Feature: Legal Updates

FlatLiving Magazine

Information, advice & guidance
for RMCs and Property Managers

April 2024

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Welcome

Welcome to our April issue of Flat Living Magazine!

In recent years, our industry has experienced huge legislative updates which has shifted the way that we work. This month our contributors have focussed on legal updates including Leasehold Reform and the Building Safety Act.

Be sure to visit page 7 where you can find out more about how Jodie Fraser supports the Hollie Gazzard Trust and how you can get involved in this years events.

At Flat Living we are proud to announce an exciting new venture, Flat Living Lifestyle. Visit page 6 to find out more!

In news - Read more from TPI on the Association of British Insurers (ABI) fire safety reinsurance facility announcement for buildings with safety issues. You can also find the link to buy your tickets to this years ACE Awards dinner on Friday 21st June.

As always, we have included training opportunities from ARMA and job vacancies from Block Recruit to help you upskill or move on to new pastures.

If you have any questions you would like us to organise an article on, or if you have any interesting articles to add – please send them directly to the team via info@flat-living.co.uk.

Happy reading!

Belinda Bagnall and The Flat Living Team

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News

The Property Institute – The Big Switch

Following the merger of ARMA and IRPM back in March 2022, The Property Institute have launched their new brand identity.

The transition to TPI's new brand signifies a significant milestone for them, accompanied by the introduction of several added benefits for all TPI members. One notable enhancement is the launch of their new and improved website, which has transformed the way they deliver membership benefits and how their members can access them.

Enhanced benefits you can look forward to as a member of The Property Institute:

- A new website built from the ground up with more resources and an improved search function so you can access the information you need quickly.
- An upgraded online qualifications platform to help members with continuing professional development.
- An updated system that will improve user experience and allow for more targeted and personalised communications from TPI to you.
- Our larger policy team means TPI are enjoying closer working relationships with the HSE and government. This is already helping them to ensure new legislation works for residents and for you.
- TPI's flagship events - the Annual Seminar and the Annual Conference, plus Regional Seminars, and the ACE Awards (which remain under the TPI banner).
- TPI Training (formerly ARMA Training) will continue at discounted rates to members.

"The new brand represents the completion of the merger journey after two years of consultation with members of both IRPM and ARMA, as well as a lot of hard work. We are confident that the new brand represents the professionalism that members demonstrate every day in their working lives." - Andrew Bulmer, Chief Executive, The Property Institute

ABI Announce Fire Safety Reinsurance Facility for Buildings with Safety Issues

The Association of British Insurers (ABI) has today announced a risk-pooling Fire Safety Reinsurance Facility, with cover starting from 1st April 2024.

The Association of British Insurers (ABI) has today announced a risk-pooling Fire Safety Reinsurance Facility, with cover starting from 1st April 2024.

Reinsurance support is now in place to launch the Fire Safety Reinsurance Facility, in an industry intervention to help improve the availability of insurance for certain buildings with combustible cladding and other fire safety issues.

The Facility has been established by (re)insurance broker McGill and Partners with extensive support from the Association of British Insurers (ABI) and through working in partnership with the British Insurance Brokers' Association (BIBA) which will ensure brokers are made aware of the Facility.

It has two key intentions - to expand capacity for insurers already writing business for affected buildings and to encourage competition across the market so that more firms will provide cover. The ultimate solution remains the urgent need for works to take place to make buildings safe and resilient. The Facility is expected to run for three to five years whilst this happens.

The first step will be for the participating insurers – Allianz, Aviva, Axa, RSA and Zurich – to enter higher-risk buildings they currently insure, and which are awaiting remediation works, into the Facility at the point of their annual renewal. These firms have continued to be active in the market and are the top five firms providing insurance cover for commercial and residential buildings.



The Grenfell tragedy and Dame Judith Hackitt Review exposed significant construction and fire-risk issues related to these buildings. As a result, insurers have to consider the heightened risk of an entire building sadly being destroyed in the event of a fire and have had to limit the amount of cover they could provide, because the risk is too high for one firm to cover on its own. Brokers, Freeholders and Managing Agents have instead had to source insurance cover from multiple firms, meaning that several insurers are involved in covering one building, creating a 'layered' effect and adding to the cost. It is these buildings which will likely benefit most from the Facility.

Through a reinsurance panel led by Swiss Re, the Facility will enable insurers to expand the capacity they have for writing insurance for affected buildings and take on new business. Over the course of the following 12 months, the insurers will consider which additional buildings can be entered into the Facility as and when their insurance policies are due for renewal. In the longer term, it is hoped that the Facility will reinvigorate competition in the market and encourage other firms to write more business for affected buildings.

Buildings insurance premiums will continue to be based on a variety of risk factors, such as the type and age of the building, previous claims history and other property risks such as storm/flooding or escape of water. External factors such as construction costs and supply shortages will also have an impact.

Mervyn Skeet, ABI Director of General Insurance, commented:

"Supporting leaseholders and making insurance more widely available for higher-risk buildings with fire safety issues has been one of the ABI's top priorities. I'm grateful to McGill and Partners and all the firms involved for their help in establishing this commercial intervention and hope it will encourage more insurers to enter the market and offer cover for these buildings.

"The industry has been determined in its efforts to support leaseholders, but it cannot solve the issue alone. Establishing the Facility is a significant step forward, but Government intervention and swifter remediation is still the only long-term solution. We strongly encourage Government to consider how it can support the Facility to boost confidence in the market or remove Insurance Premium Tax for affected buildings, to offer more immediate relief to leaseholders."

More information and FAQS on how the Facility will work is available here and information for brokers representing affected buildings is available from the BIBA.

Read the full release here

Spike strengthens its Presence in the Property Management Sector by Being Awarded The Property Institute (TPI) Partner Status

Spike is delighted to announce it has been awarded TPI partner status and will work closely with the Institute and its members to tackle the major challenges the property management sector is facing.

TPI (formerly ARMA, IRPM) is the leading professional body for residential property management in England and Wales. With over 335 managing agent members collectively managing 55,000 blocks, 1.5 million homes, and over £1bn in client funds each year, TPI is renowned for promoting best practices, providing invaluable resources, and advocating for the interests of both managing agents and residents.

In recent years, the property management landscape has been reshaped by a number of factors, including changing regulatory environments, evolving tenant expectations, and an increasing emphasis on community. However, technology solutions have not kept pace, with research revealing that property managers waste over 480 hours a year on using inefficient systems and spend 288 hours annually on repetitive tasks that could otherwise be automated.

Drawing on over 13 years of experience in the property sector, Spike's innovative property management platform, Spike PMS, helps property managers drive new efficiencies, discover compelling clarity and enhance tenant and leaseholder communication like never before.

By becoming a TPI Partner, Spike will benefit from access to a wealth of resources, including industry-leading guidance and networking events, whilst working closely with property managers to ensure its solutions continue to meet and support the evolving needs of the sector.

Jonny Wootten, Marketing Director at Spike, comments: *"We believe that property management should be smart, simple and seamless. By joining as a TPI Partner, we aim to provide and empower property managers with the tools they need to optimise, organise and thrive in today's challenging world."*

What are our choices: Leaseholders Concerns Amidst Media Confusion.

In the ever-evolving landscape of property ownership, leaseholders find themselves caught in a whirlwind of conflicting information, exacerbated by the fallout from the Secretary of State for Levelling Up, Housing and Communities, Michael Gove.

Over the past two years, Gove made claims and pledges, raising hopes for leaseholders to have greater control over their leasehold apartments, only to see these assurances fall short, time and time again.

In 2022, Gove began promising to provide leaseholders with greater powers, assuring them that their concerns would be addressed, and their rights protected. However, as time progressed, it became evident that these promises were nothing more than empty rhetoric. Leaseholders were left feeling disillusioned and confused as they struggled to navigate through the changing landscape.

