

leaseholders' handbook



NORWICH
City Council

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Introduction

This handbook is for those who have bought, or are thinking of buying, a property under the Right-to-Buy or a property which has been sold by Norwich City Council under the Right-to-Buy with a long Lease.

The handbook contains an outline of your rights and responsibilities as a Leaseholder and describes the Council's responsibilities to you as your landlord.

This handbook is a guide and the information it contains does not override or affect the terms of your Lease. In general, as a Leaseholder you are responsible for the repair and maintenance of everything inside your home (unless stated otherwise in your Lease) and the Council is responsible for the structure, exterior and common parts of the building. The Council is also responsible for the provision of routine services such as lighting of common parts e.g. stairwells and entrance ways.

As a Leaseholder you will be required to pay your share of the cost of maintenance, repair and any improvement to your building or estate also towards the cost of any services provided by the Council. These contributions are known as Service Charges.

This handbook is intended to be a useful guide to the services provided by Norwich City Council to its Leaseholders.

If there are any questions left unanswered or if you have a general enquiry about your Lease please contact the Leasehold Management Team at Norwich City Hall, NR2 1NH, telephone 01603 212784, email finleasehold@norwich.gov.uk

If you have any questions about your Lease or are not satisfied with the answer you receive from the Council you should always seek independent professional advice.

The Handbook is also available on the Norwich City website at www.norwich.gov.uk

Useful Telephone Numbers

Age Concern	01603 496320
Anglian Water	08457 145 145
CityCare Helpdesk	0845 650 2045
Citizens Advice Bureau	(01603) 765007
Executive Member for Housing	01603 212212
Leasehold Advisory Service	020 7490 9580 or 0845 3451993
Leasehold Valuation Tribunal (National Helpline)	0845 600 3178
Local Government Ombudsman	0845 6021 983
Norwich City Council Emergency Out of Hours Number	01603 412180
Norwich City Council Leasehold Management Team	01603 212784
Norwich City Council Housing Central Team	01603 212888
OFGEM (Gas & Electricity complaints)	0800 887777
OFWAT (Water complaints)	0845 795 9369
POSTWATCH (Post complaints)	08456 013265
TRANSCO (Gas leaks)	0800 111 999

What Is A Lease?

The Lease sets out the legal agreement between you (the Leaseholder) and the Council (the Freeholder).

The Lease is a very important document as it sets out your rights and responsibilities as Leaseholder and those of the Council as Freeholder and your Landlord.

The Lease will have a plan attached showing your Property and the block in which it is situated (the Building), together with any garden and/or shed included in the sale. The plan may also show the neighbourhood your Building is in (the Estate) and any communal areas that you may be entitled to use within the Estate.

When you purchase a flat, maisonette or certain other types of property you purchase the Leasehold interest in that property and the Council retains the Freehold interest.

Generally as a Leaseholder you will be responsible for the area within the flat and the Freeholder will be responsible for the exterior of the building and the land on which the property is situated.

Most Leases are for a term of 125 years from the date of sale of the first property in the block.

The Lease will specify which parts of the property and rights over communal areas you may have. You may also be entitled to use communal areas within the Estate.

The ground rent on Leasehold properties purchased from the Council under the Right to Buy is normally £10 per year.

Your solicitor or licensed conveyancer should give you a copy of the Lease when you complete the purchase of your property. If you lose your copy of the Lease and have a mortgage you should contact your mortgage lender who would normally be able to supply you with a copy although there could be a charge for this service.

Norwich City Council will make a charge for supplying a copy of your Lease.

Leaseholders' Responsibilities

Your Lease will set out your actual responsibilities but in general you are responsible for the following:

- The locks/fittings of doors and glazing of windows
- Tanks, cisterns, drains, pipes, ducts, conduits, plumbing and wiring which serve your property only
- Internal walls, plasterwork, ceilings and door finishes and internal decorations
- Internal fixtures and fittings unless they belong to the Council, for example, communal TV aerial and socket or any part of an entry system or district heating system

For a complete definition please consult your Lease.

Heating Appliances

Leaseholders are responsible for the servicing, maintenance, repair or replacement of the heating appliances in their property.

It is important to carry out regular servicing, as heating appliances which are not checked and maintained will become inefficient and may become unsafe.

All servicing and maintenance to any appliance should be carried out annually by a fully trained tradesman (CORGI registered for gas appliances).

The Council is responsible for communal heating systems and is also responsible for checking and maintaining any shared flue or duct systems.

