

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 18 NOVEMBER 2014**

Title of report	<b>APPROVAL OF HOUSING POLICIES</b>
Key Decision	a) Financial Yes b) Community Yes
Contacts	Councillor Roger Bayliss 01530 411055 <a href="mailto:roger.bayliss@nwleicestershire.gov.uk">roger.bayliss@nwleicestershire.gov.uk</a>  Director of Housing 01530 454819 <a href="mailto:glyn.jones@nwleicestershire.gov.uk">glyn.jones@nwleicestershire.gov.uk</a>  Head of Housing 01530 454780 <a href="mailto:chris.lambert@nwleicestershire.gov.uk">chris.lambert@nwleicestershire.gov.uk</a>
Purpose of report	To seek approval to implement the policies.
Reason for Decision	Policies have been reviewed and created to reflect the requirements of the service for the medium term.
Council Priorities	Safer and Healthier Communities Value for Money
Implications:	
Financial/Staff	The services detailed in the policies can be met from within the existing approved Housing Revenue Account budget.
Link to relevant CAT	Welfare Reform Corporate Action Team
Risk Management	This report outlines the approach in specific service areas to managing and mitigating against risks.
Equalities Impact Screening	No implications apparent.
Human Rights	No implications apparent.
Transformational Government	Through the creation of a strong policy framework the approval of this report will support the delivery of more efficient services and associated decision-making process.

Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Directorate Management Team; Tenants & Leaseholders Consultation Forum; Service Area Working Groups.
Background papers	<a href="#">Executive Board 12 June 2007</a> , <a href="#">Cabinet 17 July 2012</a> , <a href="#">5 March 2013</a>
Recommendations	<b>THAT CABINET APPROVES THE ADOPTION OF THE POLICIES DETAILED IN APPENDIX A OF THIS REPORT</b>

## 1.0 INTRODUCTION

- 1.1 A number of policies have been identified for review and development and grouped together into Phases. The depth of the review depended on whether there have been changes to legislation, structure and any identified learning from feedback and recognised good practice.
- 1.2 The policies have been reviewed or compiled with officers and tenants from the relevant Working Group. Policies will be constantly refined and updated to reflect changes in legislation and the service priorities of the Council.
- 1.3 The extent of the review of the policies is shown in the table below. The relevant Tenant Working Group has been consulted and shown below.

Ref	Policy Description	Comments
01	HRA Discretionary Fund	This will now be a contribution to the corporate Discretionary Housing Payment fund. Therefore a separate policy is not required. The Housing Management Working Group was involved in developing the policy.
02	Under Occupation Policy	Refresh and introduction of an incentive for people affected by the Under Occupation charge if they move to smaller accommodation. The Housing Management Working Group was consulted on the draft policy.
03	Garage Policy	This is a new policy which introduces a range of options for the future of garages sites and hard standings depending on the level of demand and investment required, The Housing Management Working Group was consulted on the draft policy.

04	Tenancy Policy	This is a new policy that explains the approach the Council will take to ensure efficient use of its housing stock by issuing tenancies that are compatible with the purpose of the accommodation, the needs of the household and the sustainability of the community. The Housing Management Working Group was involved in developing the policy.
05	Aids & Adaptations Policy	Refresh of the policy. The Repairs Working Group was consulted on the draft policy.
06	Rechargeable Repairs Policy	Refresh of the policy. The Repairs Working Group was consulted on the draft policy.

1.4 The draft policies are attached as Appendix A.

## **2.0 NEXT STEPS**

2.1 Procedures to underpin the policies will be developed to achieve consistency in the application and interpretation of the policies and these are scheduled for completion by the end of December 2014.

2.2 In order to ensure customers are advised and informed of changes to service, key staff not already involved in the review of the policy will receive training prior to the implementation of the policy by the end of December 2014.

2.3 A communications plan will be developed to appropriately publicise the revised under occupation incentive scheme to increase the supply of family homes.

## **3.0 RESOURCE IMPLICATIONS**

3.1 The resources for the services proposed in the policies referred to in this report can be met from within the existing approved Housing Revenue Account budget.