Such promises were supposed to empower leaseholders, but instead, they were left feeling disempowered and ill-informed. One of the key issues at the heart of this confusion is the lack of clarity surrounding the rights of leaseholders and their relationship with managing agents.

Amidst this chaos, mechanisms already in place to assist and support Leaseholders that wish to exercise greater involvement may have been overlooked.

For example, there is a glimmer of hope for leaseholders in the form of Resident Management Companies (RMCs). Greater control over the management of their properties is available for those who have purchased a property that holds a membership share in an RMC. Members nominate RMC Directors as spokespersons and decision-makers on their behalf, thereby establishing a management structure that puts their interests front and centre. This allows them to effectively collaborate with the managing agent within the framework of the RMC and take control of decisions relating to their block or development, ensuring that their assets and homes are managed in alignment with their needs, priorities, and current legislation.

In the absence of an RMC, guidelines relating to Right to Manage (RTM) provide leaseholders with the opportunity to assert their rights and take control of their living spaces. RTM empowers leaseholders to make decisions that support their assets while adhering to legislative requirements, putting power back into the hands of those who matter most – the leaseholders themselves.

In the eyes of the ethical managing agent (of which there are many), leaseholder engagement is vital. Leaseholders are not just stakeholders; they are invaluable contributors to the effective management of blocks. Their input and participation are crucial for fostering a sense of protection, community, and ensuring that the needs of all residents are met.

There is no wonder that leaseholders find themselves amidst a storm of confusion and frustration. However, there is light at the end of the tunnel. By leveraging the rights afforded to them through Resident Management Companies and legislation such as Right to Manage, leaseholders can reclaim control of their living spaces.

If you are a leaseholder feeling overwhelmed by recent media headlines and unsure of how to proceed, don't hesitate to reach out to Peach Property Consultancy. We are here to help you navigate through the confusion and empower you to take charge of your block or development.

Contact Emma at Emma@PeachPropertyConsultancy.uk to discuss how you can obtain greater control without confusion or fuss.



Above: Author, Emma Peach MIRPM AssocRICS

Principle resolves unsafe communal windows at Black Country apartment block

When residents at a Black Country apartment block reported unsafe window frames on their communal stairs, Principle Estate Management sprang into action.

The problems arose at the Bentley Wharf development in Short Heath, Willenhall, and were more challenging due to the age of the development, as there was a lack of any warranty on the faulty windows.

But Andrew Winstanley, a senior associate director at Principle who heads the firm's property management operations, explained how this hurdle was quickly tackled.

Mr Winstanley said: "When these unsafe window frames were reported to our team by customers, we promptly dispatched contractors to assess the situation. Under the supervision of our building surveyors, contractors quickly made the area safe with temporary boarding, before confirming that the window installation across the stairways in all blocks was unsafe and that a full replacement was needed.

"At this stage, we established that there was no live building warranty with the developer, and that the cost would therefore fall on the block's service charge funds. We issued clear communications to all customers explaining what was going on and our plans to resolve the issue. We also commenced the necessary consultation under Section 20 of the Landlord and Tenant Act 1985 (S20) with leaseholders, which is always necessary when major works are planned.

"Because the works were a priority, we applied for a dispensation from the need to consult from the First-tier Tribunal (Property Chamber) at the same time, allowing us to speed up the process.

"This meant that tenders could be sought from contractors, including one nominated by leaseholders, during the S20 consultation, which was soon completed.

"Funds were already in place as Principle had built up reserves in previous years to support major works, including emergency situations such as this, supported by long-term maintenance plans from our in-house building surveying team.

"The local contractor nominated by leaseholders and assessed through Principle's accreditation process was awarded the contract and instructed on what was needed.

"We told all leaseholders about the start date, duration and logistics to be aware of, and the windows were successfully replaced within the stated timeframes without any issues."



Before



After

Richard Coles, associate director at Principle and one of the firm's senior surveyors, explained that his building surveying team managed the project.

Mr Coles said: "We worked closely with the contractor to ensure the work completed to specification on budget and on time

"Due to the nature of the works, it was crucial that all health and safety matters were adhered to at all times."

Following completion of the project, Principle received lots of positive feedback from its customers.

One said: "I've just returned from holiday and what a lovely sight to return to! The stair windows look great and at last it feels lovely to live here, so a big thank you!"

Principle, with headquarters in Birmingham and an office in London, has more than 65 staff looking after a portfolio of more than 12,000 units at around 375 developments across the UK.

ACE is back for 2024

Date & Time: Friday 21st June, 6.00pm - 12:30am

Venue: Old Billingsgate, London

Theme: The Great Gatsby/Roaring Twenties

Join us for an evening celebrating the outstanding accomplishments of the property sector's managing agents and the impactful work of their people in improving the welfare of millions of leaseholders across the country.

Ticket sales are now open - make sure you reserve your spot or table for this summer's event. **Click here to book now**

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Join us as we embark on a journey to redefine the art of flat living. Stay tuned for the launch of Flat Living Lifestyle – where inspiration meets innovation, and apartment living reaches new heights.



South West Property Expert Appointed Chair of Trustees For The Hollie Gazzard Trust

Fraser Allen
— Estate Management —
www.fraserallenem.co.uk

Jodie Fraser, CEO and founder of Fraser Allen Estate Management has been appointed as Chair of Trustees of the Hollie Gazzard Trust.

Businesswoman Jodie has been a supporter of the trust and its founder Nick Gazzard for several years and was an early business adopter of the Hollie Guard app designed to protect people from harm. For her this latest appointment is a natural progression.

"We are delighted that Jodie has joined us as chair of Trustees. As an entrepreneur, Jodie has a wealth of knowledge and experience in running successful businesses," said Nick Gazzard.

"As a current Ambassador and active supporter of the Trust, we are pleased that she will be heading up our Board of Trustees and will help to continue to drive the trust forward enabling us to deliver the valuable work that we do."



After 18 years working in the block and property management sector, in 2016 Jodie made a significant move into entrepreneurship and started Fraser Allen Estate Management. Jodie has led her company to success and expanded its operations to oversee residential blocks in various locations, including Bristol, Swindon, Cheltenham, London, and the Midlands.

Often she has found herself – and members of her team – alone when visiting blocks to manage properties. She has been subject to abuse and threats on several occasions. When she met Nick Gazzard at an event, the Trust he created in memory of his daughter Hollie, resonated with Jodie.

"I realised that not only could I support Nick to help others in Hollie's name but his work could help me in my day-to-day life and provide some support for my team members who are often lone workers when they are out and about."

This year marks a decade since the murder of Hollie Gazzard by her former partner at her workplace in Gloucestershire.

In the wake of this devastating loss, Hollie's family dedicated themselves to creating initiatives and resources aimed at supporting individuals facing domestic abuse. They also have committed to educating children and young people around fostering healthy relationships, especially within schools, colleges and universities. Their efforts have been channelled through the Hollie Gazzard Trust, which has successfully raised over £2 million to date.

One of their projects was the development of the Hollie Guard App, which is a smartphone app which works just via a 'shake' and sends alerts if the user is late for an appointment. It will also automatically record conversations, send GPS co-ordinates and it's already saved lives. Only weeks ago it was used in a UK court case to convict an abuser.

Jodie will work with Nick and the team around several big events this year including:

- A walk for Hollie on 12th May 2024
- The first Active Bystander Conference on 10th July 2024
- The Annual Dinner on 29th November 2024

The Hollie Gazzard Trust is a charitable organisation dedicated to preventing domestic abuse and supporting young people. Established in memory of Hollie Gazzard, the Trust works tirelessly to raise awareness, provide education, and offer assistance to those affected by domestic abuse. Learn more at www.holliegazzard.org

For more from Fraser Allen, click here.

Fraser Allen Estate Management specialise in Residential Block Management and are committed to ensuring your needs are put first. We bring an innovative, organised and reputable approach to the industry with a friendly team who are on hand to assist you.

