



**COUNCIL HOUSING  
RECHARGE POLICY**

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1.0	First issued	Steve Colk	07/04/2026

**Links to Council Corporate Plan 2025-28**

Council ambition	Linked?
<b>Working for a prosperous future</b> To ensure the best possible local economy, with opportunities for the Council's residents to succeed and achieve.	Yes/No
<b>Healthier, safer communities</b> Tenants should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing	Yes/No
<b>A greener and cleaner environment</b> It's important to everyone that we look after our environment	Yes/No
<b>Restoring the Council to good health</b> The Council will be placed on a sound financial footing ensuring resilience – delivering the service its residents deserve and expect.	Yes/No
<b>We ♥ Castle Point</b> To encourage pride of place in Castle Point - The Council will help create and maintain the best possible place to live in, work in and visit.	Yes/No

**Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)**

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Approved by: IAN BUTT, DIRECTOR - PLACE AND COMMUNITIES

**Lead Member and Committee responsible for approving Policy:**

COUNCILLOR ROB LILLIS, PORTFOLIO HOLDER FOR HEALTH, WELLBEING AND HOUSING

**Equality Impact Assessment undertaken? Yes**

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## 1. Introduction

- 1.1 As a responsible social housing landlord, Castle Point Borough Council ("the Council") aims to provide high quality, value for money services that make the best use of available resources. To achieve this aim, the Council enforces all aspects of the Tenancy and Leasehold Agreements it has with its tenants and leaseholders. This includes recharging for repairs and other work that is the responsibility of the tenant or leaseholder.
- 1.2 The Council will recover a recharge for works and/or services carried out due to a tenant's or leaseholder's non-compliance with the terms of their tenancy or lease agreement during the tenancy or when the property has been vacated.
- 1.3 The Policy will set out the nature of the items that current or former tenants and leaseholders may be charged for.

## 2. Scope

- 2.1 This Policy outlines the Council's approach to recharges for the Council's general needs, sheltered, leasehold and temporary accommodation tenants (including private sector leased properties ("PSL")).
- 2.2 This Policy applies to all current Council tenants, leaseholders and licensees and any former tenants, leaseholders and licensees who are liable for repair works, or failure to maintain their home, including work required to prepare a property for reletting that is not fair wear and tear.

## 3. Definitions

ASB	Anti-Social Behaviour
Fair wear and tear	The natural unavoidable and expected deterioration of a home or item resulting from normal, everyday use over time.
The Council	Castle Point Borough Council
The leaseholder	The named person(s) on the Lease Agreement.
NoSP	A Notice Seeking Possession – a legal notice informing the tenant that if the breach of tenancy does not stop, it is the intention to take legal action to seek possession of the property.
Property	An asset that the Council has legal title to.
The tenant	The named person(s) on the Tenancy Agreement.

## 4. Aims and Objectives of the Policy

- 4.1 The aims of this Policy are to provide clarity on the Council's approach to recharges. The Council seeks to adopt a consistent, fair and transparent approach to recharging tenants and leaseholders for repairs and maintenance that are not the responsibility of the Council, or are costs incurred by the Council to address any breaches of the terms and conditions of the tenancy.
- 4.2 The aims of this Council Housing Recharge Policy are:
  - a) To ensure that recharges are dealt with transparently and efficiently
  - b) To recover the cost of recharging from current, former tenants and leaseholders
  - c) To ensure that associated costs are pursued from those tenants and leaseholders who cause damage to their property or any common parts through misuse, neglect, vandalism or accidental damage
  - d) To maximise income by the recovery of debts in relation to rechargeable items

## **5. Policy Statement**

- 5.1 It is fair that people who do not maintain their home or the communal areas to the standard required in the Tenancy or Lease Agreement are recharged for any damage caused deliberately or recklessly e.g. misuse or neglect, either by them or their household members or visitors. This does not include normal and reasonable wear and tear. In some cases, deliberate or reckless damage may amount to criminal damage, and in these instances the Council may report the damage to the police.
- 5.2 The Council will consider the individual circumstances of a household including, but not limited to the health, social, emotional and financial issues of any member of the household, and where appropriate, exercise discretion in the application of this Policy and the recovery of recharges.