### HOUSING SERVICES

**Area** : Housing Management  
**Department** : Housing Management  
**Subject** : Under Occupation Policy

**Procedure Ref:** HM-  
**Date approved:** 22.5.12 (Cabinet)

**Owner:** Housing Management Team Manager  
**Effective date:** June 2012

Please state what policy & documents (if any) this procedure is linked to:

- Allocation Policy
- Void Lettable Standard
- Rechargeable Repairs Policy

Version	Date	Details of amendment	Creator/amender	Approved by	Next review due
1	27.3.12	N/A	Amanda Harper	Chris Lambert	2015/16
2	7.7.14	* Amended eligibility criteria * Amended incentive scheme payment	Amanda Harper		2017/18

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## **1. INTRODUCTION**

- 1.1 This policy explains who is eligible to apply for a financial incentive to move and how the Council can help residents to move to a smaller sized accommodation if they want to.
- 1.2 The Under Occupation Policy is intended to increase the number of family homes that become vacant each year by managing under-occupation in our houses to make best use of our housing stock.

## **2. DEFINITIONS**

- 2.1 For the purpose of this policy, the following definitions apply:
- Under-Occupation is where a resident is living in a house which is too large for their housing need in accordance with our Allocations Policy or in accordance with the Department of Works and Pensions (DWP) assessment for the under occupation charge. The DWP assessment applies to working age households only.
  - The Under Occupation Incentive will financially help current tenants to move to a smaller property.
  - A transfer is where a household moves from one property to another.

## **3. ELIGIBILITY**

- 3.1 Council tenants will be considered for the incentive scheme if they are:
- A transfer applicant of a house and apply to move to a supported or sheltered property or
  - A transfer applicant of working age who is affected by the Under Occupation Charge and apply to move to a smaller Council or Housing Association general needs property where no charge would apply based on their household size at the time of the move.

In addition to the above, the payment will only be made providing the tenant:

- Is a secure Council tenant
  - Has a clear rent account or has agreed to use the incentive payment to clear the rent account
  - Has kept their home and garden in a clean and reasonable condition
  - Has kept to the terms of their tenancy agreement
- 3.2 A transfer applicant who is unable to manage their current property due to ill health or disability will be considered for the incentive scheme and the costs of remedial works to bring the property they vacate to the void lettable standard will be deducted from the incentive payment.
- 3.3 Residents will not transfer to a property which they will under occupy.

3.4 Tenants will only be eligible for one incentive payment.

#### **4. INCENTIVE PAYMENTS**

4.1 The Council will pay a total of £2,000 to the tenant who moves from a house to a supported or sheltered property.

4.2 The Council will pay a total of £1,000 to the tenant liable to pay the under occupation charge in their current home who moves to a smaller Council or Housing Association property where no charge would apply based on their household size at the time of the move.

4.3 The payment will be made in two parts, 50% at the time of signing the agreement for the new property and the balance following the deduction of any rechargeable works items, unless otherwise agreed with the tenant during the home inspection prior to the move.

#### **5. MONITORING AND EVALUATION**

5.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success and speed of internal processes, such as:

- Number of tenants benefitting from the Incentive Scheme
- Number of family homes released
- Tenant satisfaction

5.2 The policy will be reviewed in 2017/18 and/or in response to legislative changes, feedback or recognised good practice.

#### **6. EQUAL OPPORTUNITIES POLICY**

6.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services.

6.2 Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.

## HOUSING SERVICES

**Area** : Housing Service  
**Department** : Housing Management and Repairs and Investment  
**Subject** : Garage Policy

**Procedure Ref:** HM-  
**Date approved:**

**Owner:** Housing Management Team Manager  
**Effective date:** October 2014

Please state what policy & documents (if any) this procedure is linked to:

- Garage Allocation Policy
- Repairs Policy
- Rechargeable Repairs Policy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	7.7.14	N/A	Amanda Harper		2017/18

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## **1. INTRODUCTION**

- 1.1 This policy explains the approach the Council will take in managing its garage sites and hard standings.
- 1.2 The Garage Policy is intended to effectively determine the financial investment of garage sites, garages and hard standings or disposal opportunities.

