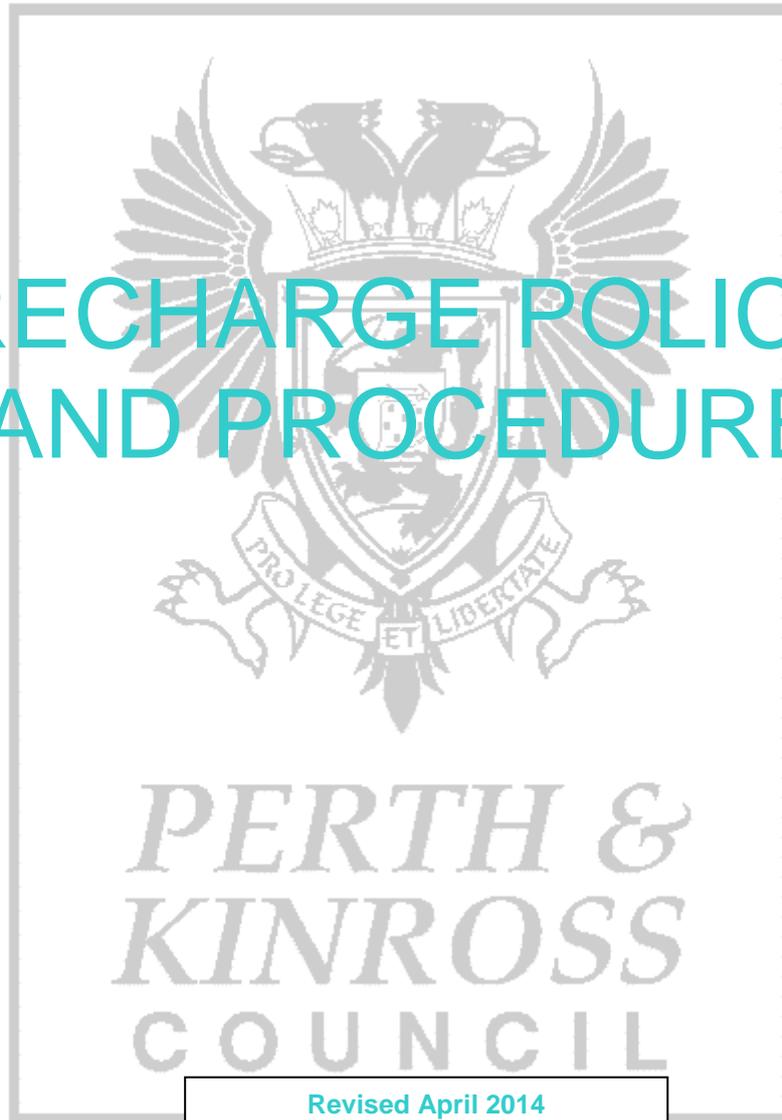


HOUSING REPAIRS SERVICE

RECHARGE POLICY AND PROCEDURE



Revised April 2014

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Revised Rechargeable Repairs Policy and Procedure
Summary of Report 28 May 2014 to
Housing and Health Committee

Status	Existing Policy
Scope	All mainstream and temporary accommodation tenants and private owners of previous Council stock
Reason for amendments	<p>To ensure that there is a consistent approach to recharges within the Housing Service.</p> <p>Tenants and private owners are currently recharged in order to:</p> <ul style="list-style-type: none"> • recover the cost of work arising from tenant or private owner misuse • consistently enforce the conditions of the Scottish Secure Tenancy • deter misuse and negligence of Council property by future tenants
Key Points and amendments	<ul style="list-style-type: none"> • Internal Audit requested that it was made clearer that stair lighting recharge increases occur on an annual basis. This has been included in the Policy and Procedure (Page 17) Section 2 – Tenanted Properties – Stair lighting. Added sentence - <i>Prices will increase in line with the agreed rent increase agreed by Committee.</i> • VAT is no longer applicable on any work that is considered as 'compensatory' e.g. void recharges and the standard charge of £40 for no accesses/missed appointments. This has been updated in Section 3. • This report proposes a number of exceptions to the requirement for advance payment for rechargeable repairs. Now included in Policy and Procedure – Section 5 (Page 25). • Section 7 – Appendix 2 – Standard Rechargeable Repairs, has been updated to reflect the current rates from term contractors.
Next Steps	<ul style="list-style-type: none"> • Implementation of exemptions in June 2014

