



Leaseholders' Handbook

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www.warwickdc.gov.uk

This handbook is a guide to the services you can expect as a leaseholder from Warwick District Council, this includes your rights and responsibilities, together with important information and contact details.

This handbook is intended to be a useful reference on leasehold issues, but it is not a legal document and does not replace your lease. It has been produced following a survey we carried out which showed that you wanted more information about being a leaseholder.

Whether you are a new or long-term leaseholder with Warwick District Council we hope you find this handbook useful.



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A guide to the terms we have used

Leasehold properties are usually flats or maisonettes in a purpose-built block (referred to as the building), converted houses or above commercial or retail premises.

Leaseholder is a person who has bought the right to live in a leasehold property for the term of the lease.

Landlord (or Freeholder) is Warwick District Council, this is the organisation who owns the building containing the leasehold property. We use the term landlord, when referring to Warwick District Council.

Lease is a legal agreement between the leaseholder and the landlord, which gives details of rights and responsibilities. The lease term is usually 125 years and runs from the date that the leasehold property is first sold by Warwick District Council.

Ground Rent. As a leaseholder you will need to pay rent to the freeholder or landlord. Under the terms of the lease you will pay £10 per annum in ground rent to your landlord (Warwick District Council).

Development comprises the building and any access areas annexed to the building such as patios, paths and driveways.

Rights and responsibilities

Both the landlord and leaseholder have a number of rights and responsibilities which are included below. Please refer to your lease for further clarification with regard to your building

Our responsibilities, as landlord (for management of the block and/or development):

- to keep the building clean and in a good state of repair
- to deal with anti-social behaviour

Maintenance of the block and development:

- to repair and maintain the common pathways and open spaces
- to keep all structural parts of the building in good condition including walls, roof, gutters, communal windows
- to repair and maintain internal communal items such as lifts, door entry systems, fire alarm systems, stairways
- to decorate communal internal and external areas as often as reasonably required

Maintenance within your flat of:

- windows, including the frames and handles (you are responsible for the glass and for broken window panes)
- door entry systems
- fire alarms

Your responsibilities as a leaseholder

- to maintain the inside of your flat including plumbing, electrical, decorations, all fixtures and fittings (unless they belong to us, for example door entry handset)
- to ensure that:
 - gas appliances are serviced every 12 months by a 'Gas Safe' registered engineer and to produce evidence that this has been done by sending a copy of the current gas safety certificate every year to the Repairs team at hsgrep@warwickdc.gov.uk
 - any electrical work is undertaken by a registered electrician
- to contribute to the cost of the repair, maintenance and upkeep of the building or development and this cost will be included in your annual service charges
- to report communal repairs to the Repairs team by phone **01926 456129** option 1, email hsgrep@warwickdc.gov.uk, online www.warwickdc.gov.uk/reporhousingrepairs
- to behave in a neighbourly manner
- to pay your service charges and ground rent on time
- to seek written permission from us before carrying out any repairs or alterations which may affect the internal or external structure of the building



- to provide access to your flat for us to carry out work to the structure, outside or shared parts as long as reasonable notice is given
- to keep the flat insured (see information on page 12)

We have the right to:

- enter the leasehold property to carry out work to the structure, outside or shared parts as long as reasonable notice is given
- extend or carry out alterations or improvements to the block or development
- close, divert or alter any roads, footways or gardens on the development

You have the right to:

- receive information about service charges

Service charges

Service charges are payments made by you to us. They can vary from year to year and can go up as well as down, however, they must be reasonable and able to be evidenced. Service charges include the cost of the repair, maintenance and upkeep of the building or development.

Service charges comprise various elements depending on which services and repairs are provided to the communal areas of the block or development and these may include:

- cleaning
- window cleaning
- grass cutting
- grounds maintenance
- maintenance and repairs
- communal electric power supply
- communal gas supply
- electrical safety check
- external decorations
- internal communal decorations
- servicing and repairs to lift, door entry systems, fire alarm systems

A charge is also included for the cost of administering the service, preparing the charges, statements, invoicing and dealing with queries.

Please refer to your individual annual service charge statement for an accurate breakdown of the charges for your property.

How your service charges are calculated

Service charges are calculated annually using final costs for works carried out in the previous calendar year. (For example, the service charge payable in financial year 2018-19 includes costs incurred between January and December 2017).

Total costs for works or services are then divided by the total number of properties in a block or development to give a unit cost.