## **2. DEFINITIONS**

- 2.1 For the purpose of this policy, the following definitions apply:
  - A garage site contains garage structures erected by the Council.
  - Hard standings are typically concrete bases or areas identified as parking spaces used exclusively by the licensee.

## **3. APPROACH**

- 3.1 In order to determine the future financial investment of garage sites and hard standings, an assessment of each site will be undertaken, taking account of information on the occupancy, demand and cost of improvement.
- 3.2 The information collated will be used to place each of the sites in one of the following categories:
  - i) Retain and Improve
  - ii) Retain for Affordable Housing (development by the Council or a Registered Provider)
  - iii) Consider for disposal – sites with a significant commercial value
  - iv) Retain as open space
- 3.3 A phased programme of works will be scheduled to undertake the works at those sites identified as Retain and Improve. The timescale for the works will be determined by the cost of works.
- 3.4 Consideration for additional capital funding can be undertaken as part of the annual budget process.
- 3.5 The existing governance arrangement would be followed prior to the disposal of any site.

## **4. MONITORING AND EVALUATION**

- 4.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success and speed of internal processes, such as:
  - Levels of occupancy and income levels
  - Levels of demand
  - Local resident satisfaction



4.2 The policy will be reviewed in 2017/18 and/or in response to changes in the occupancy and demand levels, investment requirements, legislative changes, feedback or recognised good practice.

## **5. EQUAL OPPORTUNITIES POLICY**

5.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services. Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.

## HOUSING SERVICES

**Area** : Housing Service  
**Department** : Housing Management  
**Subject** : Tenancy Policy

**Procedure Ref:** HM-  
**Date approved:**

**Owner:** Housing Management Team Manager  
**Effective date:** October 2014

Please state what policy & documents (if any) this procedure is linked to:

- Allocation Policy
- Housing Strategy
- Homelessness Strategy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	7.7.14	N/A	Amanda Harper		2017/18

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## **1. INTRODUCTION**

- 1.1 This policy explains the approach the Council will take to ensure efficient use of its housing stock, by issuing tenancies which are compatible with the purpose of the accommodation, the needs of individual households and the sustainability of the community.
- 1.2 The concept of Tenancy Policies was introduced initially as part of a wider package of social housing reforms implemented through the Localism Act. The tenancy policy aims to clarify:
- How we will use the new range of tenancy options available to us
  - How, as a landlord, we will provide support to tenants
  - How we will prevent unnecessary evictions
  - How we will tackle tenancy fraud
  - How we will use discretionary succession rights
- 1.3 In developing this policy, the Council has consulted with involved tenants and undertaken wider consultation with tenants and applicants. It has also had regard to the Tenancy Strategy, the Homelessness Strategy and the Allocations Policy.

## **2. DEFINITIONS**

- 2.1 For the purpose of this policy, the following definitions apply:
- An Introductory Tenancy is for a period of 12 months unless the Council elects to extend the period for a further six months. At the end of the period the tenancy will convert to a Secure Tenancy unless proceedings for possession have begun.
  - A Secure Tenancy is effectively a life time tenancy and can only be ended by the Council by obtaining a court order for possession.
  - Fixed Term Tenancies are tenancies for a period of not less than two years, and may be brought to an end if the type of property occupied is too large or if the tenant's financial circumstances enable them to access the privately rented sector or to purchase a property.
  - Involved Tenants are tenants who volunteer their time to participate in formal resident involvement meetings.
  - Succession is where the tenancy may transfer to another person upon the death of the tenant.

## **3. APPROACH**

- 3.1 The Council recognises the importance of tenure security in both developing and maintaining stable and viable communities and will continue to ensure, through the allocations policy, that it continues to make best use of stock, particularly those properties that benefit from adaptations or conversions.
- 3.2 The income levels of new or transferring home seekers will be assessed against the limitations set in the allocations policy.