SECTION 1

RECHARGE POLICY

Introduction

This policy sets out the ways in which Perth and Kinross Council (PKC), Housing Repairs and Improvements Service will recover the costs of repairs, clearance and related works, from current or former PKC tenants and owners/residents.

Recharge accounts are raised for a number of reasons:

- To recover the cost of work arising from tenant misuse
- To consistently enforce the Conditions of Tenancy
- To deter misuse or negligence of Council property by future tenants

Principles

We will apply our recharges underpinned by the following principles:

- Charges must be **fair** and **accurate**
- Charges must be supported by sufficient documentary **evidence** to clearly identify the scope of, and reason for, the rechargeable work required
- Payment should be taken in advance, where possible, from tenants before issuing a works order
- Decisions on recharging should be consistent, but certain staff members e.g. Senior Repairs Advisors and Property Inspectors can exercise discretion in exceptional circumstances. Advice from Area Team staff should be sought before a decision is made.
- Tenants who are to be recharged should be told the reasons why as early as possible in the process
- The sales ledger invoice process should be administered within 20 working days of details of completion of works being received (internal monitoring).

“Reasonable Charges”

Before a recharge invoice is sent, **all** individual charges should be checked by the Repairs Centre and Admin staff to ensure that they are reasonable. If required, further consultation with a Property Inspector may be necessary for clarification. Appendix 2, details examples of the most frequently identified recharges and their associated costs.

Charges for work identified on the initial order should normally stand, but an invoice may contain associated charges for jobs not specified on the original schedule. Staff must always consider whether it is reasonable to recharge these costs. Staff will always check the itemised charges are accurate.

Discretion can be exercised by staff, whilst still acting consistently. Before a recharge invoice is raised the circumstances of the person to be recharged should be considered and whether proceeding with the charge is appropriate and in the Council’s best interest. This will be decided in conjunction with the Area Teams.

Where the decision is taken not to recharge, a record should be kept and logged in order to provide an accurate audit trail of the decision made.

There may be occasions in which a staff member is related to the tenant in such circumstances the recharges will be handled by another officer.

SECTION 2

Guidance to Property Inspectors and Repair Centre Staff

One of the key objectives for the Housing Repairs and Improvements Service is to ensure complete consistency in making recharge decisions.

Where possible, payment for rechargeable repairs will be taken from the tenant before issuing the relevant works order. By using the paye.net system, an electronic payment can be taken and a receipt number given to the tenant. A works order can then be issued to the relevant trade to complete the works.

It is not possible to describe every situation that will be faced by staff. Judgement and discretion will occasionally be required.

However, the following examples show the standard approach to adopt and some of the questions staff will be required to ask before deciding to recharge.

Vacant Properties

1 Gaining Access

Recharge where the outgoing tenant fails to surrender keys to the Housing Officer when vacating.

2 Overgrown gardens blocking access to property

Recharge the costs of cutting back and removing clippings, to leave the garden in a manageable state and safe/clear access to the property.

Judgement must be made based on the condition of the gardens and access at the time of quitting.

3 External rubbish

Recharge removal costs only if it is clear that the rubbish has been left by the previous tenant.

4 External graffiti

Only recharge for removal if it is obviously the responsibility of the former tenant.

If appropriate, gather evidence from neighbours and other agencies about the source of the graffiti.