Five year reference period

When a leasehold property is first purchased through the 'Right to Buy' there is a five year reference period in which the service charges are fixed and can only be increased by the rate of inflation. If the property is sold within those five years, the remainder of the reference period is passed on to the new leaseholder.

We have to declare any major works which are programmed to be carried out during the reference period. The leaseholder is expected to pay for this work over the five year period.

Methods of payment for service charges

You will need to quote your reference number so that payments can be allocated correctly.

Direct debit:

The easiest and most cost efficient way to pay is by direct debit. To set this up phone **01926 456031**

Standing order (BACS):

You can set this up with your bank by quoting our details

- HSBC
- sort code 40-27-06
- account number 71023381

Website:

Search online payments on our website then select housing rents & leasehold accounts to use a debit or credit card to pay.

Freephone:

Phone our 24 hour automated payment line on **0800 028 3377** and choose option 3 for housing rents and leasehold accounts.

In person by cash or cheque:

At any post office or Pay Point outlet, you will need a barcode. Cheques should be made payable to Post Office Ltd with your reference number quoted on the back. Phone **01926 456031** to request a barcode.

Works, repairs and property matters

There are three types:

- **repairs** - these are day-to-day minor or responsive communal works
- **cyclical work** - this is regular maintenance work and can include internal and external communal painting
- **major works** - these are planned works and can include re-roofing and window replacements

Permission to do repairs

You **must seek written permission** from us before you carry out any work to your property, which could affect the structure or exterior of the block. Altering or attaching anything to the exterior of our buildings is **strictly forbidden**. If you are in any doubt please contact the Tenancy Management team:

- email: hsgem@warwickdc.gov.uk
- phone: **01926 456129** option 3

'Section 20' consultation

This is a formal legal consultation process where we consult you about proposed communal works. The process has various stages, depending on the type of contract, value of work and whether public notice is needed.

We have a legal obligation to consult

- in legislation: under section 20 of the Landlord & Tenant Act 1985 as amended by s151 of the Commonhold and Leasehold Reform Act 2002

Under the terms of the lease we have to maintain the structure and exterior of the building and you **are obligated** to contribute to the cost of this maintenance.

If the correct consultation process is not carried out we can be challenged by our leaseholders, which can affect our ability to recover the costs.

We have a financial obligation

- in the Council's Code of Financial Practice to collect all income due in respect of services provided by that Service Area and ensuring appropriate systems and procedures are in place.

We maintain good practice

- in advising our customers at the earliest possible opportunity about proposed works

Where we have consulted you under 'Section 20', the cost of the work will normally be included in your service charges for the following financial year. There are no grants available for leaseholders towards the cost of 'Section 20' works.

For more information about the 'Section 20' process please see www.lease-advice.org

Gas

If there is a gas supply to your leasehold property you must ensure that gas servicing is carried out annually by a 'Gas Safe' engineer. A copy of the current gas safety certificate must be sent every year to the Repairs team at hsgrep@warwickdc.gov.uk

If you smell gas in your home:

- turn off your gas supply at the meter
- open all doors and windows
- check to see if an appliance has been left on but is unlit. If so, do not turn the gas back on or try to relight until the smell of gas has cleared
- do not turn any electrical appliances or light switches on or off
- do not use door bells
- do not light a match or use a cigarette lighter
- phone the National Gas free emergency service immediately on **0800 111 999**



Electric

If you have any electrical work done to your leasehold property you must ensure that it is carried out by a registered electrician.

Asbestos

Materials containing asbestos might be found in any building which was built or refurbished before 2000. The most common materials are floor tiles, textured coated ceilings, cement roof sheets or soffits. Asbestos is safe as long as it is not damaged.

We hold a database of asbestos surveys for tenanted properties, communal areas and for some leasehold properties if they were purchased after 2015. This database is monitored regularly and any high risk items are removed as soon as possible. Programmes are set up for re-inspections to monitor the condition of the material.

You must get permission before carrying out any work which involves potentially damaging asbestos-containing materials.

If you have any concerns about asbestos you can request an asbestos survey for your leasehold property by contacting the Repairs team by:

- phone: **01926 456129 option 1**
- email: hsgrep@warwickdc.gov.uk

The cost of the survey will be recharged via your service charges.

For more information please visit www.hse.gov.uk/asbestos/

Front doors

Front entrance doors are part of the structure of the building. They form part of the fire safety features of the property, therefore preventing the spread of fire and smoke and need to be well maintained. A fire resistant door is fitted to your flat. Please ensure that you do not puncture the door skin or door frame with nails, screws or wires etc. Puncturing the surface of the door skin or door frame will affect its performance in the event of a fire.