3.3 Currently, the Council does not intend to introduce fixed term tenancies.

3.4 The Council will offer two types of tenancies:

<b>Type of Tenancy</b>	<b>Proposed Length of Tenancy</b>	<b>Tenancy Reviews</b>	<b>Reason for using this type of tenancy</b>
Introductory	12 months	First review at 6 weeks, then quarterly reviews and the option to extend the introductory tenancy for a further six month period. More frequent reviews will be undertaken based on the risk assessment undertaken at the beginning of the tenancy.	For all new tenants to demonstrate their ability to comply with the tenancy terms and conditions. If enforcement action is required, the route to obtain possession is enabled through mandatory powers for possession.
Secure	Lifetime	First review at 6 weeks, then as appropriate based on the risk assessment undertaken at the beginning of the tenancy.	Secure tenants are available to existing secure or assured tenants who are transferring to another social housing property.

3.5 Vulnerable Customers

Vulnerable customers will have access to additional support to help understand their tenancy and the review process. This support may be provided by our own staff or other appropriate support agencies. A vulnerable customer is one who needs support to maintain their tenancy, for example, because of health, age or personal circumstances.

The Council's Tenancy Support Officer will provide extensive support for a fixed period appropriate for the individual's circumstances and will usually be for the most vulnerable tenants to enable them to sustain their tenancy and avoid any unnecessary eviction.

3.6 Tenancy Fraud

Tenancy fraud will be investigated by the Housing Management team and where any instances of potential tenancy fraud are discovered, both criminal and civil enforcement action will be taken. Information will be shared with other Council departments and government bodies, as appropriate. Examples of tenancy fraud include:

- Sub letting
- Unauthorised assignment (including by mutual exchange)
- Wrongly claimed succession
- Right to Buy fraud
- Obtaining a tenancy by false statement or knowingly withholding relevant information
- Not using the property as the main or principle home

### 3.7 Mutual Exchanges and Transfers

Tenants wishing to move to another social housing property are encouraged to seek to move via a mutual exchange rather than via the sub regional choice based lettings scheme. The tenant must obtain permission from the Council as their landlord before a mutual exchange can proceed.

Tenants wanting to move via the sub regional choice based lettings scheme will be assessed to determine their housing need. The tenants will be placed in one of four bands to reflect their housing need. Tenants affected by the under occupation charge will be placed in the high band to enable a move to a smaller, more affordable home. An incentive scheme is also available to tenants wishing to downsize.

Support and assistance to move can also be provided by the Tenancy Support Officer and the Council's Housing Choices Team.

### 3.8 Assignments and Successions

The Localism Act 2011 changes the automatic right of succession for all new secure tenancies. There is now only a statutory right of succession to a spouse or partner. There is no right of succession for family members who have lived with the deceased tenant for 12 months prior to the tenant's death.

The Act does give local authorities the power to grant additional contractual succession rights in their tenancy terms. In order to promote best use of our housing stock, the Council will not grant additional contractual tenancy succession rights when it next reviews its tenancy agreement.

## 4 MONITORING AND EVALUATION

4.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success:

- Levels of occupancy
- Levels of demand
- Local resident satisfaction

4.2 The policy will be reviewed in 2017/18 and/or in response to legislative changes, feedback or recognised good practice.

## 5 EQUAL OPPORTUNITIES POLICY

5.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services.

Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.

## HOUSING SERVICES

**Area** : Housing Service  
**Department** : Repairs and Investment Team  
**Subject** : Aids and Adaptations Policy

**Procedure Ref:** HR-  
**Date approved:**

**Owner:** Housing Repairs and Investment Team Manager  
**Effective date:** October 2014

Please state what policy & documents (if any) this procedure is linked to:

Version	Date	Details of amendment	Creator/amender	Approved by	Next review due
1	5.8.14	N/A	Mark Tuff		2017/18
2	17-09-14	N/A	Mark Tuff		2017/18

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## **1. INTRODUCTION**

1.1 This policy explains the approach the Council will take in managing it's the Aids and Adaptation Works.

## **2. The scope of the policy**

2.1 This policy specifically refers to Adaptations carried out for tenants of the Council managed by the Housing Services Division within the Community Directorate. All references within the policy document referring to tenants/ customers are Council housing tenants, and all references to landlord are referring to the Council in its landlord capacity.