- 5 Dilapidated outbuildings and tenants' own hazardous hard landscaping
- Recharge the full cost of removing damaged/unsafe outbuildings and restoring the garden.
- Check property file records to ensure that the dilapidation or landscaping occurred during the tenancy and not from a previous tenancy.*
- 6 Unacceptable internal decorations
- Recharge washing down all dirty walls and fixtures/fittings, and the cost of redecoration.
- 7 Broken internal fixtures, fittings and finishes
- Normally these will be recharged in full.
- 8 Tenant's own electrical work/alterations
- If the tenant did not get permission and there is no adequate documentation to prove that the electrical work is satisfactory, staff will order a rechargeable "electric check" and will apply a recharge of the cost of any work necessary to comply with electrical regulations.
- Staff will always check house files for any alterations requests/permissions.*
- 9 Unfixed, or improperly fixed gas appliances
- Staff will order safety check and recharge if any remedial work is necessary because of the former tenant's alterations.
- This type of work usually occurs when tenants have installed their own fire and stored the original and on quitting they take out their own fire and leave the Council fire to be refitted.*
- 10 Service reconnection
- Tenants will be recharged for reinstating gas/electric supplies where it is the result of disconnection because of unpaid bills.
- 11 Damaged or poorly installed tenants own kitchens or bathrooms
- 12 Structural alterations

13 Remodelled interiors

Rechargeable repairs should be done:

- If work is poor standard
- If the work fails to comply with conditions of approval for alterations
- If the tenant has created a potential hazard

Staff will check house file for permissions and Social Work adaptations

14 Internal rubbish/effects

Tenants will be recharged the cost of removing all items, including floor coverings, with the exception of coverings in the bathroom and kitchen if they are in good condition.

Staff will check to ensure outgoing tenant has not intended to leave effects "for benefit of the next tenant".

15 Infestation and sharps

Tenants will be charged for the disinfestation of dirty properties and for the removal of needles and syringes.

16 Property damaged from long-standing disrepair

Tenants will be recharged if significant damage has been caused by the former tenant's failure to report disrepair.

An example would be an internal leak that has progressively destroyed plaster and floorboards. It must have been obvious and only the "additional" repairs should be recharged.

17 Drainage Clearance

Tenants will be recharged where it can be seen that they have misused the drain during occupation.

Tenanted Properties

1 Lost keys

Tenants will be recharged the cost of lock changes and any associated works (e.g. frame splice). Locks will not be changed without clear evidence that the person requesting the lock change has a tenancy interest and therefore a right to access the property.

Out of hours (standby) requests must be reported to the police and only upon receiving confirmation from the police will the authorisation of the change of locks be approved. Identification should be provided by the tenant on arrival at the property.

2 Stolen keys

Tenants will be recharged the cost of lock changes and any associated works. Locks will never be replaced without clear evidence of the person requesting the change providing a tenancy interest and therefore having a right to access the property.

All incidents including out of hours (standby) requests must be reported to the police and only upon receiving confirmation from the police will the authorisation of the change of locks be approved. Identification should be provided by the tenant on arrival at the property.

A crime/incident number will be required. This should be placed on the replacement order.

3 Damage from forced entry

In the event of damage by the police or other agency in the lawful execution of a warrant allowing them to force entry to the property, the tenant is responsible for repairing any damage within 14 days. In the event of their failure to repair, a decision may be made to carry out the necessary repair to ensure the property is secure. Tenants will be recharged all repair costs resulting from forced entry (as per Section 5.10 of the Tenancy Agreement).

4 Deliberate damage by tenant, guest or household member

Tenants will be recharged the full cost of repair, including associated works.

In general recharge the costs arising from "careless" damage (e.g. drilling through electric cable, nail through water or gas pipe, object dropping resulting in cracked sanitary appliance).

If damage caused by a person with a physical or mental impairment or disability, consider not recharging on a discretionary basis, if this is reasonable. This decision should be made in conjunction with the Area Team staff.