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Feature: Legal Updates

JB Leitch Successfully Defends S.27A Application Made by Leaseholders Challenging Increased Insurance Premium

www.jbleitch.co.uk

Specialist property solicitors JB Leitch has successfully defended an application made in the First-tier Tribunal by leaseholders for determination as to the reasonableness of service charges following an increase in the insurance premium implemented as a result of building safety issues at a different residential block on the same estate.

The background

JB Leitch defended this application on behalf of a management company client. The subject development comprised a group of residential blocks created through a combination of converted old buildings and purpose-built new buildings. Together, the development contains over 200 flats across 4 buildings.

The applicant leaseholders in this application occupy flats in a converted Grade II listed building on the development. The respondent Management Company is required to provide services under the leases, and the leaseholders are required to pay service charges in respect of the respondent's costs.

The applicants disputed the service charge apportionments in respect of insurance costs, arguing that it was not reasonable for insurance costs for the whole estate to be combined and apportioned according to the floorspace of their flats.

Further, it was argued by the applicants that it was not reasonable for them to contribute to the full costs of insurance for the estate because costs had risen considerably as a result of an alleged failure on the part of the management company to comply with its repair and maintenance obligations in respect of external wall cladding on a different building on the estate which had been identified as presenting a building safety risk. The leaseholders argued that appropriate service charges should be paid according to the benefit received by each leaseholder.

The applicants argued that insurance costs had not been 'reasonably incurred'. The respondent disputed that there had been any breach of covenant, and stated that its apportionment had been calculated fairly and reasonably as there were no other realistic means of apportioning insurance costs between all leaseholders.

The FTT was asked to determine whether:

1. The respondent had complied with the lease terms in calculating the leaseholders' service charge contributions in respect of insurance costs;
2. The respondent had breached its lease obligations such that service charge costs were not reasonably incurred;
3. The respondent was able to recover its costs of the application through the service charge; and
4. The FTT should limit or remove any administration charges sought by the respondent from the second applicant.

The decision

The FTT found in favour of the respondent, agreeing that the service charges demanded were fair and reasonable. Determining each point:

1. It was not feasible for the respondent to apportion the service charges on a building-by-building basis without risking legal challenge from other leaseholders on the estate. The impact of risk on the premium could not be identified or determined by either party, meaning that apportionments would still not be made according to risk. The respondent chose to use a reasonable, and common, method of apportionment.

The FTT's role was to consider whether the respondent had followed the provisions of the lease, rather than to impose its own view of what constitutes a 'reasonable apportionment'. Here, the lease stated that service charges should be 'a fair and reasonable proportion' of the respondent's costs. The FTT was therefore required only to consider whether the apportionment was 'fair and reasonable'.

The respondent was required to insure all buildings on the estate. The leaseholders' building was connected to the building containing unsafe cladding, albeit below ground, and was in close proximity such that the fire and insurance risk was greater. As a result, the insurer would not provide building-specific risk breakdowns.

- Insurance costs were reasonably incurred according to the respondent's contractual obligations, and could not be shown to be excessive. The applicants were unable to evidence what the insurance premiums may have been had the cladding issues at the second building been remediated sooner.

The respondent argued that it had acted within a reasonable time in all circumstances. The FTT stated in its judgment that "Whilst delays…must certainly have been highly frustrating for the Applicants, they have not been able to show clearly how the Respondent should in practice have acted sooner."

- The FTT could find no reason for the respondent to cover its own legal costs in dealing with the application and refused the applicants' application to exclude such costs from recovery through the service charge.
- It was not clear whether any administration charges were demanded from the second applicant by the respondent for late payment and, on the same basis as (3) above, the FTT refused the applicants' application to reduce or extinguish any administration charges.

Final thoughts

Associate Katie Orr provides concluding comments on the case…

"JB Leitch is pleased to have successfully defended this application on behalf of our management company client, permitting the client to apply reasonable methods of apportionment for insurance costs and to recover the costs of handling the application through the service charge. The FTT's role was to consider what constituted a 'fair and reasonable' proportion of the service charge, applying the leases' terminology, and was not presented with alternative evidence by the applicants to show that the apportionment was not fair and reasonable, nor that the costs were excessive".

Should you wish to discuss building safety matters further, contact the specialist team at: BuildingSafety@jbleitch.co.uk

For more from JB Leitch, click here.

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Feature: Legal Updates

Legal Updates with Ardent Lift Consultancy

ARDENT LIFT CONSULTANCY

www.ardentlc.co.uk

In this edition of Flat-Living magazine, the focus is on Legal updates. The most pertinent of these, from the perspective of lift 'Owners and Operators' as defined within the LOLER regulations, is refurbishment of lifts within 'high risk' buildings.

Is your building deemed high-risk for refurbishment?

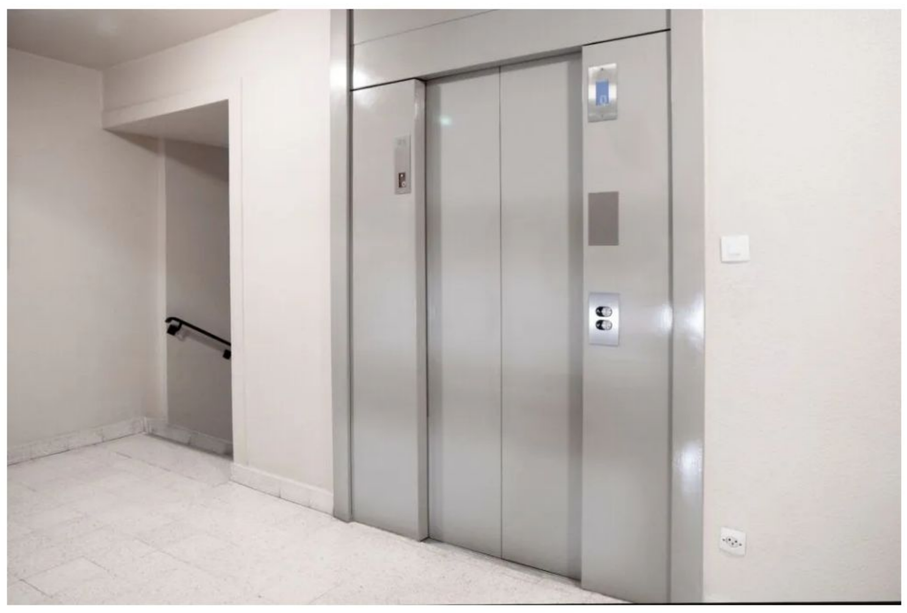
When planning major works on your residential building, understanding the Building Safety Act (BSA) 2022 is key. The Act introduces the concept of 'higher-risk buildings' which require stricter fire safety measures during construction work.

Higher-risk buildings

According to the government's guidance https://www.gov.uk/government/collections/guidance-on-the-criteria-for-being-a-higher-risk-building, an existing building undergoing major work is considered higher-risk if it meets two criteria:

- Use: It contains at least two residential units, is a care home, or a hospital.
- Height or storeys: It's at least 18 metres tall or has at least seven storeys.

The second element of this is particularly crucial due to the provision of Firefighting Lifts being required when the highest inhabited floor of the property is greater than 18m above the fire access floor, (typically Ground floor). Firefighting Lifts have been a mandatory requirement in buildings constructed or converted after 2001, (the latest regulations being EN81-72: 2020), buildings constructed prior to this date generally have Fireman's Lifts installed, (these units are not used by the fire service to tackle blazes or for evacuation purposes).



The Building Safety Regulator (BSR) and the Golden Thread

The BSR is a new entity established by the BSA. They oversee fire safety regulations for all buildings, including those undergoing refurbishment. They're also responsible for the Golden Thread.

The Golden Thread is a digital record of a building's fire safety information throughout its lifecycle, this includes design, construction, refurbishment, and maintenance details, essentially, it's a building's fire safety biography.

The lifts within a property and their potential duty, (i.e. Fireman's or Firefighting), within the fire strategy should be recorded within the records of each property and local authorities, (such as the Fire Officer), should be aware of the equipment available for the fire service within a specific building.