## **3. Associated documents**

3.1 In formulating this document, we have taken into account 'Managing Housing Adaptations in Leicestershire Code of Practice', which the Council has signed up to, we have endeavoured to incorporate some 42 elements of good practice identified by the Audit Commission via Housemark.

## **4. General background information**

4.1 Within the North West Leicestershire District as a whole, 21% of the population are aged 45-59 years, with a further 22% who are over 60 years of age. This is an accurate reflection of both national and regional averages for these two age groups.

4.2 With 43% of the population greater than 45 years of age, there is a demand for the aids and adaptations service in the District.

## **5. Source of funding**

5.1 The Council provides funding each year for the provision of Adaptations to enable tenants to remain in their home for as long as it is safe and reasonable to do so. For Council Housing tenants /customers the majority of the funding comes from the Housing Service's Capital budget, with some provision for more costly works through the use of the Disabled Facilities Grant.

5.2 However, the Disabled Facilities Grant is administered by a different service within the Council, and although it is generally applicable to anyone regardless of their tenure, there are some restrictions which apply to Council Housing tenants.

5.3 The Disabled Facilities Grant is currently funded on a 60%:40% ratio with Central Government providing 60% of the grant and the Council topping up the rest of the grant. The main difference for Council Tenants is that they are not currently eligible to apply for the main proportion of the grant funded by Central Government (i.e. currently 60% of the grant), only the top-up amount can be used to fund Adaptations for Council Tenants. This arrangement is due to be reviewed at a later date through the Disabled Facilities Grant modernisation process being undertaken by Central Government.

## **6. Major and Minor Adaptations**

### **6.1 Minor Adaptations**

Minor adaptations are classed as any adaptation work costing below £400. Such adaptation works can be carried out without the need for a referral from Social Care Services. The budget for minor adaptations comes from the Housing Revenue Account. The following are examples of minor adaptations:

- Lever taps
- Visual smoke detectors
- Visual door bells
- Half steps
- Small Ramps

Whilst grab rails are a minor adaptation when based on cost, the Repairs and Investment Team members are not qualified to always assess the correct position for a grab rail that best benefits the tenant. If there is here is any doubt where a grab is required, advice will be sought from Social Care Services.

### **6.2 Major Adaptations**

All other adaptation work costing in excess of £400 is classed as a major adaptation. The works will only be carried out once a referral has been received from Social Care Services and a subsequent decision has been made by the NWLDC Housing Adaptations Review Panel. Social Care Services will use their own three tier priority scoring system to provide advice as to the urgency of the adaptation requested.

The following are examples of major adaptations:

- Level access showers
- Major structural conversions
- Stair lifts/ through floor lifts

## **7. Portable and temporary equipment**

7.1 Portable or temporary appliances such as bath or shower seats, temporary ramping etc are provided by Social Care Services, not by the Council. NWLDC will advise where temporary aids or devices can be obtained for clients to purchase themselves.

## **8. Assessment of Suitability of Accommodation**

8.1 If the tenant's property is not considered suitable for an adaptation, the adaptation request will be declined. Reasons for refusing an adaptation request include, ability for the property to be adapted, the property layout, floor level and the potential impact the proposed adaptation could have on the ability to let the property in the future, if the adaptation works were carried out.

8.2 When a proposed adaptation would require structural conversion works to be carried out to a property, the Council will initially assess if suitable alternative accommodation is currently or will become available within a reasonable time. The suitable alternative accommodation will either negate the need for the adaptations requested or be more suitable to be adapted. In such cases, the tenant will be treated as a high priority banding on the Housing Register to ensure that they are able to move into the alternative property as soon as is practicable.