5 Where a crime has been committed and damage caused to the property

These will not be recharged if the tenant reported a crime to the Police. However tenants should provide a crime / incident number will be required. This should be placed on the order. If the crime number is not available at the time of reporting the repair, a recharge should be sought until the crime number is provided by the tenant.

Where the Police have made an arrest after having forced access to a property, tenants will be recharged for the damage caused.

6 Garden and Rubbish Clearances

Perth and Kinross Council will seek to identify the need for gardens of tenanted properties to be cleared through regular estate inspections.

Initially the Council will inform the tenant that it is a condition of their tenancy agreement that their garden be maintained to an 'acceptable level'. Tenants will be advised that PKC reserve the right to undertake the work on their behalf and recharge them if they are unable or unwilling to undertake the work themselves.

Tenants should be encouraged where possible to undertake the work themselves.

7 Inappropriate Emergency Repair Orders

Tenants will be advised when receiving the emergency repair order that they will be recharged if the work is not considered to be an emergency or if they do not attend the appointment.

A standard charge of £40 will be applied for each call out in the above cases.

Team Leaders and Property Inspectors will liaise to identify when the repair order is inappropriate or the tenant does not attend the appointment.

8 Missed Appointments and "No Accesses"

Tenants will be advised when rearranging a missed appointment that the second "no access" will result in a recharge of £40.

9 Gas Servicing – Sheriff Officer Visit

If a tenant fails to provide access for an annual service to the boiler and this is therefore referred to the Sheriff Officer the full cost of the referral, Sheriff Officer visit and VAT will be invoiced.

10 Stair lighting

Stair lighting costs will be recharged to all relevant owners/residents by Perth and Kinross Council. The charges will be issued annually (October). Prices will increase in line with the agreed rent increase agreed by Committee.

This charge applies to owners/residents who have purchased a previous local authority property with communal responsibilities as per title deeds.

11 Planned Maintenance

Planned Maintenance works will be recharged to all owners/residents by Perth and Kinross Council. On instruction from the Property Inspector that works are completed, the invoice can be raised as per the estimate.

This charge applies to owners/residents who have purchased a previous local authority property with communal responsibilities as per title deeds.

12 Mutual Exchanges

Mutual exchange repairs works will be recharged to the tenant when there is evidence of unauthorised or illegal electrical works within the property. The reinstatement of works caused by alterations or improvements made without written permission from the Area Manager will be recharged.

Recharges will also be levied where:-

- no access is provided for scheduled inspection appointments unless there are exceptional circumstances (standard charge as per section 8)
- scheduled inspections are cancelled by the tenant with less than 24 hours notice unless there are exceptional circumstances (standard charge as per section 8)
- the application for mutual exchange is withdrawn by the tenant and inspections have already been carried out (the full cost of safety checks are liable by the tenant).

13 Assignations

Tenants will be recharged the full cost of safety checks if requested by the Area Housing Office.

14 Tenants Incentive Scheme

All rechargeable repairs identified at the void period will be applied to the tenant excluding the costs of clearing out of property, attics, cellars and outbuildings.

Record Keeping and Evidence

The quality of records and evidence is critical to recovering recharge debts. Every team dealing with recharges should pay attention to effective storage, referencing and transit arrangements for files and photographs.

Staff will make full use of computerised screens (mobile working) to record ongoing details of contact with tenants and advice given about recharges. This is particularly useful for “day to day” and “standby” (out of hours) repairs which are recharged.

Supporting evidence should be taken from the property file where appropriate. The following records can and will provide invaluable evidence to support the decision to recharge.

- Tenant alteration requests and the office’s response
- Pre-mutual exchange and post-notice inspection reports
- Repair histories
- Previous void schedules
- Records of keys issued to tenant

A quarterly audit of the recharge process will be carried out as part of the Housing Repairs and Improvements Business Management and Improvement Plan (BMIP).

