Bath & North East Somerset Council

Housing Services Charging Policy

Bath and North East Somerset Council's charging policy for housing related services

2016

This document sets out the charges made for housing related services.

Printed on recycled paper

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Introduction

Housing Services will charge a reasonable fee for administration and provision of services. The services and administration which are subject to charging are set out in this policy.

Charges will reflect the costs incurred in performance of the task or a fee which is reasonable for the service it provides. Charges will help Housing Services meet any associated administration costs of the service provided including cost of visits and officer time.

All charges are set out in full in Appendix 1: Table of Charges for Housing Related Services.

When administering a charge Housing Services will adhere to the following service standards:

- It is reasonable for the local authority to charge for services
- The charging policy is clear, accurate and freely available
- There is clear information on the charges that apply
- The charges are fair
- The consequences of failing to pay the charge are clear

Services which are subject to the Charging Policy are:

- Discretionary property inspection services
- Enabling the delivery of affordable housing units
- Enforcement of property health and safety standards
- Homesearch marketing
- Licensing rented properties
- Storage of possessions and pets
- Subject access requests
- Temporary accommodation

Services and actions subject to charging

Discretionary property inspection services

Immigration Clearance Surveys and non-statutory advice are offered by Housing Services, only as resources allow, and will be charged at an hourly rate based on staff and administration costs. Inspections for home energy assessment and provision of an Energy Performance Certificate will be provided at a rate equivalent to cost of providing the service.

Enabling the delivery of affordable housing units

Housing Services will charge any Registered Provider and other providers delivering affordable housing a set fee for each affordable housing unit delivered by the local authority. Charges will comply with terms of the HomesWest Joint Working Agreement (or any successor partnering arrangements) and will be subject to periodic review.

Enforcement of property health and safety standards

Hazard awareness notices are not subject to a charge. The Council's Enforcement and Licensing Policy can allow for the completion of works though an informal enforcement approach in the first instance and in those situations no fee is payable.

Enforcement Notices and actions which are subject to a charge are:

Improvement Notice	Prohibition Order and Emergency Prohibition Order	Suspended Improvement Notice	Suspended Prohibition Order	Works in default/ emergency remedial actions

Housing Services will charge a landlord, or appropriate person, a set fee for issuing Notices and Orders when a Housing Health and Safety Hazard is identified and an informal enforcement approach has not resulted in the completion of remedial works.

Where the landlord has failed to comply with an Improvement Notice, Housing Services may charge a landlord, or appropriate person, a fee to complete Works in Default or Emergency Remedial Actions in addition to the actual cost of the works. The fee will recover administration costs, including officer time in carrying out the work and will be calculated at an hourly rate. The owner will be notified of the intention to undertake works on their behalf and the chargeable service.

Suspended Improvement Notices and Suspended Prohibition Orders are not subject to a charge under the following circumstances:

- There is an owner occupier currently at a property OR
- The landlord is willing to undertake works but the occupant does not want the works to be
- undertaken OR
- A crowding and space hazard exists and the Council does not wish to make the current household homeless however wishes to limit the number of future occupants

Homesearch marketing

Housing Services will charge a Homesearch partner (which includes registered providers) a set fee for each affordable housing property marketed through Homesearch. Charges will comply with the nomination agreement and Homesearch scheme.

Licensing rented properties

Housing Services will charge a standard fee for licensing of a licensable House in Multiple Occupation (HMO). Properties must be licensed if they meet the mandatory HMO licensing criteria or the additional HMO licensing designation or any selective licensing designation. Housing Services will charge a higher set fee for late licensing of an HMO to reflect the additional administration costs associated with such late applications, including, but not limited to: identification of unlicensed property; the investigation of the offence and consideration of most appropriate course of action.

Storage of possessions and pets

Housing Services will charge a homeless person the full cost associated with the safeguarding of their personal possessions and pets. Storage and kennelling will be undertaken by a third party. Charges will comply with Housing Services protection of property procedure.

Subject access request

Housing Services will comply with a subject access request in line with the Council's Data Protection Policy. Information will be made available at minimum inconvenience and cost to the applicant. Charges, paid in advance, will be made for disbursements including:

- Photocopying
- Printing
- Postage and packaging.

Temporary accommodation

Housing Services will charge a homeless person a reasonable fee for providing temporary accommodation. We will ask for benefit payments they received for their housing costs to be paid directly to Housing Services and we will deduct this from the overall cost of their temporary accommodation. Service charges, such as breakfast, heating, lighting and water are not covered by the housing element of benefits. Housing Services will pay those charges for the first six weeks of occupancy in bed and breakfast but thereafter the charges are subject to payment by the person.