8.3 Applicants whose home is considered larger than their requirements warrant (i.e. in line with Mutual Exchange Occupancy standards), or have submitted a right to buy or transfer application, or have terminated their tenancy, will not be eligible for adaptation works. Any tenant subject to a possession order will also not be eligible unless otherwise agreed by the Head of Housing.

8.4 Where alternative accommodation is being considered, the likely impact of moving house should be assessed in relation to the customer's personal, circumstances including their current health, to ensure that the process of moving will not have a serious adverse affect upon their health.

## **9. Appeals and complaints process**

9.1 The priority given to tenants seeking an adaptation is not subject to an appeal process. The priority is based on the professional opinion of the OT.

9.2 However, if a customer believes that the procedure has not been properly applied in reaching the final decision, they may appeal in writing and ask for the decision to be reconsidered.

9.3 The Appeals Panel is independent of the Service Area that directly delivers the Adaptations Service and consists of two Officers and two Customer volunteers, as follows:

- Team Manager
- Customer Team Representative
- Two trained customer volunteers

9.4 All Appeals will be acknowledged in 2 working days and a full response outlining the Appeals decision will be aimed to be completed within 20 working days. If there are any other complaints in relation to the adaptation service, these will be dealt with in line with the Corporate Complaints Procedure.

## **10. Monitoring and Evaluation**

10.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success and speed of internal processes, such as:

- feedback from Social Care Services
- Recognised good practice
- The review of appeal panel decisions and outcomes
- Levels of demand
- Feedback on satisfaction with the process and outcome for individual tenants

## **11. Equal Opportunities Policy**

- 11.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services.
- 11.2 Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.

## HOUSING SERVICE RECHARGEABLE WORKS POLICY

Ref No: TBC

Policy Author: M Tuff

Reviewed by: C Lambert

<b><u>Policy approved by &amp; date (delete those not required)</u></b>					
Repairs Working Group	<input checked="" type="checkbox"/>				
Tenants & Leaseholders Consultation Forum	<input checked="" type="checkbox"/>				
Corporate Leadership Team	<input checked="" type="checkbox"/>				
Cabinet	<input checked="" type="checkbox"/>				
Date approved: 05/03/2013					
<b><u>Name and Date approved by Team Manager</u></b>	November 2012 Mark Tuff				
<b><u>Equality Impact Assessment undertaken</u></b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes <input checked="" type="checkbox"/></td> <td style="width: 50%;">No <input type="checkbox"/></td> </tr> <tr> <td>Date approved: September 2012</td> <td>Please state why:</td> </tr> </table>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Date approved: September 2012	Please state why:
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>				
Date approved: September 2012	Please state why:				
<b><u>Departments affected</u></b>	All of Housing Services				

Version	Date approved	Details of amendment	Creator/ amender	Approved by	Next review due
1		Document Review	Mark Tuff		2016
2	05/03/2013	Approval	Mark Tuff	Cabinet	2016
3	13/07/2014	Document review see Appendix 1	Mark Tuff		2017

## **1. Introduction**

- 1.1 The Council has a legal obligation to keep tenants' homes in a good state of repair.
- 1.2 The vast majority of tenants take real pride in their homes, however, there are a small number who cause damage to their properties, fixtures and fittings, either as a deliberate act or through an accident.
- 1.3 The Council does not consider it to be fair that all tenants should cover the costs of putting the repairs caused as a result of deliberate or accidental acts. Therefore tenants those who cause damage deliberately or by neglect should pay for the additional works required to their properties.
- 1.4 The purpose of this Policy is to clarify the circumstances in which a tenant will be recharged with the cost of carrying out works. This is to ensure that their home will be properly maintained and will not fall into a state of disrepair.
- 1.5 Every new tenant at the point of sign up, is advised to obtain household insurance, which should include cover for damage by acts of vandalism, accident or attempted or actual burglary. In addition to this there has been regular publicity to all households, via the tenant's newsletter, about the Council's own contents insurance scheme.
- 1.6 The Council may carry out works which are the responsibility of the tenant to a property, where the tenant has requested the works or where there is a necessity for such works. Such works are deemed "Rechargeable Works".
- 1.7 By applying recharges in relevant situations, the Council's intention is to ensure there are adequate financial resources for the maintaining and improvement of its properties.
- 1.8 Advertising and implementation of this Policy by the Council should result in a reduction in the number of recharges to both occupied and empty properties.
- 1.9 For empty properties this should result in a reduced turnaround time and reduce the cost of repairing properties to an acceptable lettable standard.
- 1.10 It will also assist the Council to deliver a flexible, customer focused, value for money housing service.

