

Meeting Cabinet
Portfolio Area Housing and Housing Development
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RECHARGE POLICY 2025-2027

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KEY DECISION

1 PURPOSE

- 1.1 To present a draft Recharge Policy 2025-2027 related to the on-going management of Housing Services and to ensure that SBC has a fair, consistent and responsible approach as to when recharges might apply.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the adoption of the draft Recharge Policy 2025-2027 (Appendix A), subject to consultation with tenants and leaseholders.
- 2.2 That the relevant Strategic Director, after consultation with the relevant Portfolio Holder, be given delegated authority to make minor updates and changes to this policy.

3 BACKGROUND

- 3.1 The Council retains its own housing stock of social rented and affordable housing, for those that need it, and is considered a Registered Provider and Landlord of Social Housing. It currently owns and manages approximately 7890 general needs and sheltered housing dwellings. In addition to this it owns and manages an additional 1440 leasehold and shared ownership
- 3.2 All tenancy, leasehold and licence agreements contain clauses setting out both the landlord's and the resident's obligations or agreements. Resident obligations are covered by clauses dealing with the use of the premises, condition of the property and external areas, rubbish, nuisance and damage, amongst other obligations. It is a residents' responsibility not to cause, or allow to be caused, damage and to make good any damage to the landlord's property, whether caused by neglect, wilful damage or misuse (including accidental damage) by the resident themselves or a person or pet occupying or visiting the property. This includes damage to the individual dwelling, property structure, internal and external communal areas.
- 3.3 The Council recognises that the vast majority of residents understand their responsibilities and will look after their homes and surrounding areas. However, there are a small number who do not or are unable to take responsibility for ensuring they comply with the terms and conditions of their agreements.
- 3.4 The Recharge Policy 2025-2027 provides guidance to both residents and the Council on their respective obligations and sets out a fair, consistent and responsible approach to recovering charges for costs that fall outside of SBC's core responsibilities.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The Council is committed to providing a cost effective, efficient service whilst meeting all its legal, including contractual, obligations. The Policy sets out the items that existing and former tenants and leaseholders might be charged for and the process of recharging.
- 4.2 The Council currently has a recharge procedure in place, and whilst the Council implements recharges, a formal Policy is needed to ensure a transparent and consistent approach.
- 4.3 By not having a Recharge Policy in place, the Council is at risk of challenge from the Housing Ombudsman, should disputes concerning recharges reach that far and if the Council makes recharges for the recovery of legal costs for enforcement action such as access injunctions that will enable us to perform our legal and statutory obligations.
- 4.4 As outlined in the proposed Policy, a recharge refers to the reasonable costs incurred by SBC when:
- A resident completes unauthorised alterations and fails to carry out necessary reinstatement works,
 - Works are completed to an unacceptable standard,

- Properties and gardens are not kept in good repair or wilful damage, or neglect is caused,
- Rubbish or personal items are abandoned on SBC property,
- Access to properties is denied and SBC is unable to fulfil legal obligations or housing management functions

- 4.5 The Council has identified considerable pressure on some service budgets, requiring growth in previous years to support the necessary works to maintain homes at a safe and decent standard, such as void and repair costs. Wherever possible inspections will be completed prior to tenants leaving the properties to identify if any repairs are required and advise tenants if they are rechargeable. This also provides an opportunity for tenants to rectify any rechargeable items before leaving the property and having recharges applied.
- 4.6 The Tenancy Audit regime has also highlighted properties that have been structurally altered without permission, that are in poor condition through neglect or need repairs that have not reported in a timely manner, which when left, costs the Council considerable expense to remedy. The adoption of this Policy enables the Council to minimise the risk to the Council of related costs through recharges and/or to work with residents to rectify the issues and identify any support needs.
- 4.7 The Council has also seen a growth in the number of decants that are required due to neglect to properties, again adding additional cost to the Council as well as rent loss or the cost of non HRA accommodation in addition to removal and storage costs. In these incidents, the Council will always provide additional support where needs are identified to ensure that tenancies can be sustained in the future.
- 4.8 The Council is also experiencing challenges regarding access to some properties for stock condition surveys, tenancy audits and other legal obligations relating to gas and electrical safety checks and damp and mould. In some circumstances this may require the Council to take action through the courts to gain access to a property to carry out our statutory and legal landlord obligations. The Council is at risk of penalty or regulatory action if it does not perform key functions and the ability of the Council to recover costs associated with legal action is a significant deterrent to non-access issues.
- 4.9 The Recharge Policy 2025-2027 is a key Policy within the Housing Services policy framework that will provide a fair and consistent approach to the recharging process and will enable the Council to recoup costs incurred in line with residents not upholding their obligations and responsibilities. This approach is in common with most landlords.
- 4.10 The Council naturally recognises that situations may arise where recharges are inappropriate and Council Officers are expected to use good judgement within the framework of the Policy when applying recharges. For example, a recharge may not be made where the resident is a victim of domestic abuse, and the damage was made by the perpetrator. Consideration will also be given to a resident's vulnerability and support needs. Guidance on when recharges may or may not be applied will be provided to staff alongside the

Policy document, as well as guidance on what types of evidence will be needed to supported a recharge.

- 4.11 The proposed Policy also allows that in the case of financial hardship, the Council may reduce or waive charges or offer flexible payment arrangements to spread the cost over a manageable period to not place residents under financial pressure. Support will also be provided to any residents where financial challenges are identified through referrals to Tenancy Sustainment Officers, Welfare and Debt Advice Officers or Citizens Advice.
- 4.12 A Recharge Policy is also essential to the Council's Balancing the Budget commitment through the delivery of the Corporate Plan and maintaining safe and decent homes and is a key measure to support the financial viability of the HRA.
- 4.13 The Executive Housing Working Group has reviewed the proposed Recharge Policy 2025-2027 and endorse the recommendations to Cabinet.
- 4.14 Tenants and Leaseholders will be consulted on the Policy prior to it being adopted. Consultation will run for a period of 6 weeks and will commence on the 24th November 2025, following Overview and Scrutiny Committee.
- 4.15 An Equalities Impact Assessment has been completed on this Policy and whilst there are some negative impacts, there are valid mitigations in place to protect future tenants. (Appendix B).

5 IMPLICATIONS

5.1 FINANCIAL IMPLICATIONS

- 5.1.1 This report is financial in nature and implications are included in the body of the report, if this policy is not adopted there may also be challenges to debt recovery processes.

5.2 LEGAL IMPLICATIONS

- 5.2.1 The Council may be challenged by the Housing Ombudsman if a Recharge Policy is not in place.

5.3 EQUALITIES AND DIVERSITY IMPLICATIONS

- 5.3.1 An Equalities Impact Assessment has been completed and can be seen at Appendix B.

5.4 RISK IMPLICATIONS

- 5.4.1 There are no direct significant risks to the Council in agreeing the recommendation(s). However, officers responsible for implementing any improvement activity set out within this report will need to consider any risk implications that arise.

5.5 CLIMATE CHANGE IMPLICATIONS

- 5.5.1 The Council declared a climate change emergency in June 2019 with a resolution to work towards a target of achieving net zero emissions by 2030.

This policy will assist SBC to meet regulatory requirements in relation to Minimum Energy Efficiency Standards.

6. BACKGROUND DOCUMENTS

APPENDICES

Appendix A – Draft Recharge Policy 2025-2027

Appendix B – EQIA Recharge Policy