A person who is not claiming their full benefit entitlement or are in unmanageable financial debt will be supported to obtain debt and/or welfare benefit advice.

<u>People with savings or investments</u>

We expect a person with savings or capital above £16,000 to meet the full cost of the accommodation.

People in work and not receiving benefits to help towards their housing cost

Working people will be expected to contribute to the cost of their temporary accommodation, if they are not in receipt of benefits to help with their housing cost they will be expected to meet their full housing cost of their accommodation. Housing Services will however, not impose a charge where the effect of those charges will result in a person's net income being below the basic benefit threshold, plus 25%. Disability Living Allowance, or its replacement Personal Independence Payment or Attendance Allowance will not be taken into account when calculating a person's income. Neither will War Pension or War Widows Pension or Armed Forces Independence Payment.

People in receipt of benefits to help towards their housing costs

Universal Credit has replaced some in work and out of work benefits in Bath and North East Somerset. Some people will be in receipt of housing benefit, whereas others will be claiming Universal Credit. Help towards temporary accommodation will differ depending on the benefit they receive. This section below applies to people in receipt of Universal Credit.

Universal Credit supports people to prepare for work, move into work or earn more. It expects them do all they can to find work or increase their income, requirements are imposed as a condition of receiving Universal Credit, and a failure to comply with those requirements can result in benefits being reduced or stopped.. We will expect everyone to adhere to the requirement of their Universal Credit claim, as a reduction in their benefit entitlement could place their temporary accommodation at risk. Payment for the temporary accommodation will need to be made whether or not a person's entitlement has been reduced, stopped or there is a waiting period imposed. This list is not exhaustive but provides a guide to when we expect a payment for their housing cost to be made even if there is a shortfall in their entitlement:

- The first 7 days of the claim, known as a waiting period
- A failure to maintain the claim, such as attending appointment with a job coach
- There is a shortfall in the benefit entitlement compared to the housing cost
- A sanction has been imposed because responsibilities have not been met and there is no good reason why that is so.

We will consider requests for assistance on individual merit, where we believe the person is unable to pay the rent and that failure to pay is not because of fault or blame on their part. We consider that if a person can afford both the housing costs and their reasonable living expenses then they are able to pay their housing costs. To calculate weekly living expenses we will have regard to guidance from Welfare Support, a single person is calculated as £35 (food), £10 (electric), £5 (gas), £2.50 (TV licence) and £6 (water) although occupancy in bed and breakfast will not incur some of those costs and hence would not be relevant.

Right to complain

Housing Services are committed to operating a fair and reasonable charging policy. An applicant can make a complaint through the Council's complaints procedure and the Local Government Ombudsman. More information is available on-line at www.bathnes.gov.uk/feedback

Special provisions for homeless people

This policy will not be rigidly applied when providing accommodation to homeless people, consideration will be given to any exceptional circumstances relating to the applicant.

Exceptional reasons could include (but not limited to):

- Travel expenses which are not covered by the travel expenses procedure
- Severe financial hardship where debt advice has been sought and acted upon.

Reasons could justify a decision more favourable to the applicant than the policy would normally allow, and in those circumstances the amount charged should be reviewed and amended.

Invoices and debt recovery

Housing Services will raise an invoice for payment. Payments can be made on-line, on the telephone or at Council Connect through the self-service payment kiosks. More information is available on-line at www.bathnes.gov.uk/pay

Housing Services will comply with the Council's corporate debt recovery process. Failure to pay the enforcement charges can result in an annual interest charge of 1.5% over Bank of England base rate until full payment is made. In addition a local land charge may also be made against the landlord's property and will be discharged once full payment is made.

Periodic review of the charging rates

Charges are subject to change and will be reviewed on a periodic basis. Enabling fees will be increased annually by the index uplift in RPI.