## **2.0 Objectives**

2.1 The objectives of the Policy are:

- To support the process of advising tenants as signatory to the tenancy agreement of the approved Rechargeable Works Policy that has been consulted upon and implemented.
- To identify the procedure that advises tenants of their responsibilities.
- To support the process of advising tenants as signatory to the tenancy agreement of their obligation to arrange and pay or reach an agreement to pay for work which is their responsibility.

- To identify the circumstances where works are to be recharged to a tenant, to recover the cost to the Council, in carrying out such works.
- To ensure that all finances available to the repairs and investment service are spent fairly on legitimate works.
- To ensure that the Council is able to recover the costs of works due to deliberate damage or neglect from tenants, their family members or their visitors.
- The Council will be proactive in preventing the need arising for rechargeable works by referring to the Policy when a repair is reported
- The Policy also identifies the criteria that need to be met before any recharge is made and the information to be provided following any rectification work undertaken by the tenant.
- The recharge made must be fair and accurate.
- The recharge must be reasonable, and be substantiated with documentary evidence. For instance ensuring that allowance has been made for fair wear and tear.
- The recharge applied is consistent in comparison with other recharges made and is in line with this Policy.
- The tenant of the property must be pursued for prompt payment upon completion of the work, or a payment plan agreed.
- That there is a provision within the existing Tenancy Agreement for a recharge to be made. The tenant as the signatory to the tenancy is liable for the rechargeable costs.
- The damage has been caused by a thoughtless or wilful act for which the Police have not provided a crime or incident number.

### **3. Who the Policy applies to**

3.1 Rechargeable works apply to all Tenants for repairs that would normally be the responsibility of the Council if they occurred through normal wear and tear, but is only necessary because the tenant has not acted in accordance with their Tenancy Agreement and has either done something or failed to do something that has caused the works to be necessary.

3.2 A tenant cannot avoid a recharge by claiming that someone else caused the damage. The Tenancy Agreement states that the tenants as the signatory to the Tenancy Agreement are responsible for the actions of members of the household (including pets) and actions of visitors. However, if the damage occurred as a result of anti-social behaviour/domestic violence, the tenant should be advised to report the incident to the Police.

3.3 The Council is responsible for repairing and maintaining the structure of the property, including all external components and some internal fixtures and fittings originally provided by the Council and those fitted by the tenant but subsequently adopted by the Council.

3.4 Where a tenant or their representative reports a repair, which is their responsibility or work is identified which is not considered to be the Council's responsibility, the tenant will be advised of this and that it is their responsibility to arrange and pay for the work to be undertaken. All work must be undertaken by a competent person and in the case of structural, electrical, gas and heating works, by an industry accredited contractor.

3.5 The tenant will need to appoint their own contractor and will only be recharged if upon inspection, the work does not meet the agreed standard resulting in the Council undertaking the works.

#### **4. Scope of Policy**

4.1 Rechargeable works are defined as works carried out by the Council, which are the responsibility of the tenant as the signatory to the tenancy.

4.2 The Council will make all efforts to recover its costs in carrying out such works, as failure to recover costs affects the Council's resources to carry out other work to its properties.

4.3 In addition, an 'abortive visit' recharge cost may be made where the tenant fails to allow access following a pre-arranged appointment.

4.4 The Council aims to ensure that all services to its tenants are provided to standards that it has approved. It recognises that circumstances arise when it is necessary to recover costs from tenants and others where the Council have carried out work that is the responsibility of the tenant or other person.