## **6. Legislation, Regulation and Guidance**

- 6.1 In developing this Policy the Council has followed and fully considered the following housing legislation, regulation, and statutory guidance:
- The Landlord and Tenant Acts 1985 and 1987
  - Housing Act 1985 (as amended by the Housing Act 1996)
  - Housing Act 1988 (as amended by the Housing Act 1996)
  - Lease Agreement
  - The Commonhold and Leasehold Reform Act 2002
  - Civil procedure Rules, Ministry of Justice, 2017
  - Homes (Fitness for Human Habitation) Act 2018
  - Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
  - Equality and Diversity Act 2018
  - The Regulator of Social Housing, Neighbourhood and Community Standard, 2024
  - The Regulator of Social Housing, Safety and Quality Standard, 2024
  - The Regulator of Social Housing, Transparency, Influence and Accountability Standard, 2024
  - Awaab's Law, 2025
  - Tenancy Agreement

## **7. Council Tenant and Leaseholder Responsibilities**

- 7.1 The Tenancy Agreement sets out which repairs tenants are responsible for. This makes it clear that if the tenant fails to carry out their responsibilities covered in their Tenancy Agreement, any costs incurred by the Council to undertake repairs or maintenance work to the property will be recharged to the tenant.

- 7.2 The tenant's responsibilities for looking after their home are outlined in the Tenancy Agreement, specifically within the following sections:
- 5.2 Loft and Roof Spaces
  - 5.3 Gardens and Balconies
  - 5.5 Internal Decorations/Carrying out alterations and improvements
  - 5.6 Repairs and Maintenance
  - 5.8 Flooring
  - 5.13 Hygiene, Health and Safety
  - 5.14 Ventilations and Smoking
- 7.3 The Leaseholder's repairing responsibilities are covered in their Lease Agreement. This makes it clear that if the leaseholder fails to carry out their responsibilities covered in the Lease Agreement, any costs incurred by the Council to undertake repairs or maintenance work to the property or another affected will be recharged to the leaseholder.
- 8. The Council's Responsibilities**
- 8.1 The Council will undertake all maintenance work and other remedial works to its homes to fulfil its duties as a responsible landlord as outlined in the Housing Health and Safety Rating System - HHSRS (introduced under the Housing Act 2004), any amendments to these responsibilities that have been introduced via Awaab's Law, and the provisions outlined in the Homes (Fitness for Habitation) Act 2018.
- 8.2 The Council's responsibilities in respect of HHSRS, apply to those elements of the home that are considered to be the responsibility of the owner (or landlord) even where the dwelling is occupied. Responsibility for fixtures and fittings will lie with the user (the tenant or leaseholder) unless they are provided by the Council as part of a furnished tenancy or where communal rooms are provided.
- 8.3 The Council is responsible for repairing the structure, the communal areas and the outside of the property and for making sure fixtures and fittings for electricity, gas, sanitation, and water are safe and in working order. The tenant will only be charged if the Council can prove that it is more likely than not that the tenant or their household visitor caused the damage or neglect.
- 8.4 At the sign-up process for new tenants, the Council will make tenants aware of their responsibilities to upkeep and maintain certain aspects of their home and that failure to do so may result in the Council pursuing payment for 'rechargeable works'.
- 8.5 Where possible, the Council will collect payment or obtain agreement to pay for rechargeable works in advance of any services being provided. Where works need to be carried out quickly to prevent a health and safety or security hazard, the Council has discretion to seek payment retrospectively.
- 8.6 Whilst applying the Policy fairly and consistently to tenants and leaseholders who cause rechargeable works to be raised, each case will be dealt with on its own merits. Council employees will have discretion to recommend recharges are waived where the tenant is deemed to be vulnerable, or incidents happen which are beyond their control; these will be considered by a Head of Service in the Housing team.
- 8.7 Vulnerability will be determined on an individual basis and may include victims of crime, anti-social behaviour and harassment, those experiencing mental health issues and domestic abuse. Any vulnerability issue will be looked at on a case-by-case basis and an

assessment will be completed, (unless the Council has prior information to indicate a customer may be vulnerable).