Further guidance can be found from the Building Safety Regulator https://www.gov.uk/guidance/the-building-safety-act.

The Accountable Person and their duties

The BSA places a new duty on the 'Accountable Person' to ensure fire safety in higher-risk buildings. This person is typically the building owner or manager. Their duties include:

- Appointing a competent person to oversee fire safety during construction work
- Putting together a fire safety strategy
- Maintaining the Golden Thread and keeping it up to date

Fire safety and refurbishment

If you're planning major works on your building, particularly a higher-risk building, it's crucial to understand your fire safety obligations. Consulting a fire safety professional at an early stage is recommended to ensure your project complies with the BSA and keeps your residents safe.

A key area within this is the firefighting equipment, (from our perspective the lift), and whether this is suitable for the role it is identified for.

Within Ardent Lift Consultancy's ongoing project portfolio, we have several Firefighting Lift replacement/refurbishment programmes going on, where fire critical equipment has either exceeded its design life, or failed completely, requiring investment and works to reinstate for long term operation purposes. When works of this nature is undertaken, the BSR needs to be informed of the planned lift outage, the building owners/managers will need to inform the local fire officers and alternative means of fire protection should be engaged to make up for the loss of lift service during the planned works.

We are always happy to offer support on these types of schemes, aiding our client's though these changes in regulatory requirements, and ensuring projects are conducted safely and with full compliancy.

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Feature: Legal Updates

Building Safety Cases: April 2024 Deadline

www.4siteconsulting.co.uk

Following the introduction of the Building Safety Act in April 2022, managers of high-rise residential buildings should be aware of their legal obligations in maintaining safety standards.

April 2024 should be marked on calendars across the country as the deadline for Building Safety Cases and Safety Case Reports to be in place. Here we'll explain the Act, who an "accountable person" can be, and what needs to be in place to ensure safety and compliance.

The Act

Largely brought about by the Grenfell Tower tragedy of 2017 (in which 72 people died and 201 households were displaced), the Building Safety Act is the result of Government investigations into all aspects of building safety including unsafe external wall systems, fire safety and the necessary remedial works for high-rise dwellings in the UK. The aim of the Act is to reduce the likelihood and the severity of incidents, with a focus on fire safety and structural failure.

The Government described the Act as:

"...ground-breaking reforms to give residents and homeowners more rights, powers, and protections...It delivers far-reaching protections for qualifying leaseholders from the costs associated with remediating historical building safety defects, and an ambitious toolkit of measures that will allow those responsible for building safety defects to be held to account."

What the Act Means for Building Managers

The Act impressed many new responsibilities on building managers, aimed at facilitating better building safety. A Principal Accountable Person must now be accountable for the implementation of the Act requirements. They can be an individual, such as a freeholder, or it can be an organisation or business that works with you to fulfill the requirements.

One of the responsibilities faced by the Principal Accountable Person is to produce and maintain a Safety Case for any "Higher-Risk Buildings" they manage.

These are buildings that:

· Are over 18 meters or seven stories in height

· Contain 2 or more residential dwellings

The safety case is a collection of information and records that demonstrates how the principal accountable person manages the risk of the spread of fire or structural failure. This will include, but is not limited to, safety management systems, resident profiles and risk assessments.

Accountable Persons should be able to complete a Safety Case Report that "summarises the safety case for a high-rise residential building...identifying the building's safety risks and explaining how the risks are being managed" since October 2023.

Once the Safety Case Report has been completed, the Government will invite the Principal Accountable Person to apply for a Building Assessment Certificate (you cannot apply for one until you've been instructed to do so). This will involve providing a copy of your Safety Case Report to the Building Safety Regulator (the Health and Safety Executive), who will then provide you with the certificate.

As of the 1st April 2024, the Building Safety Regulator can request a copy of your Building Assessment Certificate with just 28 days' notice. Legal consequences will follow for any accountable persons who cannot produce the certificate on request.

What Does a Safety Case Report Entail? When Should it be Updated?

Your Safety Case Report must contain the following details:

· Details of the accountable and responsible persons, including contact details

· Details of the people who have prepared the report, their qualifications and which sections they are responsible for

· A building description including a photo or map

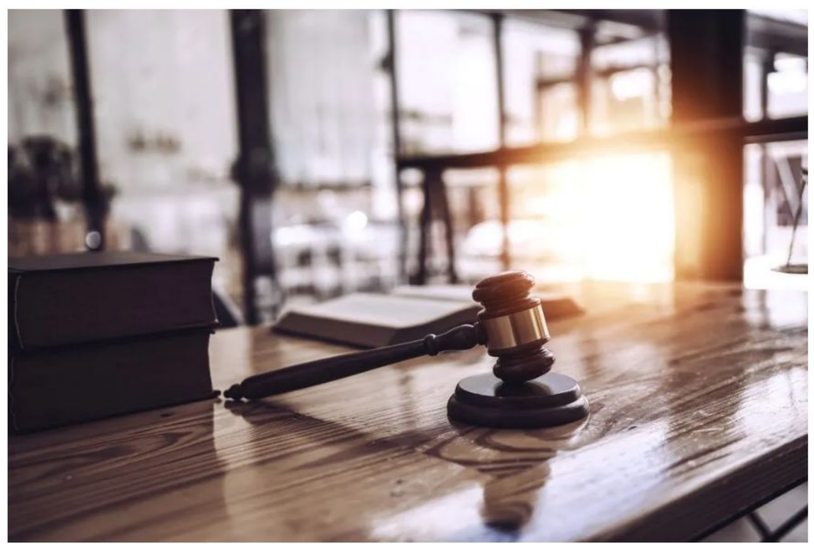
· A risk assessment summary

· A "managing risks" summary

· A safety management system description

· Your plan for emergencies

· Details of any ongoing work or building improvements



You can find a full list of the report requirements here.

The report should be updated if and when any improvement work is carried out to manage your building's safety risks, or if any work on the building has impacted your safety risks. Any revisions should also be reported to the Building Safety Regulator who may request a full copy of the updated report.

How Can 4site Help?

For property managers with a famously never-ending to-do list and multiple legal and moral obligations to fulfill, the new requirements could be daunting.

The 4site team have been working on supporting high rise block managers through the Building Safety Case requirements and have recently launched a support service that will assist with compiling, maintaining and sharing your safety case reports.

Feel free to get in touch with us if this is of interest or if you'd like to discuss the new requirements in any more detail.

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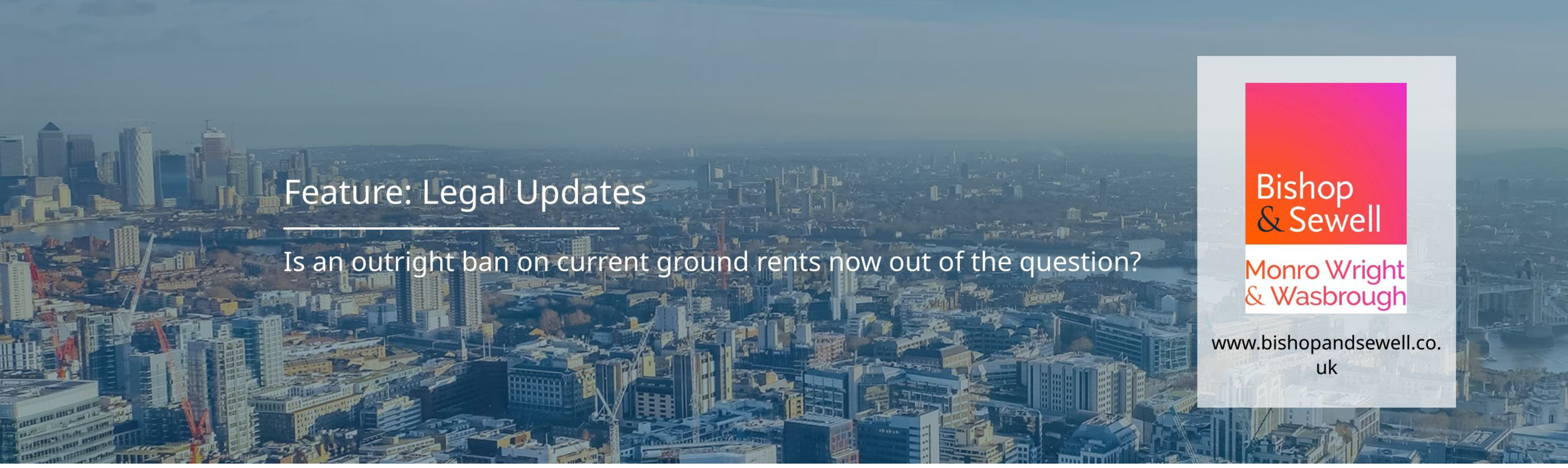

Feature: Legal Updates

Is an outright ban on current ground rents now out of the question?