SECTION 3

RECHARGE PROCEDURE

Scope of Work and Charges

Recharge orders for repair work, clearance, de-infestation or other works required as a result of tenant damage or misuse of the property may be generated in a number of ways.

The majority of orders will be created following vacant property inspections, repair inspection, (Property Inspectors), as a result of Standby (out of hours) repairs or from day-to-day repair requests (Repairs Centre).

Recharge orders will be raised either

- on-line through Repair Finder by indicating that the work is to be recharged - either selecting Y (RF) or placing R in Recharge field (TPH)
- Void recharges

Recharge accounts for tenanted properties are made up of:

- the order charge
- VAT

Recharge accounts for vacant properties and for the standard applicable charge in Section 8 for no accesses/missed appointments are made up of:-

- the order charge (VAT is not applicable as per HMRC guidelines)

The paye.net system should be used to settle payment of repairs, where possible, before staff issue a works order to complete the necessary works.

Gathering Evidence

Evidence required to support any recharge decision covers both:

- the condition of the property and the need for repair

and

- the tenant's responsibility for the cost of the work

There will be no recharge for the cost of rectifying "fair wear and tear" - defined by the House of Lords as "reasonable use of the premises by the tenant and the ordinary operation of natural forces". We will not recharge the tenant, or former tenant, if they are not responsible for the damage (NB tenants are responsible for the acts or omissions of their household members and guests - tenancy agreement)

We will recharge if work is required because of:

- negligence
- wilful or incidental damage
- sub-standard alterations

1 Vacant Properties

Prior to a property being vacated "rechargeable works" will be identified at the pre-termination visit. The tenant will be advised that if they have not rectified the works by the time the property is vacated then they will be recharged for the value of the work. The tenant will be provided with an estimate of the cost of the work during the visit.

Once the property has been vacated the staff member who visits the property to inspect its condition must take clear photographs of all the items or elements to be recharged.

The evidence must be cross referenced to the property summary sheet and passed to the Central Admin Team for processing of invoices.

2 Mutual Exchanges and Back-to-Back Lettings

Outgoing tenants will be advised at the property inspection of any apparent repair or condition issues which would be rechargeable and this will be recorded.

"Pre-inspection" may not identify all defects because the property will be occupied and furnished. However, any "rechargeable work" that is identified should be photographed for future reference.

The tenant must agree to accept any recharge as a condition of moving.

If “rechargeable works” are identified at inspection and no agreement to pay is made, tenants will be advised that they will be recharged for the works identified if they have not rectified them by the time the property is vacated.

3 Responsive Repair Requests

In a tenanted property the work which will be recharged must be explained at the first point of contact – Repairs Centre, Property Inspector.

The staff member receiving a repair request must ask relevant questions about the cause of the disrepair. If it is the result of tenant damage the tenant will be advised that the costs will be recharged. The tenant must make payment before the order can be released.

4 Standby Repairs

On visiting a property in response to an out-of-hours request, the operative will assess the work and decide if it is rechargeable. If it is, the tenant will be advised and asked to sign a recharge acceptance form.

If the tenant refuses, or if there is intimidation or threats to the operative, this must be reported at the first opportunity.

The operative will only carry out rechargeable work without a signed agreement to pay if it is needed on health and safety grounds or if the tenant is considered to be vulnerable.

SECTION 4

Vacant Properties – the following activities will take place:

1 Inspection

The property will be inspected by the Property Inspector who will assess for any damage or improvement. Photographic evidence should be taken.

2 Void Input

A schedule of work will be produced and void works order raised. Rechargeable items will be listed on the Voids Summary Sheet.

3 Contacting Outgoing Tenant

Following receipt of information from the Property Inspector, the former tenant will be notified of the recharge order and asked to complete an acceptance form. Photographic evidence will be filed on the property file.

4 Raising Recharge Request

After 10 working days, to allow response/appeal from former tenant, the Central Admin Team will raise the recharge invoice.