If you notice any deterioration in the door frame, seals or opening mechanism of this door please ensure you report this immediately to us.

If we inspect your door and identify any damage or alterations, we will carry out ongoing door maintenance work and you will be liable for the cost of this work.

If in doubt contact the Repairs team by:

- phone: **01926 456129** option 1
- email: hsgrep@warwickdc.gov.uk

Fire safety

Fire safety in your home and in our blocks is very important and you should ensure that you and anyone living in your property is aware of the following:

- you should test your smoke alarm each week to make sure it is working by pressing the button on it for a number of seconds until it sounds
- if you also have an alarm control panel beside your front door press the test button to make sure it sounds

The fire alarm system plays an essential role in providing an early warning should a fire break out. It is important that the fire alarm system remains connected and operational at all times for the safety of yourself and your neighbours.

If you are in any doubt or have any concerns or queries about your smoke alarm, for example, if you think your alarm is not working, becomes damaged or starts to 'chirp' indicating a low battery, please contact the Repairs team by:

- phone: **01926 456129** option 1
- email: hsgrep@warwickdc.gov.uk

Fire prevention advice

- Do not leave the kitchen unattended if you are cooking and avoid leaving children in the kitchen alone if you are using your cooking hob
- Be especially vigilant when cooking with oil. Do not overfill chip pans and never throw water on a chip pan fire
- Make sure cigarettes are put out properly, use a proper ashtray and don't smoke in bed
- Do not overload electrical sockets
- Check and replace any frayed or damaged electric cables
- Turn off appliances when not in use. Do not even leave them on standby
- Keep matches and lighters out of reach and sight of children
- Make sure candles are secured in a proper holder and away from materials that may catch fire, such as curtains. Children should not be left alone with lit candles

Keep safe and plan your escape in case of fire

- Ensure you know the escape route
- Do not use the lift
- Do not leave any items in the communal areas of blocks, as these could endanger others in the event of a fire. We will remove any items left in the communal areas without notice

If fire breaks out in your flat

- Leave the room at once and **close the door**
- Alert any other people in the flat
- Exit your home and when everyone is out, **close the front door**
- Phone the Fire Service on **999** or **112**
- When leaving the building use the staircase, do not use the lift

If fire breaks out elsewhere in your building, or if you hear the fire alarm

- Phone the Fire Service by dialling **999** or **112**. If you can see the Fire Service outside there is no need to call **999**
- Consider whether to leave the building or remain in your flat. The building is designed to contain a fire in the flat where it starts – this means it will usually be safe for you to stay in your own flat if the fire is elsewhere
- However, you must leave immediately if smoke or heat affects your home, or if you are told to leave by the Fire Service
- If you are in doubt – get out
- It is an offence to intentionally wedge fire doors open. If anyone is injured due to this action you could be held responsible in a court of law
- Lifts should never be used if there is a fire

For more information please visit the Warwickshire Fire and Rescue Service website at www.warwickshire.gov.uk/fireandrescue



Insurance

Property (buildings) insurance

It is a condition of your lease that your property is comprehensively insured against loss or damage for a sum that represents the full rebuilding cost.

We have a block policy especially for leasehold properties. The premium is billed annually on 1st April by us and can be paid in full, monthly or quarterly.

We will supply you with a copy of the policy cover at renewal, or part way through the year if the insurer needs to update the information.

In line with our procurement policies and external legislative requirements, all our insurances are put to the general insurance market on a regular basis to ensure that we are getting the best value for the leaseholder.

Because cover is arranged on a block policy insurers do not offer a no-claims discount, so your premium will not increase if you make a claim. However you should remember that premiums change each year as sums insured are increased and Insurance Premium Tax may change.

If your property is damaged and you feel you need to make a claim on the building insurance please contact the Insurance and Risk Officer as soon as possible by phone: **01926 456823** or email: **insurances@warwickdc.gov.uk**. All claims need to be submitted to insurers within 30 days of the incident or within five days if the damage is major.

Some leases allow leaseholders to arrange their own insurance. If you have one of these leases and wish to arrange your own insurance a copy

of the policy schedule must be supplied to the Insurance and Risk Officer who can be contacted by phone: **01926 456823** or email: **insurances@warwickdc.gov.uk**

This must be supplied when your cover starts and then every year when your cover is renewed and must include the following information:

- Name of the insured
- Address of property insured
- The risks covered by the policy
- The amount and period of the cover
- Insurance policy number
- Interest of the landlord

If you do not provide proof of insurance we will insure your property and send you an invoice for the premium.