Bishop & Sewell
Monro Wright & Wasbrough

www.bishopandsewell.co.uk

Last month, the Sunday Times ran a headline claiming that Gove's plans for Leasehold reform were facing the axe: Leasehold dream over as Gove plan quietly crumbles and there has been further comment since.

Mark Chick, Bishop & Sewell's Senior Partner, considers the details behind the headlines – and what might be next.

A version of this article was first published on Mark's blog: Leasehold Reform News.



Above: Mark Chick, Bishop & Sewell, Senior Partner | Joint Head Landlord & Tenant

The Times / Sunday Times does have a good record of being an unofficial / official source of these things – after all that is where details of the Leasehold and Freehold Reform Bill first appeared in November 2023.

If this is right – and the sector has had a lot to say about it in the past few days – then it may well be that the recommended outcome of the DLUHC consultation on ground rent may not be the banning of ground rent for all existing leases. Of course, we have since had the Bill's third reading in the Lords – and a raft of further headlines.

But headlines aside, is this, actually, a surprise and what could be next? After all a total ban was only one of the options for reform on which the Consultation sought views.

To many commentators this won't have come as that much of a surprise given the noted potential issues with the possible need to pay compensation which have been highlighted by various human rights experts; there is also the question of interference in existing contracts.

A number of Human Rights experts have expressed views on this. Among these is Douglas Maxwell of Henderson Chambers. In his report to the All-Party Parliamentary Group on Leasehold Reform ('the APPG') in November 2023, he expressed a preliminary view that the capping of ground rent in existing leases to a peppercorn would 'more likely than not' constitute a breach of Article 1 Protocol 1 of the European Convention on Human Rights. Were this to be the case then if a total a ban was to be brought into force, it is very likely that the Government would have to pay compensation to all affected freeholders. Estimates as to the size and value of existing ground rents vary, but the Government's own impact assessment puts the figure at £27.3BN, a not insubstantial sum. This may explain the Treasury's rumoured reluctance to sanction a total ban on existing ground rents.

Aside from some of the more political comments that have been made and will continue to be made (the prospect of a ban on existing ground rents was a manifesto pledge by the Conservatives), there has of course been some progress in this area. Since 30th June 2022 there has been a total ban on ground rent for all new leases following the Leasehold Reform (Ground Rent) Act 2022.

What the current discussion in the press and via the 'rumour mill' does not make clear is which of the other options for reform are still on the table – don't forget the consultation mentioned a 0.1 % (or higher cap), a freeze, as well as the option of a cap at £250 for all current ground rent. Mr Gove's team are still lobbying for the £250 cap apparently.

A ground rent cap at £250 would be a big step forward for all leaseholders – and would also reduce the value of freeholds where the ground rent exceeds this level. It would of course reduce the amount that would have to be paid to buy out the ground rent when buying the freehold or extending the lease. Whether government feels this can be delivered without the risk of a challenge on human rights grounds remains to be seen. The thinking there would be that anything other than outright deprivation might be sufficient to escape a subsequent challenge. There are of course the other options that are on the table, such as a freeze or a cap at a fraction of the capital value of the property. When comparing what has happened in other 'comparable' jurisdictions (Norway) in a similar type of compensation case, the cap at a fraction of market value found favour and did not offend the Human Rights legislation.

One thing that I am not clear about personally is why one of the options for reform as not a more surgical strike on 'bad' ground rents (the high doubling rents, or the ones like the example that the Times article mentions) – and to seek to deal with these alone as a first step.

There are other possible options too – like a phased-in ban or reduction, which, crucially, would give the market time to adjust. These were not mentioned in the Consultation but were among the suggestions made by respondents.

What the official outcome of the Consultation will be, we do not yet know – but it does seem that an outright ban may not be on the cards. The question then is what recommendations will the Consultation make? Betting money might be on a cap at a fraction of capital value – especially given that the draft bill uses a 0.1% cap in its valuation model. However, we will have to wait and see … As they say, watch this space.

If you have a query concerning leasehold property, then please contact Bishop & Sewell's expert Landlord & Tenant team by emailing leasehold@bishopandsewell.co.uk

www.bishopandsewell.co.uk

The above is accurate as of 02 April 2024.

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Feature: Legal Updates

Understanding FCA Guidelines: What Insurance Documents Need to Be Disclosed

Residentsline Flats Insurance

www.residentsline.co.uk

The Financial Conduct Authority (FCA) released the Policy Statement and Final Rules on the 29th of September 2023 following review of multi-occupancy insurance with changes made effective from the 31st of December 2023.

In the world of insurance, transparency and disclosure are key factors to make sure that everyone is fully informed about their policies. The FCA has introduced new guidelines on the disclosure of insurance documents. In this article, we aim to provide clarity on the new guidelines and what insurance documents need to be disclosed.



What Needs to be Disclosed

The new obligations covered by the Financial Conduct Authority will apply to contacts that are concluded once the rules have come into place on the 31st of December 2023. Therefore, where an insurance contract is finalised, it is imperative that disclosure documents are provided. The FCA guidelines included the following information to be disclosed:

In the consultation, we (the FCA) proposed that firms be required to disclose key information about the product and about their services. This disclosure would include:

- *A summary of the features of the policy, including main benefits, coverage and exclusions of the policy, duration, and insured sum.*
- *The policy premium. Where the policy covers a portfolio of buildings, firms must disclose the premium at building or dwelling level.*
- *The remuneration (money paid for work or a service) which any authorised intermediaries received for arranging the insurance, as well as remuneration they pay to other parties including unregulated PMAs and freeholders.*
- *Information about potential conflicts of interests, such as ownership links between the intermediary and the insurer, and about the insurers with whom the intermediary may place the policy.*
- *The number of alternative quotes they have obtained (with further details of these to be provided on request) and a brief explanation of why they have proposed or recommended that the policy is in the interests of both the freeholder and leaseholders.*

The responsibility of gathering and distributing the above information lies with the insurer and the intermediary. The insurer would be responsible for providing the policy summary and pricing information whilst the intermediary would handle remuneration, conflicts of interest and historical information. The company directly interacting with the customer would bear the responsibility of providing this information to them.

The Importance of Disclosure

Disclosing the above information outlined by the FCA encourages a wider transparency of costs. This makes it more difficult for service providers to hide unreasonable and unfair costs. If individuals involved in this process are concerned about prices involved in obtaining insurance policies and cover, they are entitled to challenge disproportionate costs.

Providing advised documents not only complies with regulations set out by the FCA but also protects consumers whilst adhering to fair value. The transparency of policies and remuneration helps to prevent misunderstandings and ensures that freeholders and leaseholders (now described as ‘stakeholders’) have a clear understanding of what they are paying for.

By making the number of alternative quotes along with further details of these acts in the best interest of both the freeholder and leaseholder.

It encourages firms and intermediaries to prioritise the consumer and ensures that they are complying with fair value instead of providing policies whereby they might receive additional benefits such as increased commission paid to themselves.