Service Charges

Service charges are your share of the cost of managing, providing services and carrying out repairs to the communal parts of your block or estate.

Service charges are paid by all Leaseholders living in properties that benefit from communal services. Leaseholders pay a proportion of the cost for delivery of these services which can vary from estate to estate but generally include the following:-

- Insuring the property for full rebuilding costs (building insurance only)
- Communal lighting internal and external
- Communal repairs
- Cleaning of communal areas
- Caretaker services / gardening services
- Ground rent
- Management fees
The management fee covers all costs that are not directly attributable to an individual property, block or estate.

You have the right to challenge the reasonableness of any service charge or of the standard of works or services.

From time to time the Council will carry out repairs, improvements, or major works to your property, block or estate. As a Leaseholder you will be required to pay a proportion of the cost of any work carried out. More information about major works can be found on page 14.

Paying Your Service Charge

Your lease will determine the way you are billed for your service charges but in general there are two types of billing, either annually in arrears or by instalments in advance.

If you are having difficulties paying the service charge please contact the Leasehold Management Team.

Housing Information Leaflet 25 'Paying Service Charges for Major Works' is available from your Area Housing Office and contains information regarding assistance you may be entitled to in helping you pay the service charge.

Advice is also available from the Citizen's Advice Bureau (CAB).

Insurance Cover

The Council arranges, on your behalf, a buildings insurance policy that covers your property. Please note that the policy does not include cover for the contents of your flat. You need to make your own arrangements to cover these.

A public liability policy is also provided which covers you and members of your family who normally reside with you. This policy is for claims made by members of the public who are injured or whose property is damaged arising from the ownership of your property.

A summary of the cover provided is available from the Leasehold Management Team.

What do I do if I want to make a claim for damage to my flat?

Contact the Leasehold Management Team who will send out a claim form to you.

You must complete the form and send it to the insurance company together with estimates for the repairs. You will then deal directly with the insurance company over your claim.

Please note that depending on the type of claim you may be required to pay the excess. This is the first part of any claim. The amount of the excess may vary. For information about the current excess please contact the Leasehold Management Team.

What do I do if I want to make a public liability claim?

Initially you should write to the Leasehold Management Team enclosing copies of any correspondence from the person who is claiming from you. The Leasehold Management Team will forward the claim on to the insurance company for you; thereafter you will deal directly with the insurance company over your claim.

Frequently Asked Questions

Can I make changes to my property?

If you wish to make any changes or alterations (other than internal decorations) to your property you must first apply in writing to the Leasehold Management Team for permission. The Council will not unreasonably refuse permission. However, in some cases (e.g. erection of satellite dishes) planning permission may also be required.

Can I rent my property out?

Your property can be rented out (sub-let) but you will be required to inform the Leasehold Management Team and complete a form giving details of your contact address and telephone number in case of emergencies. Even though you have let your property you will still be responsible for:-

- Ensuring that the person living in your property complies with the terms of your Lease.
- Paying all charges

What if I am going away for a long time?

If you are leaving your flat empty for more than 30 days you must inform the Leasehold Management Team as this will have a bearing on your insurance cover.

What is a Leasehold Valuation Tribunal (L.V.T)

LVT is a panel of three members: a solicitor, a valuer, and a non-specialist lay person. They are independent and impartial. An LVT is a type of legal hearing, but is less formal than going to court. Many people have presented their own case and won, even if the other person had a solicitor. However, it is usually worth getting professional advice before you start.

Problems can be taken to an LVT by either the leaseholder or the freeholder. Hearings do not always take place at the LVT's own offices. They are often held near your home, such as at the local Council's offices and are usually open to the public.

What can an LVT help with?

Most disputes between leaseholders and freeholders can be taken to an LVT. This might include disagreements about:

- insuring the building
- how much you have to pay in service charges
- the quality of services provided
- how much you have to pay to extend your lease

LVTs can decide whether the amount you have to pay for services or repairs is 'reasonable'. This won't necessarily be the price you were hoping for, but can be less than the freeholder has asked for. The LVT can't usually force the freeholder to refund any money you have already paid, or order her/him to pay your legal costs. If you have problems like these you may need to go to court instead, so get professional advice.

If what your lease says about maintenance, repairs, insurance or service charges is unclear or unfair, the LVT may be able to change it.

Can I sell my property?

The property can be sold at any time. However if you purchased the property from the Council under the Right to Buy, you may need to repay some or all of the discount you received. Currently, if you sell within three years of purchase you will need to repay a proportion of the discount. This may increase subject to legislation. The Council will be able to give exact details of the amounts repayable.

