

Recovery of Costs Policy 2019

1. Recovery of costs associated with the service of notices etc. under Part-1 Housing Act 2004

- 1.1 The *Housing Act 2004* provides for the use of certain notices and orders to deal with house-condition issues. It also allows the Council to recover certain costs incurred in association with them.
- 1.2 Although the government may set a limit on the maximum amount that can be charged it has not done so. However, local authorities are expected only to charge the reasonable costs of enforcement and should take into account the personal circumstances of the person(s) against whom the enforcement action is being taken.
- 1.3 The Council's *Housing Health & Safety Rating Scheme Policy 2012* (HHSRS Policy) sets out the circumstances in which the various notices etc. will be used and costs recovered. That policy also allows for the Head of Service¹ to determine whether any variation to the stated approach is appropriate.
- 1.4 Unless the Head of Service considers that there is a legitimate reason for departing from the stated policy, the Council will recover the costs associated with taking all relevant enforcement actions.
- 1.5 This 2019 Policy continues the approach set in the 2012 version that the Council will recover a specified minimum charge (for the sake of clarity) but will recover an increased amount when it is judged appropriate to do so, taking into account the time spent on the relevant activities in any particular case². The additional charge is only likely to apply when for example, the enforcement action relates to a large, unusually complex or particularly defective premises (all of which will mean that the enforcement process takes more time).
- 1.6 The Head of Service will be responsible for determining (periodically) what the specified minimum charge will be and, in doing so, will take into account:
 - travelling costs (which may be standardised or averaged)
 - employment costs of relevant officers (which may be standardised or averaged)
 - Corporate overheads (which may be applied as a percentage addition to employment costs)
 - estimates of the time typically taken on the various relevant activities (which may be standardised or averaged)
- 1.8 The Head of Service will also specify periodically how, and in what circumstances, costs over and above the specified minimum charge will be determined.

¹ Currently the Assistant Director Housing and Social Care Commissioning

² For example: original inspection, the process of hazard rating or notice & schedule preparation (in the case of Improvement Notices only)

2. Recovery of costs associated with work-in-default

- 2.1 A number of the statutory notices used by the Council allow it to undertake work-in-default in the event that notice recipient(s) fail to carry out works required by those notices. The Council can then recover the costs it has incurred.
- 2.2 The Council will rely upon its *House Condition Enforcement Policy* in determining whether or not to undertake work-in-default in each particular case.
- 2.3 The Council will seek to recover all of the costs associated with undertaking work-in-default (including for example, time spent by its officers, administrative costs, contractor's costs, the cost of any specialist reports, supervisory costs etc.)
- 2.4 The Council will calculate the cost of officer time (for activities other than travel) on the basis of the actual time spent by officers on the chargeable activities and will charge that time at an appropriate hourly rate.
- 2.5 The Head of Service will be responsible for determining (periodically) what hourly rate or rates should be applied and in doing so, will take into account:
 - employment costs of relevant officers (which may be standardised or averaged)
 - Corporate overheads (which may be applied as a percentage addition to employment costs)
- 2.6 The Head of Service will also be responsible for determining (periodically) how travelling cost will be calculated and may determine that a standardised / average travelling cost should be used.
- 2.7 The Council will normally invoice the responsible person(s) for the cost of work but will in addition make the cost of work-in-default a charge on the relevant premises in all cases where the applicable legislation provides for that to be done. Accrued interest will be added to charges at an appropriate rate determined by the Council.
- 2.8 Any exceptions to this approach will be determined by the relevant Head of Service