Without proper disclosure, leaseholders may be unsure of hidden fees or additional costs that may be associated with insurance policies. This may include administration fees from intermediaries and policy cancellation fees etc. Not only this but disregarding proper disclosure can also mean that freeholders and leaseholders are not fully aware of the features included within their insurance policy wordings. Therefore, proper disclosure assists leaseholders to budget effectively whilst providing them with a breakdown of all costs involved and making sure that they understand their cover.

Conclusion

The guidelines from the FCA regarding disclosure of insurance documents highlight the significance of transparent communication between insurers and policyholders. It is essential for both entities to meet their obligations. Not only during the application process but also throughout the entire policy duration. Policyholders must provide accurate and complete information, while insurers must present policy details and key information outlined by the FCA clearly and understandably. By adhering to these guidelines, the insurance industry can cultivate trust. They can also guarantee that clients are well-informed on coverage, leading to a more secure insurance environment for all.

For more information, you can read the full FCA Policy Statement and Final Rules here.

Alternatively, the British Property Federation discussed FCA Reforms to Multi-Occupancy Buildings Insurance which you can access here.

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Feature: Legal Updates

Leasehold Reform and Changes to Ground Rent

www.flatlivinginsurance.co.uk

The leasehold sector has been under close scrutiny since 2017, with a focus on protecting leaseholders from inflated costs and improving their powers of redress against freeholders.

A key element of the discussion has been the restriction of ground rents. A multitude of consultations, guideline updates and legislative changes have now culminated in an effective ban on ground rents for news leaseholders in the UK.

Here we'll be discussing how the changes have come about, what it means for prospective leaseholders, and why current leaseholders can hold out hope.

What is Ground Rent?

Buying a leasehold flat is not simple. You are effectively buying a lease; the right to live within a flat for the length of your lease. What you're not buying, is the land that home is built on (as is the case when buying freehold).

The land is owned by a freeholder (otherwise known as the landlord). Until recently, freeholders would charge Ground Rent to all of their leaseholders. This is a sum paid to the freeholder to 'rent' the land that the building stands on.

The average ground rent for a leasehold property in the UK is around £300 per year, but can rise to £1000 in some places. This not only increases the monthly cost of a owning a leasehold property, but impacts the price of lease extensions.



What's Being Done?

Government efforts began in July of 2017. They ran a consultation entitled: "Tackling Unfair Practises in the Leasehold Market", which concluded in December 2017.

The consultation prompted discussion around "a range of measures to tackle unfair and unreasonable abuses of leasehold; in particular the sale of new leasehold houses and onerous ground rents."

The consultation concluded with a commitment to restrict ground rents in newly established leases to a peppercorn (meaning zero financial value). Of course, this wasn't a legal update, just a promise of future action.

In October 2018, the Government announced a follow up consultation: "Implementing Reforms to the Leasehold System". It concluded in June 2019, detailing the same commitment as its predecessor.

Another consultation in 2022 ("Reforming the Leasehold and Commonhold Systems in England and Wales") led to the first wave of legislative changes. They came in the form of the Leasehold Reform (Ground Rent) Act 2022.

The act effectively abolished ground rents and reduced fees for lease extensions down to a peppercorn, making good on the Governments previous commitments. The new laws came into effect for most new leases on 30th June 2022, with the Government stating that "the Act will make home ownership fairer and more transparent for millions of future leaseholders...tackling significant ambiguity and unfairness."

The Act is great news for new leaseholders or those extending their leases (although in that case, leaseholders will still need to make a payment to the freeholder to compensate them for the ground rent they will be missing out on when the current lease is void) but what about those in the midst of long term leases?

What About Existing Leases?

With around 5 million leaseholders in the UK, the question still remains; what about us? Ground rents are a thing of the past for the majority of incoming leaseholders, but those preceding July 2022 have continued to face ground rent bills in line with their current leases.

Thankfully, in December of 2023, the Government launched a consultation called "Modern Leasehold: Restricting Ground Rent for Existing Leases" which closed in January 2024, but has not been summarised as yet.

We eagerly await the conclusion of the consultation with the hope that it will result in further legal changes to reduce the financial burden on all UK leaseholders.

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Feature: Legal Updates

A Timeline of Leasehold Reform

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With endless discussion among decision makers and seemingly endless legal updates, we thought a timeline of events may be very useful to our readers. Here we'll be outlining the changes that have been made in the leasehold sector from 2017 to now, with a short and sweet explanation of each alteration to bring you up to date.



2017 to 2019

In July of 2017, the government ran a consultation: "Tackling Unfair Practises in the Leasehold Market". It concluded in December 2017, having scrutinised "a range of measures to tackle unfair and unreasonable abuses of leasehold; in particular the sale of new leasehold houses and onerous ground rents." The full outcome can be read here.

The consultation promised:

- Legislation to prohibit the development of new build houses
- A reduction of ground rents down to a peppercorn for newly established leases of houses and flats
- Support for existing leaseholders, such as making buying a freehold or extending a lease easier, faster, fairer, and cheaper.

Alongside the Unfair Practises consultation, in October 2017, the Government ran a call for evidence: "Protecting Consumers in the Letting and Managing Agent Market", seeking views on whether a new regulatory model was needed for agents in the leasehold sector. The outcome of was released in April 2018.

Also running from February 2018 to January 2019, was the "Strengthening Consumer Redress in Housing" consultation. This resulted in Government commitments to:

- Form a Housing Complaints Resolution Service,
- Form a New Homes Ombudsman for buyers of new build homes
- To bring forward legislation to close the gaps in redress services for consumers including to require all private landlords to sign up to a redress scheme
- Form a Redress Reform Working Group with the housing redress sector to develop the proposals

In October 2018, the Government announced another consultation: "Implementing Reforms to the Leasehold System". It concluded in June 2019, with the full outcome available here, which details the following commitments:

- To legislate to ensure that all new houses will be sold on a freehold basis
- To reduce ground rents on future leases to a peppercorn (zero financial value)
- To give freeholders on private and mixed-use estates the right to challenge the reasonableness of estate rent charges and the right to apply to the First-tier Tribunal to appoint a new property manager
- To mandate that freeholders and managing agents must provide leasehold information (when a home is being sold) within 15 days with a maximum fee of £200 plus VAT

Just as this consultation came to a close, another opened: "Redress for Purchasers of New Build Homes and the New Homes Ombudsman". This ran until February 2020 and sought views on delivering a New Home Ombudsman for buyers of new build homes.

2020 to 2021

The Law Commission releases 3 reports in July of 2020:

- "Reinvigorating Commonhold: The Alternative to Leasehold Ownership", a summary of which is available here
- "Leasehold Home Ownership: Buying Your Freehold or Extending Your Lease", which you can read about here
- "Leasehold Home Ownership: Exercising the Right to Manage" which you can delve into here

In response, in May 2021, the Government established an advisory Commonhold Council. The council was described in the press release as an "expert group to help homeowners gain more control over their homes".

Chaired by Building Safety Minister, Lord Greenhalgh, the council brought together leasehold groups and industry representatives; asking them to share their expertise on consumer needs and market readiness for commonhold within the housing sector.

2022

Based on their "Reforming the Leasehold and Commonhold Systems in England and Wales" consultation, in 2022, we saw the first legislative changes for the sector: the Leasehold Reform (Ground Rent) Act 2022.

The act effectively abolished ground rents and reduced fees for lease extensions down to a peppercorn, coming into effect for most new leases on 30th June 2022, and from 1st April 2023 for leases of retirement homes.

The Government stated that "the Act will make home ownership fairer and more transparent for millions of future leaseholders...tackling significant ambiguity and unfairness."

In April of 2022, the Building Safety Act was given Royal Assent. This act was largely brought about by the Grenfell Tower tragedy and the resulting investigations into unsafe cladding and necessary remedial works.

The Government described the Act as a group of "ground-breaking reforms to give residents and homeowners more rights, powers, and protections...It delivers far-reaching protections for qualifying leaseholders from the costs associated with remediating historical building safety defects, and an ambitious toolkit of measures that will allow those responsible for building safety defects to be held to account."