## **9. Forced Entry for Welfare**

- 9.1 For any occasions where the police are in possession of a warrant to gain lawful entry to a property, when a lawful entry is made the police have no liability for the damage which may be caused in securing the entry. The tenant will have to pay for any repairs even if no one was arrested or any items found.
- 9.2 For any occasions where forced entry is gained due to a fear for welfare, these cases will be looked at on a case-by-case basis taking into consideration the full circumstances. A decision will be made by the Head of Housing Management or the Interim Head of Housing Technical Services as to whether the tenant will be recharged for any repairs.

## **10. Tenant or Leaseholder Option to Repair the Damage**

- 10.1 Whenever possible tenants will be given the option to repair any damage themselves at which point they will be advised by the Council of the acceptable standard required. If they take up the option, a reasonable timescale will be agreed, in writing, by which time the work must be completed.
- 10.2 Where a tenant has opted to repair damage themselves rather than the Council carrying out this work, a post inspection of the work will be carried out by the Surveyor. This is to ensure that works are completed the required standards and if not, the Council will bring the repairs up to the required standard and the tenant will be charged for this.
- 10.3 It may not be possible to give a tenant the opportunity to do the work if it is a threat to health and safety of the tenant and/or other people.

## **11. Expected Property Standards**

- 11.1 When a tenancy is coming to an end, the Council always offer a Pre-Tenancy Ending Inspection that clarifies the condition the property must be returned to the Council. For clarity to avoid a Recharge being incurred, tenants must:
- a) re-instate any unauthorised alterations to the property, or any authorised alterations that are subject to the condition that they are reinstated at the end of your tenancy agreement
  - b) remove all furniture, personal belongings and rubbish from the property
  - c) ensure the property (including the garden, garage, parking space, outbuildings and loft space) is left in a clean and tidy condition
  - d) clear and dispose of all personal belongings, furniture, rubbish and personal effects
  - e) make good any damage to the property and return the property to the original state by removing any alterations or additions that have been carried out without written permission.
- 11.2 Any permitted alterations that have been made to the property by the tenant may remain in the property and providing these are deemed acceptable, there will be no recharge incurred to the tenant. This will be confirmed by the Surveyor at the Pre-Tenancy Ending Inspection.
- 11.3 Where the Council incurs costs to collect, store or dispose of any furniture, goods or personal items that a tenant has failed to remove from the property, a recharge will apply.
- 11.4 In some circumstances the Council may exercise discretion and allow a tenant to leave floor coverings in the property, this will be explained by the Surveyor at the Pre-Tenancy

Ending Inspection, and only if the Council is satisfied with the cleanliness and the standard of the of the floor coverings.

## **12. Former Tenants**

- 12.1 Rechargeable work may be identified when a property is inspected before the vacating tenant moves out. The tenant needs to be given the opportunity to put their home back to a re-lettable condition prior to them moving out. The Council will take photographs at the void inspection, that will be relied upon to demonstrate the condition of the property when it was vacated, to help the recovery of the recharges.
- 12.2 In all cases where the address of the former tenant is known, an invoice will be raised at the earliest opportunity for any completed chargeable repairs or services utilised to bring the property back to re-lettable condition.
- 12.3 The Council cannot give a former tenant the opportunity to do the work after their tenancy has ended and they have moved out and no longer have access, which is why the Council always offer a Pre Tenancy Ending Inspection.

## **13. Exceptional Circumstances**

- 13.1 In all cases recharges will be referred to the Neighbourhood Management Officer to check to see if there are any exceptional circumstances that will mean the tenant or leaseholder will not be charged for a repair or service. In cases where there are exceptional circumstances the Neighbourhood Management Officer will provide evidence and waiving the recharge will be considered by the Head of Housing Management or the Head of Housing Technical Services.
- 13.2 Waiving of a Recharge will be at the consideration of a Head of Service who will decide whether it is appropriate to pursue a recharge based on individual circumstances and will be recorded on the Housing IT System.

