age may have been a contributing factor to needing the repair, or where these factors inhibit them from carrying out repair work themselves

As such, each case will be investigated on an individual basis, previous repair history will be reviewed and discretion may be utilised to waive the recharge in part or full if deemed appropriate. Any balance that is waived will be written off following authorisation from the Council's Housing Services Manager and/or Head of Housing Services.

7. Recharges raised against an estate

There may be occasions where a recharge arises following a tenant passing away. In this instance, the invoice will be raised and issued to the next of kin. The next of kin will be asked to make payment to clear the recharge from the estate, or to advise the Council in writing if there are no such funds to do so to initiate the recharge being written off.

8. Disputes

Both current and former tenants have the right to dispute a rechargeable repair or void recharge. The Council's Income team will thoroughly investigate any disputes, including any evidence provided by the tenant to support their dispute. If a decision is made in favour of the tenant then the recharge can be waived in part or full, and the appropriate balance will be written off by the Council. If a decision is made that the recharge stands the tenant will be asked to clear the outstanding balance in full, or to make a suitable repayment plan. Should a tenant not be happy with the outcome of their dispute then they have the right to utilise the Council's complaint process.

9. Calculation and payment of recharges

The Council uses the National Schedule of Rates (version 8), which is a recognised standard within the industry, to determine rechargeable repair costs. This ensures a fair and consistent process based on pre-determined pricing.

When a repair is identified as being rechargeable, the tenant will be notified of this immediately and where possible, an expected recharge amount will be given. Upon completion of a rechargeable repair an invoice will be raised by the Council and posted to the tenant. The invoice will set out that payment is required in full within 14 working days otherwise contact should be made with the Council's Income Team to secure an appropriate payment arrangement. Details of how to pay by bank are provided on the invoice.

9.1 Debt prioritisation

In instances where a tenant has other priority debts owing to the Council i.e. rent, court costs and former tenancy arrears, collection of recharges will come second to these unless payment to recharges is explicitly requested by the tenant, or a specific arrangement has been made.

9.2 Unpaid recharges

All outstanding rechargeable repair and void recharge costs, including those with secure payment arrangements in place, will be monitored by the Council's Income team to ensure the outstanding costs are cleared as quickly as possible. If a recharge remains unpaid after the invoice is issued, or if a payment arrangement is broken, then the Council's Income team will pursue recovery through the steps outlined in the Council's Rechargeable Repairs Procedure. This will include legal methods of enforcement where appropriate.

If a tenant has any outstanding unpaid rechargeable repairs then the Council may make the decision not to undertake any further non-emergency repairs at the property until the outstanding debt has been paid. Emergency and external repairs will still take place.

10. Tracing

If a former tenant has outstanding recharges and a forwarding address is not known, the Council's Income Team will try two tracing attempts. If both tracing attempts are unsuccessful and no forwarding information can be obtained then the outstanding debt should be recommended for write off.

11. Review

This policy will be reviewed every three years, unless legislative or regulatory changes require an earlier review.