2023 to 2024

In September 2023, the Financial Conduct Authority published their final rules which would come into effect from 31st December 2023. The rules laid out two key changes:

- Leaseholders would now be considered stakeholders alongside those who were named as the policyholders
- Firms must now provide a disclosure document containing the information needed for leaseholders to be given true transparency and the chance to challenge the policy choice

In November 2023, the Government's "Leasehold and Freehold Reform Bill" was introduced to Parliament. It's an amendment to the existing Leasehold Reform Act 1967 and the Leasehold Reform, Housing and Urban Development Act 1993. It focusses on bolstering the rights of leaseholders when it comes to collective enfranchisement and lease extensions.

An overview of the proposed measures includes:

- Increasing the standard lease extension term for houses and flats to 990-years with ground rent reduced to a peppercorn (zero financial value)
- Removing the 'marriage value' associated with extending a lease that's close to expiry
- Removing the requirement for a new leaseholder to have owned their house or flat for 2 years before they can benefit from these changes
- Increasing the 25% 'non-residential' limit that prevents leaseholders in buildings with a mixture of homes and other uses from buying their freehold or taking over management of their buildings to 50% non-residential floorspace
- Setting a maximum time and fee for the provision of information required to make a sale
- Requiring transparency over leaseholders' service charges including a standardised, comparable format
- Replacing buildings insurance commissions for managing agents, landlords and freeholders with transparent administration fees
- Requiring freeholders who manage their property to belong to a redress scheme so leaseholders can challenge them if needed and scrapping the presumption for leaseholders to pay their freeholders' legal costs when challenging poor practice.
- Granting freehold homeowners on private and mixed tenure estates the same rights of redress as leaseholders
- Protectingleaseholders by extending the measures in the Building Safety Act 2022 to ensure it operates as intended
- Banning the sale of new leasehold houses other than in exceptional circumstances

The bill has moved through the House of Commons and is currently moving through the House of Lords, having had its first reading on the 28th February 2024.

In December of 2023, the Government also launched a consultation called "Modern Leasehold: Restricting Ground Rent for Existing Leases" which closed in January 2024, but has not been summarised as yet.

We eagerly await the conclusion of the consultation, as well as seeing what form the Leasehold and Freehold Reform Bill may take as it evolves into an Act.

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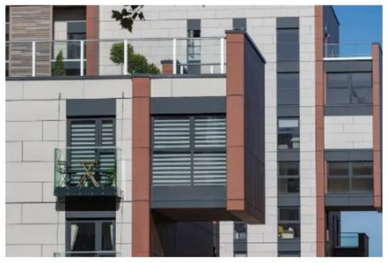

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Feature: Legal Updates

Leasehold Reforms: What Longer Extensions Mean for Leaseholders

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With the Government's Leasehold and Freehold Reform Bill making its way through parliament, there are many changes on the horizon.

The Bill is set to shake up the leasehold sector, affecting everything from the transparency of service charges to redress schemes to banning the sale of new leasehold properties.

One of the key changes will be the difficulty and expense of lease extensions. The Bill promises to make things easier, cheaper, and fairer for millions of UK leaseholders. Here we'll be exploring these changes in particular and detailing what the changes mean for current leaseholders.



The Current Situation

The most common way to own a flat in the UK is under a lease. Effectively, buyers purchase the right to live in the flat for the length of the lease. They do not own the flat itself, the building it's contained within, or the ground the building is stood on.

Currently, the value of a leasehold flat is largely tied to the length of its current lease. A lease of at least 100 years will create value, whereas a lease under 90 years is considered a risky purchase and therefore reduce value. If a lease falls to 80 years or below it can become impossible to buy or sell as mortgage providers won't be willing to work with such a short lease. Buyers would need to work with a specialist provider which will cost far more than a standard mortgage provider.

Under current leasehold law, extending leases can be a very expensive, tricky process. Costs depend on the value of the property and the remaining term of the lease. If the remaining lease falls to 80 years or less, freeholders (the owner of the building and land) charge "marriage value" to the leaseholder, adding thousands to the bill.

Marriage value is charged as 50% of the increase in value achieved after the lease extension. For example, if the lease extension will add £10,000 in value, then a payment of £5,000 will need to be paid to the freeholder on top of any other fees associated with the extension of the lease.

The standard lease extension terms are 90 years in flats and 50 years in houses, meaning owners will most likely need to extend their lease at least once during their home ownership to be able to sell easily when they want or need to.

Effectively, the current system means that leaseholders' hands are tied. They must extend their leases to avoid a drop in value and the costs of marriage value. Many aren't able to cover these costs and they find themselves stuck in a flat they can't sell.

What are the Proposed Changes?

In November 2023, the Government's Leasehold and Freehold Reform Bill was introduced to Parliament. It has moved through the House of Commons and is currently moving through the House of Lords. The first reading was on the 28th February 2024.

If it comes into law in its current form then there will be sweeping changes. The amendments focussed on lease extension include the following proposals:

- To increase the standard term of a lease extension for flats and houses to 990 years.
- Ground rent (fees paid to the freeholder throughout the lease to 'rent' the building and land) will be reduced to a peppercorn.
- Marriage value will be abolished.
- Leaseholders won't have to have owned their house or flat for 2 years or more before benefitting from the changes.

These changes will make it far easier for leaseholders to extend their current leases. This also make it less likely that any future owners will need to extend at all. The value of leasehold properties will be maintained, and they will be simpler to agree a mortgage for. The abolishment of ground rent and marriage value will bring relief and make it far more achievable to extend a lease.

In short, leaseholders can avoid a significant amount of expense and hassle.

Something that puts many buyers off buying leasehold in the first place. Hopefully the Bill will be given Royal assent this year. This way life will be simpler and easier for the millions of UK leaseholders experiencing financial difficulties and undue stress.

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Set diary reminders to ensure you don't forget anything.

Documents

Securely hold all your block's documents in one place. Examples of what you may want to store include: copy leases, financial records, fire evacuation procedures, along with other day-to-day procedural documents.

Notes

Make sure you have an audit trail by adding notes for anything important.

Quotes

Request quotes from your preferred contractors or use one of our recommended specialists. You can also issue work orders to accept quotes.

Save

Our trustworthy online space lets you keep your most important documents safe, and you will have access day and night, wherever you are.

Contractors

Keep a list of your key contractors, for example, plumbers, decorators, gardeners, window cleaners in one place.

Contacts

All the owners and residents in your block can be added to your contact list, so you can keep track and update it. You'll always have all of this contact info at your fingertips.

Calendar

Record key dates and reminders, for example insurance renewal date, health & safety risk assessment due date, date to send out service charges.

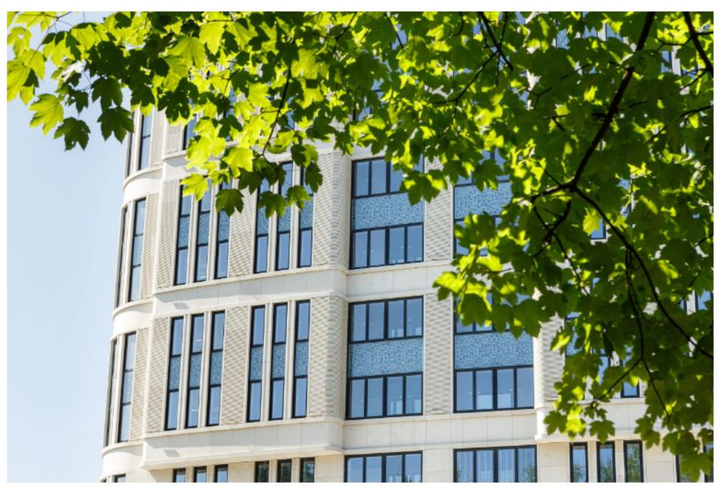
Alerts

Broken down lift? Power shortage? Local crime issues? Provide instant alerts out to all residents with one simple alert.