5 An invoice will be sent to previous tenant through Sales Ledger.

Tenanted Properties

Repairs Centre – the following activities will take place;

- 1 Repair will be identified as rechargeable using the “Repair Finder” system.
- 2 Notes will be placed on Northgate indicating that tenant has been informed of recharge.
- 3 If tenant agrees to accept recharge, a payment should be taken using paye.net or cash payment before a works order is raised and information recorded on Northgate.
- 4 If a tenant refuses to accept recharge (depending upon on the nature of the order) no works order will be raised.

Note: (Raise if health and safety implications) – information recorded on Northgate and invoice raised for costs.

- 5 If a tenant agrees an informing letter will be sent confirming the recharge order (Appendix 3) and request for payment.
- 6 10 working days will be allowed for the tenant to dispute/respond to the above letter.
- 7 A works order will only be issued once payment has been received.

SECTION 5

Exemptions

There are certain items exempt from the requirement for payment in advance on the grounds of protecting the health and safety of the customers to whom we have a statutory responsibility and duty of care;

- Gas and Electrical Installations – Any damage caused to the installation, hardware, plumbing, wiring or fixtures and fittings which could present a risk to the occupier or associated persons. Any repairs required to ensure the safety of the installations would be undertaken.
- Safety Equipment – Damage to smoke or carbon monoxide detectors or other similar devices which are designed to alert the occupier to danger, which has rendered them inoperable or unreliable. Damaged units will be replaced.
- Glazing – Any damage to windows, doors or internal glazing which could present a risk to the occupier or associated persons. Damage to glazing will be made safe and windows will be boarded up.

The following items are exempt from the requirement for payment in advance on the grounds of avoiding further damage and associated costs to the property or adjacent properties, preventing the loss or theft of Council property and minimising the impact of our customer's conduct on neighbouring owners or occupiers;

- Water Leaks – Any damage to the installation, hardware, plumbing or fixtures and fittings which could result in further damage to the property or adjacent properties. Any repairs required will be undertaken to prevent further damage occurring.
- Communal/Common Areas – Any damage to these areas caused by the actions or negligence of our tenant should be made good to minimise the impact on other tenants, owners or occupiers.
- External Doors – Any damage to external doors which inhibits the security of the property will be repaired in order to protect Council property including furnishings and appliances that are provided in temporary accommodation. Doors will be repaired where possible and full replacement will be a last resort.

- Locks – If after full consultation with the Area Teams it is identified that specific cases need to be exempt the Housing Repairs Service will assist in terms of repairing any damage to locks or where the tenant has lost their keys or locked themselves out. This is to avoid tenants forcing entry or replacing the lock with a style that is out with our normal specification. This intervention will avoid further, future costs being incurred and will protect Council property as above.

Where this type of repair work is undertaken the tenant will be recharged without the requirement for pre-payment.

SECTION 6

Appeals Process

Tenants have the right to appeal the decision made. They can do so in writing to the Repairs Centre and Admin Manager within 10 working days of receipt of the informing notification.

Appeals will be considered by the Housing Repairs and Improvements Service Manager. This decision will be final.

A copy of all relevant paperwork (original informing documentation, photographic evidence and letter of appeal) will be provided to the Service Manager for consideration. The Repairs Centre and Admin Manager will provide any further information as requested.

Once a decision has been made the final outcome will be communicated, in writing to the tenant within 5 working days.

SECTION 7

RECHARGE APPENDICES

Example of an Informing letter – Void Properties

Example of a Confirmation letter – Responsive Repairs

Example of an Informing Letter – Executors

Appendix 2 – Examples of Standard Rechargeable Repair Items

Example of an Informing letter – Void Properties

Dear

Recharge for

You recently moved out of ****Address****. One of our Property Inspectors has inspected the property and has highlighted **a number of** rechargeable repairs which are necessary so that we can re-let this property.