If your property suffers damage you will be responsible for arranging your own repairs. We will not carry out repairs to your property.

If as a result of your or your tenants' actions (or inaction), damage is caused to another property you may be liable for payment for repairs needed. Therefore it is important that you have adequate public liability insurance. This is usually obtained with contents insurance.

Contents and Liability Insurance

You are responsible for insuring your home contents. You should also ensure that you have appropriate liability cover in place, particularly if you are letting the property out.

We also provide Contents and Liability Insurance that can be applied for through our Tenants Contents Scheme. For more information:

- email: **hsgfin@warwickdc.gov.uk**
- phone: **01926 456031/456408**

Council contacts and services

Repairs

To report or query a communal repair.

To query the service charges for a communal repair.

To request permission to carry out work to your property.

- website: **www.warwickdc.gov.uk/reporhousingrepairs** to report communal repairs
- email: **hsgrep@warwickdc.gov.uk** (not to be used for emergency repairs)
- phone: **01926 456129** option 1
- post or in person: Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ

Service charges account administration

Setting up direct debits and payment plans.

To change contact details.

Notification of property sale.

email: **hsgfin@warwickdc.gov.uk**

phone: **01926 456031**

Tenancy Management

- cleaning of communal areas
- grounds maintenance
- parking issues at the block where you live
- dumped rubbish
- sub-letting
- queries on your service charges about the above
- ordering key fobs for door entry systems. (A replacement fob costs £10).
- queries about keeping domestic pets. They can be kept in some leasehold properties but you must get permission first, under the terms of your lease.
- anti-social behaviour (asb)

Tenancy management contact details

- email: **hsgem@warwickdc.gov.uk**
- phone: **01926 456129** option 3

To report anti-social behaviour within a private dwelling

- website: www.warwickdc.gov.uk/asb
- email: antisocialbehaviour@warwickdc.gov.uk
- phone: **01926 456010**

Complaints

We strongly advise that you contact the Council, in the first instance if you have a problem, as we can often deal with it quickly without going through the complaints procedure. Our Tenancy Management or the Engagement teams are in most cases your first port of call.

If you feel that your issue has not been resolved you can make a formal complaint. The procedure for making a complaint is a council-wide procedure that is the same for any customer of Warwick District Council. Details can be found at: www.warwickdc.gov.uk/complaints

Engagement Team

Warwick District Council encourages tenants and leaseholders to get involved in your housing service. For more information:

email: performance@warwickdc.gov.uk
phone: **01926 456357/456445**

Legal matters

Forfeiture

The landlord has the right to forfeit your lease and regain possession of the property if you or your tenants breach any of the terms of your lease.

Forfeiture is a last resort and would only be used to protect the best interests of the landlord, other tenants and leaseholders.

Selling your property

You are able to sell your leasehold property on the open market at any time. You must inform the Business Administration team by phone **01926 456031** or email hsgfin@warwickdc.gov.uk within one month of the sale. Any outstanding service charges must be paid in full, prior to completion of the sale. It is advisable if both parties' solicitors arrange any apportionment of service charges. If you fail to do this you will remain liable for all service charges and ground rents in relation to the property.

Repaying a 'Right to Buy' discount

If you sell your property within the first five years of purchasing through the right to buy scheme you will have to repay some, or all, of the discount. Your solicitor will advise if you are liable to repay any discount.

Letting your property

You have the right to sub-let your property, but it must be let on an Assured Shorthold Tenancy of at least 6 months and to a single tenant (individual, couple or family). However, under the terms of your lease, you must inform the Business Administration team by phone **01926 456031** or email hsgfin@warwickdc.gov.uk of:

- the name of your tenants
- your correspondence address, so we can send you relevant information about your leasehold property and we can contact you in the event of any problems with your property or tenants
- any changes to the above information

Your responsibilities if you are subletting

- You become a landlord for your tenant. (Although Warwick District Council remains the landlord for the building)
- You have a legal responsibility to ensure gas servicing is carried out if there is a gas supply to your leasehold property
- You are responsible for the service charges and ground rent for the property
- In the event of any problems, such as disruptive behaviour by your tenants or non-payment of bills, we will take action against you as the original leaseholder and not your tenants

Extending the lease

The lease may be extended upon request by you to us. All costs would be borne by you.

For more information about:

- Warwick District Council, including contacts and opening hours www.warwickdc.gov.uk
- being a leaseholder
www.lease-advice.org
www.gov.uk/leasehold-property



www.warwickdc.gov.uk

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 456239.