On completion of the sale the number of years left under your lease will be assigned to the new Leaseholder.

Service charge invoices cannot be split if the property is sold part way through the financial year. Whoever is the Leaseholder on the 31 March will be responsible for the full year's costs.

Your solicitor should ensure that this is taken into account when agreeing the details of sale.

When selling your property it is recommended that your solicitor obtain a Solicitor's Enquiry Pack from the Council. The pack will provide the following information:-

- Details of the last three year's service charge statements and any outstanding invoices
- Estimated costs of service charges for the current financial year and for any years where the costs have not been finalised
- Details of building insurance cover
- Details of any work carried out to the property within the last three years
- Details of any work programmed for the current financial year
- Copy of the Leaseholder's Handbook for the new owner
- Answers to any specific queries raised by the prospective purchaser

This pack can be obtained from Norwich City Council for a small administration fee.

How can I get involved?

The Leaseholders Forum is one way of getting your voice heard.

The Forum meets quarterly to discuss issues of interest to Leaseholders. Details of the Leaseholders Forum are available from the Leasehold Management Team.

Leaseholders can participate as Street Representatives – informal contact points for Leaseholders and Tenants who live in their local area.

The Council encourages Leaseholders and Tenants to form residents associations to represent them. To receive funding and training the association needs to conform to the Council's standards. These are designed to ensure that groups have a mandate to get involved and are accountable.

For information and advice about these and other ways to participate in the running of the housing service please contact your Area Office.

How Do I Make a Complaint?

You have the right to expect good service from Norwich City Council and we are keen to make sure that you get it. So if you are unhappy about something that we have done, or perhaps not done, please let us know.

Initially you should contact your local Area Office to discuss your problem; if you are still unhappy you may decide to make a complaint.

The Norwich City Council complaints procedure contains a number of stages. The first step is to contact the service you are unhappy with and let them know the problem. You can do this by telephone, letter, email or by calling in to a Council office. Our email address is housingservices@norwich.gov.uk.

The local Area Office addresses are shown at the back of the handbook. If you are deaf or hard of hearing use our Minicom on 212059.

If the Area Office is unable to answer a specific question, your complaint will be forwarded to the Service Charge & Leasehold Services Manager.

Once you have let us know what the complaint is we will try to sort it out quickly and efficiently. If we cannot deal with it straightaway, we will acknowledge your complaint in writing within 5 working days and make sure you get a full reply from the manager or senior officer, within 15 working days.

If you are still unhappy or the situation has not been resolved then the complaint will proceed to the second step which is fully explained in the leaflet 'We know we're not always angels'. This leaflet explains the complaints procedure in detail and is available from any of our offices.

Will the Council carry out repairs?

As your landlord there are certain repairs and maintenance, which we must carry out to your block. CityCare will be the company that carries out the work on behalf of the Council in most instances.

This is because in 2000 the Council decided that the most efficient and economic way to carry out its building repair maintenance, cleaning and other work, was to package it all together in one large contract lasting until 2010. Several contractors made competitive bids and the successful company was CityCare. The successful contractor offered to carry out the work for the lowest overall price and met all the other requirements of the contract, including standards of work.

What is The CityCare Helpdesk?

The CityCare helpdesk is open from 8:30am – 8pm Monday to Friday and 8:45am – 12 noon on Saturday. You should contact the helpdesk if you need assistance with any of the following:

- Repairs to communal lighting
- Issues regarding the maintenance of the communal gardens
- Queries or concerns about the collection of domestic refuse or recycling
- To arrange collection of un-wanted household items (there will be a charge for this service)
- Communal heating system breakdowns
- If you are not satisfied with any service level that CityCare provide.

Landlord's Responsibilities

Your Lease contains full details of Norwich City Council's responsibilities but in summary, depending on the type of Lease, the City Council is responsible for:

- the structure, including the foundations, the roof and the external walls.
- the rainwater gutters and pipes.
- the mains water plumbing and drainage within the communal areas.
- the communal staircase and lifts.
- the maintenance and decoration of the communal areas.
- doors, windows and frames.
- maintenance of door entry systems.
- communal electrical/lighting.
- communal heating and hot water systems.
- communal TV aerial.

The Council will also:

- provide you with an annual statement relating to your service charges for repairs maintenance and buildings insurance. (See Section on Service Charges)
- respect your right to quiet enjoyment of your property.

For a complete definition please consult your Lease.

