

RECHARGEABLE REPAIRS POLICY

Kirklees Council operates a recharge policy for repairs that are a tenant's responsibility.

Author: Head of Housing Management

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INTRODUCTION

- 1.1 Kirklees Council delivers a high quality, efficient and comprehensive repairs service to all of its properties. These repairs are normally free of charge to the tenant.
- 1.2 In line with the tenancy agreement, some repairs are a tenant's responsibility.
- 1.3 This policy seeks to explain the council's approach to identifying and managing rechargeable repairs in conjunction with the tenant.

POLICY SCOPE

- 2.1 Tenants living in Kirklees Council properties have a responsibility to repair any malicious or accidental damage caused by themselves, their family or visitors to their property or any communal areas and common parts under the terms of the tenancy agreement. This Policy can apply to current and former tenants and leaseholders.
- 2.2 The Council does not consider it to be fair that all tenants should cover the costs of putting right the repairs caused as a result of deliberate or accidental acts of a few. Therefore, those tenants who cause damage deliberately or by neglect will be required to pay for the additional works required to their properties. This includes damage or neglect caused by the tenants' own actions or those of their family or visitors.

POLICY STATEMENT

- 3.1 This Policy applies to a repair due to the property that is tenant responsibility as it has been caused by damage or neglect or it is not included in the KC Repairs and Maintenance Service Standards.
- 3.2 In these circumstances the tenant can arrange for the repair to be carried out by a competent contractor. This will not include compliance repairs (Gas, Electricity, Asbestos and those impacting on fire safety such as a Fire Door) which will be carried out by KC Repairs service, or its approved sub-contractor.
- 3.3 If the repair is completed by a tenant appointed contractor, it has to be available for inspection by KC officers to ensure it has been completed to an adequate standard.
- 3.4 Alternatively, KC Repairs service can carry out the repair. In these circumstances the full cost of the repair will be provided to the tenant and an arrangement to payment established and agreed in writing before work is undertaken. This arrangement should be paid in full or supported by a Direct Debit, with a reasonable period of time for the costs to be paid in full.

- 3.5 However, some repairs may need to be done immediately due to health and safety or security requirements, and Kirklees Council reserves the right to complete these works and invoice the tenant for the costs.
- 3.6 Tenants disputing costs or charges may appeal or challenge the charge within 28 days of an invoice date. The appeal will be considered by a Team Leader in Property Services. Should the tenant not be satisfied by the outcome of their appeal they may make a Complaint in line with the Complaints Policy.
- 3.7 Kirklees Council recognises that in some specific circumstances, raising a rechargeable repair will not benefit the responsible tenant or the organisation and in these cases, a flexible approach will be taken.

ASSOCIATED DOCUMENTS AND POLICIES

- Kirklees Council Former Tenancy Arrears Policy and Procedure
- Kirklees Council Repairs and Maintenance Policy Standards
- Kirklees Council Rechargeable Repair Procedure
- Kirklees Council Schedule of Rates
- Kirklees Council Homes and Neighbourhoods Complaints Policy
- Landlord and Tenant Act 1985 & 1987
- Housing Act 1985, 1988, 1996, 1998 & 2004
- Defective Premises Act 1972
- Occupiers Liability Act 1957
- Construction (Design and Management) Regulations 2007
- Right to Repair Regulations 1994
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety Legislation
- Housing Health and Safety Rating System
- Health and Safety at Work Act 1974
- Disability Discrimination Act 1995
- Control of Asbestos Regulations 2006
- Control of Substances Hazardous to Health (COSHH) 1999
- Environmental Protection Act 1990
- CRE code of practice on Racial Equality in Housing

5 REVIEW

- 5.1 This Policy will be reviewed on a 5 yearly basis, or sooner if subject to legislative changes