## **14. Repayment**

- 14.1 When a recharge is identified, the tenant will be notified at the earliest opportunity and advised of the approximate cost. An invoice will be sent to the tenant following the repairs or services being carried out. This invoice will show the total cost of works, the outstanding balance due and any VAT applied as appropriate.
- 14.2 If the tenant is unable to clear the outstanding balance, an affordable and realistic agreement can be made with the tenant based on their household's financial income. This also needs to consider frequency and method of payment to ensure this debt is cleared in a reasonable time frame, ideally within 12 months of the work being carried out.
- 14.3 The Council will apply a 10% administration charge for all recharges. This will be capped at £100.00

## **15. Subsequent Rechargeable Items**

- 15.1 If the tenant has outstanding debt for a previous repair/works that have been carried out, subsequent non-essential repairs, for example, replacing broken fitted wardrobe doors, replacing skirting board, will not be carried out unless:
  - a) The tenant has reduced the current recharge debt by 50%, or
  - b) The tenant has been adhering to a repayment plan for a period of at least 6 months, or
  - c) The tenant makes a payment to reduce the current rechargeable debt by 50%

- 15.2 The identification of a rechargeable item will trigger an investigation by the Neighbourhood Management Officer (each time) to assess if there is a need to take enforcement or supportive action.
- 15.3 In exceptional circumstances and whereby the above criteria cannot be met, the Housing Income Officer will carry out a financial assessment to establish the tenant's ability to pay. A decision as to whether the repair or service will go ahead will be reached by a Head of Service providing a contribution payment is made towards the existing debt.

## **16. Appeals and Complaints**

- 16.1 If a tenant disagrees with or disputes the amount of the recharge and feels the Council has failed to treat them fairly and in accordance with this Policy, an appeal can be made to review the decision. The tenant must submit their appeal in writing which will be dealt with by an appropriate manager who was not involved in making the original decision. The appeal should be addressed to: The Head of Housing Management, Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, SS7 1TF.
- 16.2 If after receiving the outcome of their appeal they remain unhappy they can make a formal complaint following the Council Housing Complaints Policy, which follows the Housing Ombudsman Complaint Handling Code. If after receiving the Stage 1 complaint response, the complainant remains dissatisfied, they can request to escalate to Stage 2 within 28 days of the receipt of the Stage 1 response.
- 16.3 Tenants have the right to refer their complaint to the Housing Ombudsman at any point during the investigation and details of how to do this will be included in the complaint correspondence. The Housing Ombudsman will not begin their own investigation into the Council's complaint handling until the Stage 2 complaint process has concluded.

## **17. Monitoring and Continual Improvement**

- 17.1 The Head of Housing Technical Services will monitor the value of recharges that are raised on a monthly and quarterly basis, and those where the decision has been taken not to recover the charge.
- 17.2 Through the Council's performance management system, the following measures will be monitored monthly:
  - a) The percentage of potential recharges raised for general needs accommodation
  - b) The percentage of potential recharges raised for sheltered accommodation
  - c) The monthly value of all recharges raised.
- 17.3 The Senior Leadership Team and the Portfolio Holder for Health, Wellbeing and Housing will receive quarterly reports on a-c above.

## **18. Data and Records**

- 18.1 The Council will ensure personal information of all tenants and leaseholders (new, existing and former) is:
  - a) Stored lawfully.
  - b) Processed in a fair and transparent manner.
  - c) Collected for specific, explicit and legitimate for the purpose.
  - d) The data will be kept up to date and held only until it is no longer required.
  - e) Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

- f) All tenancy records (including recharge information) will be held intact for a full 6 years post tenancy end, in line with good practice guidance on document retention. Tenancy records once there is no ongoing relationship will be disposed of in line with the Council's Data Retention Schedule.
  - g) Former tenants who owe the Council for recharges will likely have an ongoing relationship with the Council until the debt is cleared. In these cases, the Council has a legitimate business need to retain their personal information and will do so until the debt is cleared. The data will be disposed of in line with the Council's Data Retention Schedule.
- 18.2 A tenant's express consent is obtained to deliver a tenancy management service during the completion of the sign-up process. The Council has a Privacy Notice which is located on its website: <https://www.castlepoint.gov.uk/privacy-policy>.