Repairs (Landlord's responsibility)

If you need to report a repair please contact your Area Housing Office or (in an emergency, outside office hours) the emergency number listed at the front of this Handbook. Please remember that although Norwich City Council is responsible for carrying out certain repairs you are obliged to pay your share of the cost.

The cost of day-to-day repairs will be included in your annual service charge.

Major Works

From time to time, the Council will need to carry out major works to the building or estate containing your flat, maisonette or property.

What are Major Works?

Major works include such things as window or roof renewal, installation of controlled entry systems, decorations to communal areas etc. You can only be charged for major works in accordance with your Lease and you will only be charged for major works where they have been carried out to your property, block or estate.

Wherever possible, the Council will write to you at the beginning of the financial year and give you advanced notice of the proposed works. At this stage, the Council will not be able to give you any indication of the cost.

Are there any limitations on costs?

When the Council sells a property under the Right to Buy, it provides the new Leaseholder with a Section 125 Notice. This notice must include details of any major works the Council intends to carry out within the Initial Period of the Lease (usually the first five years).

The details must include an itemised breakdown of the works planned along with an estimated cost for each item. During the Initial Period of the Lease, you can only be charged for major works itemised on the Section 125 Notice. If works are carried out within the first five years and your share comes to more than the amount quoted on the Section 125 Notice, the cost can only be increased by an inflation allowance.

The Initial Period expires at the end of the fifth financial year after the property was sold, ie, is up to the end of March after the fifth anniversary of the date of purchase.

If the property is re-sold within the first five years, the new Leaseholder inherits the remainder of the Initial Period.

After the Initial Period has expired you will be required to contribute your full share of the cost of any works carried out by the Council.

Section 20 Consultation

The Council is required by law to consult leaseholders on works where their share amounts to £250 or more or long term contracts for goods or services which will result in a leaseholder paying more than £100 a year. This is called section 20 consultation and when estimates for the work have been received, you will be written to again giving full details of the proposed work, the total cost and your contribution towards this.

This process is referred to as the Consultation. We will ask you for any comments or observations you may have regarding the proposed works and give you a date by which these must be sent to us. You will be given at least 30 days to reply.

The Council will consider any comments or observations received before deciding whether the work should go ahead. However, the Council will not be able to take account of comments or observations that you may make about your own ability to pay your contribution.

The decision will be based on the need for the work and the benefits that will result to the building or estate as a whole.

You will be informed of the decision in writing. If the work is to proceed you will also be given an estimated start date and the contact telephone number for the Technical Officer overseeing the contract.

If the work is urgent and delay could cause damage or danger, the Council will inform you of the requirement to do the work and when it will be done.

Once the work is completed and the final costs known, the Council will write to you again confirming the costs and your contribution towards them. If you are aware of any problems with the work while the job is being done, please let us know as soon as possible so these can be addressed.



Premises Managers

There are two types of premises manager service.

Resident Premises Manager

Where there is a Resident Premises Management Service the following services apply to communal areas:

- cleaning stairs and landings
- cleaning lifts and communal floors
- unblocking chutes (where possible) and tidying binrooms
- reporting large items of rubbish
- removing minor graffiti and reporting major graffiti
- clearing external drains and paths
- removing litter
- reporting vandalism
- reporting repairs to communal areas
- responding to incidents of security and emergencies
- monitoring estate services such as refuse collection and communal area window cleaning

This service is provided Monday to Friday 8am to 4.30pm and at Weekends/Bank Holidays 8am–10am.

Mobile Premises Managers

The mobile premises managers are teams of 2 or 3 people operating from a van who visit sites on a rota basis. The sites are visited either weekly or fortnightly and the following services are carried out to the communal areas:

- cleaning stairs and landings
- reporting large items of rubbish
- reporting graffiti
- clearing external drains and paths
- removing litter
- reporting vandalism
- reporting repairs to communal areas
- monitoring estate services such as refuse collection and communal area window cleaning

If you receive either of these services your share of the cost will be included in your service charges.

Neighbours

The residents of Norwich, be they Leaseholders, tenants or freeholders, all have the right to quiet enjoyment of their homes.

However, occasionally, some individuals may deliberately cause nuisance or behave in an anti-social manner. Norwich City Council as the Local Authority and landlord has a duty to have measures in place to deal with this. The Council is a partner to an agreed joint protocol for dealing with 'hate crimes' or harassment whether on the basis of race, religion or sexual orientation.