Rechargeable repairs are usually, but not always, due to:-

- Adaptations/changes being made to the property by you and the property having to be reinstated (to a condition that meets our lettable standards)
- Damage to the property that is not repaired before the tenancy ended
- Remove of personal belongings and items left
- Additional cleaning required

I have attached a list of the work that is needed in this property showing the recharges for these and I have attached some photographs to provide evidence this.

Please could you sign the enclosed agreement form and return it using the pre-paid envelop. Please can you do this within the next 10 working days?

If you do not return this form I will assume that you agree with the recharges and will then send you an invoice for the cost of the repairs.

If you would like to discuss how you can make payments, I can discuss this with you once I send you the invoice.

If you would like to talk to a member of the team about this, can you please call the Central Administration Team on 01738 477427 where staff will be happy to help.

Yours sincerely

**Central Administration Team
Housing Repairs Service**

Example of a Confirmation letter – Responsive Repairs

Dear

Recharge for

Thank you for your recent request for work to be carried out in your property. This is to let you know that we will charge for this work **OR** we have enclosed pictures taken at your property on (insert date) and an unsigned agreement to meet the cost of the repairs

Please note that we will need you to pay in advance before we will begin this repair work.

There are several ways you can pay for this service:-

- 1 By debit/credit card – Monday to Friday, 8am to 6pm. Telephone 0845 3011110.
- 2 By post to – Housing Repairs and Improvements Service, 5 Whitefriars Crescent, Perth, PH2 0PA. Cheques and postal orders must be crossed and made payable to Perth and Kinross Council. Please write your address on the back of your cheque or postal order. (*Reference Numbers*)

If you have queries or questions please can you contact our Central Administration Team at Perth and Kinross Council, Housing Repairs and Improvements Service, Central Admin Team, 5 Whitefriars Crescent, Perth PH2 0PA or phone 01738 477427.

Staff will be happy to help with any questions or queries.

Yours sincerely

**Central Administration Team
Housing Repairs and Improvements Service**

Example of an Informing Letter – Executors

Dear Sir / Madam

Recharge for

We appreciate this is a difficult time for the family and are sorry about having to write to you as Executor of the Late (*enter name(s)*).

However, in order to be able to re-let this property, one of our Property Inspectors has inspected the home and has highlighted *a number of* rechargeable repairs which are necessary so that we can do this.

Rechargeable repairs are usually, but not always, due to:-

- Adaptations/changes being made to the property by you and the property having to be reinstated (to a condition that meets our lettable standards)
- Damage to the property that is not repaired before the tenancy ended
- Remove of personal belongings and items left
- Additional cleaning required

I have attached a list of the work that is needed in this property showing the recharges for these and I have attached some photographs to provide evidence this.

If you have details for a solicitor dealing with this estate, could you please either forward this letter to them, or contact me at the number above, with their details and I can write to them directly.

If you are dealing with the estate, could you please sign the enclosed agreement form and return it in the pre-paid envelope. Could you do this within the next 10 days? If you don't return the form I will send you an invoice, unless you let us know that you are not responsible for the estate, or if we receive alternative instructions from a solicitor.

If you would like to discuss how you can make payments, I can talk to you about this once I send you the invoice.

Any enquiries regarding this recharge should be directed to the Central Administration Team on 01738 477427.

We look forward to hearing from you.

Yours sincerely

**Central Administration Team
Housing Repairs and Improvements Service**

APPENDIX 2

Standard Rechargeable Repairs Estimated Charges 2013/2014

Repair Item	Approx Cost
Clear blocked waste, sink or bath	£14
Clear blocked toilet	£14
Clear blocked drain (outside property)	£79
Replace toilet	£141
Replace cistern	£144
Replace wash hand basin	£118
Replace bath	£453
Re-secure bath panel	£10
Replace internal door	£73
Renew internal door handle	£15
Gain access only	£20
Gain access and replace mortice lock	£96
Replace cylinder and core to lock	£80
Replace core only to lock	£41
Board up window	£25
Replace glass window (depending on size and type of window)	£33- £105