## **19. Equality, Diversity and Inclusion**

- 19.1 This Policy has been written to consider all protected characteristics as set out in the Equality Act 2010. An Equality Impact Assessment 'initial screening' has been carried out (see Appendix 1) which has shaped the Policy.
- 19.2 The Council is committed to ensuring that the Policy is non-discriminatory and that all tenants can access the service, considering any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act. To identify the needs of the Council's tenants, a new tenant questionnaire is completed at sign up and it contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the Policy on minority and specific needs groups and to evidence the need for amendments, as may be required.
- 19.3 Under the Equality Act 2010 and section 149 of the Public Sector Equality Duty, the Council is required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a landlord. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Policy complies with the Council's Equalities Policy March 2021.
- 19.4 It is proposed the Equality Impact Assessment is reviewed in 24 months after the Policy goes live, using customer profiling data extracted from the housing management system.
- 19.5 The Council reserves the right to change this Policy to meet changes in regulation, legislation and good housing management practice. All changes will be subject to an Equality Impact Assessment.

## **20. Communication**

- 20.1 Once the Policy is approved, a summary document "a policy on a page" will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and accessible to staff.

## **21. Review of Policy**

- 21.1 This Policy will be reviewed every three years, unless new legislation, regulation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.
- 21.2 The Council reserves the right to change this Policy to meet changes in regulation, legislation and good housing management practice. All changes will be subject to an Equality Impact Assessment. The significance of the change will be determined by the Interim Director of Housing; where the change is minor it will be approved by the Interim Head of Housing Technical Services. If the change is major, approval will be by the Portfolio Holder for Health, Wellbeing and Housing.

## **22. Consultation**

- 22.1 The Council is committed to meaningful tenant and leaseholder engagement and involvement. The Council has not consulted with tenants and leaseholders, as the Council considers it needs to determine its own approach to recharges, and will follow best practice.
- 22.2 Once the Council has a formal group of engaged tenants, it is proposed that they will be consulted with on all the letters and communication associated with recharges.

## **23. Training**

- 23.1 The Council will maintain a skills/training matrix to ensure that all Council employees undertaking key roles within the scope of this Policy have appropriate training.
- 23.2 Training will be carried out to ensure that all staff understand their responsibilities for the effective management of the Council's recharges for tenants, former tenants and leaseholders.
- 23.4 Training records will be kept for all courses attended.

## **24. Governance**

- 24.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure compliance with the law and requirements placed upon the Council by the Regulator of Social Housing. In particular, the Transparency Influence and Accountability Standard, 2024, The Safety and Quality Standard, 2024 and the Neighbourhood and Community Standard, 2024.
- 24.2 The Chief Executive reports to Cabinet to demonstrate the Council's income recovery is properly controlled and managed, and compliance with the Regulator of Social Housing's Consumer Standards, 2024. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take decisions for the effective sub delegation of duties within their service areas of responsibility, this to ensure the Council's statutory duties and functions are effectively discharged.
- 24.3 The day-to-day responsibility for recharges for the Council's homes is implemented in line with this Policy has been delegated, via the Council's Constitution, to the Interim Head of Housing Technical Services.

## **25. Associated Policies and Procedures**

- 25.1 This Policy will be implemented through a suite of delivery processes designed to provide compliance with regulation, legislation and good practice: The key decisions and administration will be undertaken by the Council. Related documents include:

- Castle Point Borough Council Data Retention Policy
- Castle Point Borough Council Privacy Notice
- Council Housing Anti-Social Behaviour Policy
- Council Housing Contract Management Policy
- Council Housing Damp Mould and Condensation Policy
- Council Housing Domestic Abuse Policy
- Council Housing Electrical Safety Policy
- Council Housing Fire Safety Policy
- Council Housing Gaining Access Policy
- Council Housing Gas Safety Policy
- Council Housing Hate Crime Policy
- Council Housing Income Recovery Policy
- Council Housing Lettings Policy
- Council Housing Lift Safety Policy
- Council Housing Mutual Exchange Procedure
- Council Housing Neighbourhood Management Policy
- Council Housing Recharge Procedure
- Council Housing Repairs and Maintenance Policy
- Council Housing Service Charge Policy (under development)
- Council Housing Section 20 Consultation Process (under development)
- Council Housing Temporary Relocation Policy
- Council Housing Tenancy Management Policy
- Council Housing Tenancy Sustainment Procedure
- Council Housing Voids Policy
- Council Housing Write On and Write Off Process

## **26. Appendices**

Appendix 1 - Equality Impact Assessment for Council Housing Recharge Policy

Appendix 2 – Council Housing Recharge Process Map