If a Leaseholder complains about the behaviour of another resident, the Council will investigate the complaint and either:

- Give you advice on how you may pursue this matter yourself.
- Put you in touch with another Council department, such as Environmental Health.
- Put you in touch with another Agency, such as Norfolk Constabulary.
- Take direct action, sometimes with our partner agencies, (See Housing Leaflet No 7).

Where the behaviour of a Leaseholder or the sub-tenant of a Leaseholder is the subject of complaint, the Council will investigate the complaint and either:–

- Contact another Council department, such as Environmental Health
- Contact another Agency, such as Norfolk Constabulary
- Take direct action (See Housing Leaflet No 7)
- In the most serious cases the Council will consider legal action

In most circumstances your Area Housing Office will be able to assist you to resolve any issues of nuisance or anti-social behaviour. In extreme cases where legal action is required, or the issues are very complex the matter may be referred to the Anti-social Behaviour & Tenancy Enforcement Team (ABATE) for further investigation. This is a specialist team who have developed experience and expertise in dealing with these matters. Legal action is expensive and lengthy; therefore the Council will always try to resolve problems without resort to the law. If legal action is required, evidence is needed and we work with our partners such as the Norfolk Constabulary, Youth Offending Teams, Social Services, Education and most importantly, the community.

Communal Aerials

Some Council buildings have television services provided by a contractor. ANY FAULTS WITH THE COMMUNAL TV SERVICE SHOULD BE REPORTED DIRECT TO YOUR LOCAL AREA OFFICE.

Under the terms of your Lease, you must not attach any television, radio or telephone equipment (including aerials or dishes) to the outside of your building unless you get the written permission of the Council first. Any requests must be requested in writing from the Leasehold Management Team.

Different types of building are covered by different planning rules, but in general only one dish is allowed on each building. If you are unsure or require any further advice please contact your local Area Housing Office or the Planning department tel **(01603) 212494 or 212504.**

Asbestos

In the past asbestos was widely used in construction and DIY materials because of its heat and chemical resistant properties, it can commonly be found in locations such as: ceiling and wall boards, bath panels, textured coatings, rainwater goods, floor tiles, heating appliances and ducting.

The Council does not have responsibility for asbestos containing materials within leaseholders' properties. However, we do have a responsibility for asbestos containing materials on the exterior and in the common parts (including roof spaces, stairwells). Should you notice any damage to materials in the common areas you should report this to the Council.

The Health and Safety Executive recommend that asbestos is left in place wherever possible as it does not pose a risk if it is left undisturbed and is undamaged.

You should always adopt a cautious approach to any DIY project. If you are considering working on materials that you think may contain asbestos you should always seek advice from a licensed asbestos removal contractor (a list of these can be found in the yellow pages).

A licensed contractor will ensure that there is no danger of contaminating your home or other areas. Advice may also be sought from Environmental Health or the Health and Safety Executive. (Please also see Can I make changes to my property page 8)

The Council will be setting up an Asbestos Register for all the non-domestic building locations, including the common parts of flats and maisonettes.

Service Standards for Leasehold Services

- General correspondence/telephone calls/emails:
We will aim to reply to all letters within 5 days and telephone calls will be returned within 1 day.
- Legal Enquiries:
Changes in ownership will be processed within 10 working days.
- Solicitors' enquiries will be processed within 10 working days.
- Service Charges:
We will produce Service Charge statements in the timescales laid down in legislation. Currently 18 months from the date the cost has been incurred by the landlord.
- Consultation:
At the beginning of each year we will send a letter detailing planned works to individual buildings or blocks.
- We will consult with Leaseholders on all major works to their building, block or estate.

Useful Addresses

Office of the Deputy Prime Minister
Leasehold Reform Team
Zone 2/J6
Eland House
Bressenden Place
London
5WIE 5DU

The Leasehold Advisory Service (Lease)
70–74 City Road
London
ELIY 2BJ

Leasehold Valuation Tribunal
Eastern RPTS
Great Eastern House
Tennyson Road
Cambridge
CBI 2TR
Tel 0845 100 2616

Norwich City Council Area offices

Catton, 1 Bullard Road, Norwich NR3 3RJ	213678
Central, City Hall, Norwich NR2 1NH	212888
Colman Road, 99a The Avenues, Norwich NR4 7HY	213555
East Norwich, 23 Pilling Park Road, Norwich NR1 4PA	213100
Lakenham, 2 Mansfield Lane, Norwich NR1 2JT	213100
Mile Cross, 2 Hansard Road, Norwich NR2 2LY	213678
West Norwich, 168a Motum Road, Norwich NR5 8EG	213555