Appendix 1: Table of charges for housing related services

SERVICE AREA	CHARGEABLE SERVICE	Page	CHARGE
Discretionary property inspections	Energy Performance Inspection and Certification	5	£50.00 per hour
	Immigration Clearance Survey	5	£50.00 per hour
	Non-statutory property inspection advice	5	£50.00 per hour
Enabling the delivery of affordable housing	Delivery of each affordable housing unit	5	£550.00
Enforcement actions	Improvement Notice Suspended Improvement Notice Prohibition Order Emergency Prohibition Order Suspended Prohibition Order	5	£240.00
	Works in Default	5	£50.00 per hour
	Emergency remedial action	5	£50.00 per hour
Homesearch marketing	Marketing and administration for each property	6	£62.50
Licensing rented properties	Licensing each House in Multiple Occupation	6	£700 standard £900 late applications
Storage of possessions and pets	Storage and kennelling	6	Varies
Subject access request	Collating, photocopying, printing, posting and packaging of information	6	£10.00
Temporary accommodation	Food, heating, lighting and hot water in B&B	6	Varies
	Rent in B&B per week	6	Varies

Appendix 2: Table of authorities

Data Protection Act 1998

Freedom of Information Act 2000

Homesearch Policy 2016

Housing Act 1996 Part 6 and 7 (as amended by the Homelessness Act and Localism Act 2011)

Housing Act 2004 (and associated regulations)

Housing Enforcement and Licensing Policy 2012 and fees document

Nomination Agreement 2013

Review of a homeless decision procedure 2013

Tenancy Strategy 2012

West of England Housing Delivery Panel Memorandum of Understanding 2013

Appendix 3: Glossary of terms

Emergency prohibition order: A prohibition order which will come into effect immediately where there is an imminent risk to health and safety (Housing Act 2004). It can be used to prohibit use of all or part of a dwelling.

Emergency remedial action: An order which is used when it is considered there is an imminent risk to health and safety and allows the council to carry out immediate remedial action (Housing Act 2004).

Enabling fee: A fee paid by Registered Providers and other providers delivering affordable housing for each affordable housing unit secured by or supported into delivery by the local authority Housing Enabling and Development Service.

Enforcement and Licensing Policy: the policy which describes our approach to enforcement and licensing.

Hazard awareness notice: A formal notice issued to raise awareness of a hazard.

Housing health and safety rating system: A risk-based evaluation tool which helps local authorities identify hazards in a property under Part 1 of the Housing Act 2004.

Hazard: A hazard for this purpose is a defect which has the potential for harm to occur. An actionable (or significant) hazard is a housing health and safety hazard category A – D as assessed under the housing health and safety rating system (Housing Act 2004).

Homesearch: The name of the Council's housing allocation scheme.

Homesearch partner: Housing providers (including registered providers) who allocate their vacant social housing properties through Homesearch.

HomesWest Joint Working Agreement: Agreement of the partnership of registered providers and Local Authorities delivering new affordable housing across the West of England.

House in multiple occupation (commonly called an HMO): an HMO is a property occupied by three or more unrelated people who share a bathroom or kitchen. It can also be a building converted into bedsits or self-contained flats.

Housing Services: Part of Bath and North East Somerset Council and includes the following services, Housing Options and Homelessness, Homesearch, Housing Standards and Improvements, Housing Strategy and Performance, Housing Enabling and Development, Homefinders and Supported Lodgings.

Improvement notice: An enforcement notice which can be used to set timescales for works to be completed to improve a hazard found in a dwelling.

Immigration clearance survey: a survey to confirm that additional occupants will not create a crowding and space hazard and to ensure the property is free from significant housing health and safety hazards.

Informal enforcement approach: An approach, taken when the Council is confident with the landlord's ability to deal with an actionable hazard within a reasonable time scale and subject to the circumstances of the case. This is also known as the landlord agreement.

Landlord agreement: An approach which provides the landlord, in the first instance, with details of works required to reduce any actionable hazards identified. The landlord then has 14 days to discuss timescales or suggest any alternative works. If the landlord does not fully engage at this stage or if they fail to complete works as agreed the Council will be in a position to consider further action, such as service of a notice.

Licensing fees: Fees charged per licensable property which covers the cost of the licensing process.

Local land charge: A debt which is repaid (including any accrued interest) when the property is sold.

Nomination Agreement: A partnership agreement which decides how social housing in the district is allocated.

Prohibition order: An enforcement order (notice) which can be used to prohibit use of all or part of a dwelling where health and safety hazards have been identified. It can also be used to limit the number of occupants in a property.

Registered Providers: Registered providers include private registered providers (such as not-for-profit housing associations and for-profit housing development organisations).

Residential Property Tribunal: The body that hear appeals against decisions made by the Local Authority under The Housing Act 2004.

Subject access request: A written request by an individual asking for their personal information.

Suspended improvement notice: An improvement notice which is suspended.

Suspended prohibition order: A prohibition order which is suspended.

Works in default: Works carried out by the Local Authority where a notice served under the Housing Act 2004 has not been complied with or reasonable progress to comply has not been made.