4.5 The Council will, where possible, avoid carrying out work which is the tenants responsibility, and encourage tenants to arrange for the work to be carried out using their own contractor. This is to avoid any financial risk to the Council through non-recovery of its costs and to eliminate the operational impact of having to carry out the work. Any works planned by the tenant must receive approval before commencement and will be subject to an inspection on completion to ensure they have been carried out to agreed standards and certification where applicable.

#### **5. Legal Framework**

5.1 There are regulatory and legal requirements that directly impact this Policy.

5.2 The Council will ensure that its approach to repairs and maintenance is in line with the Homes & Communities Agency's regulatory code and guidance.

#### **6. Equal Opportunities Policy**

6.1 The Council will ensure that in implementing this Policy it will not unfairly discriminate against any individual, household or group. This includes grounds of sex or marital status, race, disability, age, sexual orientation, language or social origin, other personal beliefs or opinions such as religious beliefs or political opinions.

6.2 To ensure the fair implementation of this Policy an Equality Impact Assessment has been approved in accordance with this document.

#### **7. Performance Measures & Targets**

7.1 In order to comply with its service commitments to continually improve the service, the Council will monitor the effects of the Policy, and the impact of the Policy in relation to equality.

## **8. Review of this Policy**

8.1 The Policy will be reviewed every 3 years (from the date approved), to ensure its continuous suitability, adequacy and effectiveness or as required by the introduction of new legislation or regulation that impacts on the obligations of the Housing Service to recover its costs in undertaking rechargeable works.

8.2 Members of the Repairs Working Group have been consulted in the development of this Policy and will be consulted on all future changes or revisions.

## **9. Responsibility**

9.1 The effective implementation of this Policy is the responsibility of the Repairs & Investment Team Manager.

9.2 The Repairs & Investment Team Manager is responsible for making sure that staff are aware of this policy, what best practice is, and what the regulatory and statutory requirements are.

9.3 All Service Team Managers are responsible for making sure that they and their staff work within this policy and the relevant procedures. They must act as role models for their staff in demonstrating how it should be followed in day-to-day operations.

## **10. Appeal & Dispute Process**

10.1 Tenants who wish to appeal or dispute against any recharges should be advised to write to the nominated officer explaining why they are not responsible for the works. Documentary evidence to support the appeal/dispute should be provided.

10.2 If the tenant is not satisfied with the outcome of the appeal or dispute, their complaint will be entered into the corporate complaints procedure.

10.3 Any complaints arising from the use of this Policy will be addressed under the Council's Corporate complaints process. Details of the complaints process are available via:

- The Councils Website  
[http://www.nwleics.gov.uk/pages/complaints\\_comments\\_and\\_compliments](http://www.nwleics.gov.uk/pages/complaints_comments_and_compliments).
- Telephoning the Council on 01530 45454
- Writing to the Council at Council Offices, Coalville, Leics, LE67 3FJ
- By emailing [feedback@nwleicestershire.gov.uk](mailto:feedback@nwleicestershire.gov.uk)

10.4 The above methods can also be used to submit complaints or any other feedback you may have.

## **11. Associated Documents**

11.1 The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994  
NWLDC Housing Services Repairs & maintenance Policy.

## **Appendix : Amendments**

- **Section 2:**
  - **Amended** Crime number **to** Crime or Incident number
  
- **Section 3:**
  - **Amended** Crime number **to** report the incident to the police.
  - **Inserted** - All work must be undertaken by a competent person and in the case of structural, electrical, gas and heating works, by an industry accredited contractor.
  
- **Section 4:**
  - **Amended** - Once empty, the property will again be surveyed to identify the full extent of the void works required, including any outstanding rechargeable works. **To also include** - including the removal of rubbish.
  - **Amended** - fixed call out charge **from** £85 **to** £80
  - In the case of Out of Hours works, an additional fixed call out charge of £80 will be added to the agreed Schedule of Rates and appropriate VAT charge.
  
- **Section 9:**
  - **Removed** - The Performance Officer is also responsible for guiding and assisting staff in carrying out this policy.