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## 1. Purpose and context

- 1.1 As a registered provider of social housing, we have a duty to our residents to provide low cost homes and to deliver cost effective services. This policy aims to ensure that we recharge appropriate costs to tenants and leaseholders to contribute to the efficient management of our buildings, neighbourhoods, and services.
- 1.2 This policy helps us to operate a transparent and fair process which does not use budgets or apply charges which will penalise a wider set of residents where an individual resident is identified to be specifically responsible for the payment.
- 1.3 This document consolidates and confirms existing policy and contracts that are in place for tenants and leaseholders. Where a charge only applies to one type of tenure, we state this.
- 1.4 It sets out the type of circumstances where we will recharge an individual for a cost incurred including undertaking work or providing a service which does not fall under the financial responsibility of Lewisham Council, as defined by the tenancy or lease.
- 1.5 Charges covered by rent or a service charge are excluded from this policy.
- 1.6 Costs may be recharged to former residents as well as to current residents.

## 2. Rights and responsibilities

- 2.1 Tenants and leaseholders are responsible for certain costs incurred as a result of action or inaction, and deliberate or accidental damage or negligence on their part, as well as by their household or visitors. Lewisham Council will take action to enforce the terms of a tenancy and lease agreement. Enforcement action can include recharging a tenant or leaseholder for an incurred cost, and legal action to pursue this charge or other enforcement measure.
- 2.2 Where possible, we will confirm in advance of undertaking work where a recharge will apply, and inform the resident of alternative options they may be able to take to avoid being recharged. We may ask the resident to pay for the works in advance. We may



undertake work before we make a decision whether or not to recharge a resident, for example where there is an urgent health and safety need to do so.

- 2.3 Under the terms of the tenancy or lease agreement we have the right to access a property either in an emergency or where we give the tenant or leaseholder a reasonable period of notice. This may prevent or reduce damage and subsequent cost.
- 2.4 Residents are responsible for having adequate insurance cover in place. We may advise a resident to make an insurance claim to cover the cost of work. Failure to have adequate insurance in place may result in a resident being required to pay for the cost of work that may otherwise have been recoverable under their insurance.
- 2.5 Where a resident fails to carry out necessary work in the timeframe we instruct, we may carry out the work and recharge the resident.
- 2.6 We reserve the right to waive a recharge for work in some circumstances. This will be at our discretion and the decision will be approved at an appropriate level.

### 3. Types of rechargeable costs

- 3.1 The list below shows examples of work/services that Lewisham Council may charge to a tenant or a leaseholder. This list is not exhaustive, but is indicative of the types of charges we will seek to recover:

- Replacement of lost/stolen/damaged/extra keys or fobs and lock changes
- Costs associated with gaining entry to a property where a reasonable request for access has been given, and where access has been withheld or obstructed
- Gaining entry and undertaking work in an emergency to prevent or reduce further damage, where resident fault is established
- Damage to a property which resulted from a failure by a resident to fulfil their repair responsibilities, report a repair, or that was caused by a resident's faulty equipment
- All associated costs to correct work undertaken/commissioned by a resident which poses a health and safety risk, and/or is an unauthorised alteration
- Damage to a communal area or estate or the cost of clearance, storage and/or disposal of items left in a communal area, where the resident has been identified
- Infestation where behaviour, neglect or refusal of entry on the part of a particular resident/household is found to have led to the infestation/spread/re-infestation
- Drain clearance for blockages where the problem can be traced to misuse by a particular household
- Criminal damage to a property, including where a resident has informed us there has been a crime but has not obtained a crime reference number
- Works that a resident is responsible for, but which they have requested us to carry out and have agreed to pay the relevant charge
- Call-out charges for work that is a resident responsibility
- Works for which a resident is responsible but has failed to carry out in a reasonable time frame, including clearance to allow a repair or inspection to be carried out
- Clearance and rectification work to a recently vacated property which is beyond reasonable wear and tear
- Missed appointments
- Costs including awarded costs associated with legal action



### 4. Monitoring

- 4.1 Where we know in advance that work is or has the potential to be rechargeable, we will inform the resident, so that they can choose whether or not to go ahead with the work if there is an alternative option.
- 4.2 We will keep appropriate evidence to validate the reason we applied the recharge. This may include photographs, receipts and quotations.
- 4.3 We will monitor and analyse rechargeable work for patterns, including the reason for the charge, the type of work and collection rates.

### 5. Legislation and regulation

- 5.1 This policy operates in line with legislation, regulation and good practice, including but not limited to:
  - Housing Act 1985
  - Environmental Protection Act 1990
  - Housing Act 2004 introducing the Housing Health and Safety Rating System
  - The Regulatory Reform (Fire Safety) Order 2005
  - Building Regulations 2010
  - Anti-Social Behaviour, Crime and Policing Act 2014
  - Homes (Fitness for Human Habitation) Act 2018

### 6. Equality, diversity, and inclusion

- 6.1 An equality assessment was conducted during the development of this policy. As the ability to recharge is already embedded in the tenancy and lease agreements the policy has no expected impact on any protected characteristic.
- 6.2 In communicating this policy and considering its implementation we considered the requirement to message clearly, for payment options to avoid hardship, and that we should retain the ability to waive or limit charges in some situations, such as where a vulnerability is taken into consideration.

### 7. Communication

- 7.1 To appeal a charge under this policy, residents should follow Lewisham Council's Housing Complaints process.
- 7.2 This policy will be made available to residents through our website, and referred to as the need arises including where a new tenant is being signed up or an existing tenant is ending their tenancy.
- 7.3 We consulted with residents<sup>1</sup> to capture views on rechargeable repairs as part of a wider repairs survey in 2020 and via an in-depth survey in 2022.

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<sup>1</sup> Consultation carried out by Lewisham Homes who were managing landlord services at the time



# Housing Services

## Rechargeable costs Policy

7.4 The policy and procedures that implement it will be communicated to staff through our intranet and as applicable through briefings and training.

<b>Replaces:</b> Rechargeable costs policy 2022 (Lewisham Homes) Minor updates to reflect the return of landlord services previously managed by Lewisham Homes to Lewisham Council	
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