Feature: Legal Updates

Leasehold Reform and Valuation Methods

www.blockinabox.co.uk



Striking a Balance in Valuation Methods

The Leasehold and Freehold Reform Bill has introduced several changes aimed at bringing fairness and transparency to the leasehold system. One significant amendment involves the Standard Valuation Method and the regulation of market rates in lease extension calculations. This change, which gives the government the authority to set rates rather than leaving them open for negotiation between professionals, has both positive and negative implications for leaseholders.

Understanding the Deferment Rate

One crucial aspect of this change is the Deferment Rate, a rate used in calculating compensation for freeholders when a lease is extended. The concept revolves around compensating freeholders for the reversion of the property when the lease ends. The higher the Deferment Rate, the lower the compensation leaseholders need to pay to the freeholder.

Historically, the Deferment Rate has been set at 5% since the Sportelli tribunal decision in 2007. This rate is widely accepted and used in lease extension calculations for flats. The government's involvement in setting this rate is aimed at streamlining the process and reducing negotiation time between professionals.

Potential Benefits

At first glance, the government setting rates appears advantageous for everyone involved in the lease extension process. The streamlined approach could save time and reduce costs associated with lengthy negotiations. Moreover, if the government sets rates that favour leaseholders compared to rates commonly agreed upon by valuers, it could result in financial benefits for leaseholders.

For instance, if the Deferment Rate were to be increased from 5% to 6%, the cost of extending a lease on a £200,000 flat with 80 years remaining could significantly decrease, providing financial relief for leaseholders.

Potential Drawbacks

Conversely, if the government sets rates lower than those traditionally agreed upon by professionals, it could disadvantage leaseholders. The recent argument by freeholders to reduce the Deferment Rate due to lower interest rates raises concerns among leaseholders, especially those with longer leases and minimal ground rents.

The Labour Party has expressed concerns about the potential negative impact on leaseholders and attempted to introduce a clause requiring the government to set rates at a level not punitive to leaseholders. However, these attempts were voted down by the Conservative party during the legislative process.

Conclusion

While the Standard Valuation Method and the government's role in setting rates aim to simplify the lease extension process, the potential impact on leaseholders remains a topic of debate. Striking a balance between fair compensation for freeholders and reasonable costs for leaseholders is crucial. As the Leasehold and Freehold Reform Bill progresses, it is essential to monitor how the government navigates this aspect to ensure a fair and equitable outcome for all parties involved in the leasehold system.

For more from Block in a Box, Visit our website to request a quote or more information today!

Or call our team on 0333 0154 145 or email info@blockinabox.co.uk and we will be in touch.

Block in a Box has been created to assist self-managed Residents' Management Companies, Right to Manage Companies and Residents' Associations, their blocks of flats and the leaseholders that live in them by providing a mix-and-match toolbox supplying all the services you need.

We designed it with a steering committee of directors and association members to provide something that would truly help.

Blockinabox.co.uk | info@blockinabox.co.uk | 0333 015 4145

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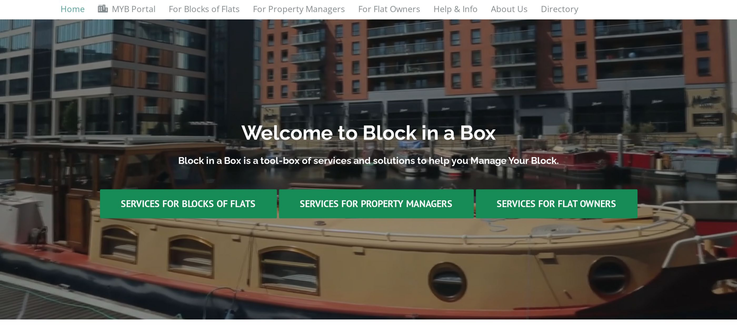

Welcome to Block in a Box

Block in a Box is a tool-box of services and solutions to help you Manage Your Block.

SERVICES FOR BLOCKS OF FLATS | SERVICES FOR PROPERTY MANAGERS | SERVICES FOR FLAT OWNERS

View Our Services and Products



3D Surveys



Aerial Surveys



Accounting Solutions



Alternative Accommodation



Asbestos Survey and Management



Broadband Services



Cladding Consultancy



Commercial Property Surveying



Contractor Accreditation



Cyber Security Training



Decarbonisation



Directors and Officers Liability



Drone Surveys



Electric Charging Points



Emergency Assistance



Enfranchisement



EV Connected



EWS1 Forms



Fire Door Inspection



Fire Risk Assessments

Flat Living



Fire Risk Appraisal of External Walls



Fire Safety Information Posters

FPRA

Health and Safety



Health and Safety Awareness Training



Health and Safety Risk Assessments



Higher-Risk Building Registration



Historic Building Repair



Housing Associations



Insurance Solutions



Insurance Works Surveying



Landlord Home Emergency



Lease Extensions



Lease Variation



Legal Solutions



Legionella Risk Management



License to Alter



Lift Wrapping



Neighbourly Advice: Daylight, Sunlight and Overshadowing



Out of Hours Helpline



Party Walls

Planned Maintenance Program

Pre-Purchase Building Surveys

Quantity Surveying

Reinstatement Cost Assessments

Representative for Cladding Remediation Funding

Retrofit and Green Upgrades

Right to Manage

Rights of Light

RMC Director Training

Rooftop Extensions

Rope Access Surveys

Section 20 Major Works

Service Charge Arrears

Service Charge Collections

SmartLink45 Prepay Meter

Utilities

Water Leak Prevention Systems

Find local services for your Block of Flats

Can't find the service you wanted?

Contact us via the contact page or email info@blockinabox.co.uk.

CONTACT US

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Cookie settings ACCEPT

Directors and Officers Liability Insurance

Katrina Jones from Residentsline, investigates the importance of Directors' and Officers' Liability Insurance for your Residents' Management Company and outlines possible claim examples.

The Importance of Directors and Officers Liability Insurance

As a member of a Residents' Management Company, you bear a multitude of responsibilities aimed at ensuring the seamless operation of your block of flats.

These responsibilities encompass finance and accounting, service charges, insurance needs, maintenance, inspections, and overseeing major works and reparations. Managing such a comprehensive list demands meticulous planning and experience, making it susceptible to occasional errors.



It is crucial to acknowledge that, although mistakes are an inherent part of any management role, errors leading to incidents such as damage or personal injury can result in legal actions being taken against the Residents' Management Company. This liability falls on the directors and officers of the Residents' Management Company, who are held accountable for decisions made in their official capacity.

This may seem unfair. After all, being a director or an officer of a Residents' Management Company is a voluntary role which requires a lot of time and effort on behalf of the residents in the block. As such, it can be difficult to understand how directors and officers can be penalised so heavily. Regardless, the fact remains that directors and officers require suitable protection in case of legal action being taken against them. Nevertheless, the reality is that directors and officers necessitate adequate protection in the event of legal actions.

Claim Examples

- Tenants of a block of flats brought legal action against the Residents' Management Company for failing to appoint a building company in a timely fashion. The external brickwork of the building needed reparation, as damage had been caused following a heavy rainstorm. This had been reported to the committee, however, repair work had not been commenced several months later when a subsequent rainstorm caused further damage.
- A Residents' Management Company faced an allegation of wrongful termination after it fired an employee for gross misconduct.
- A Residents' Management Company Director faced being sued as a result of a property being devalued following their decision to paint the exterior of the building an unusual colour.
- At a party in one of the flats, an over-crowded balcony collapsed, seriously injuring several people. A claim against the Insurance Company is incepted with a potential cost of £7.25 million, however the RMC only has £5 million Property Owners Liability cover in place. The individual flat owners are distressed as this amount is well below the potential cost of the claim. The flat owners believe that the RMC was wrong to reduce the cover and they bring legal action against the responsible director to make up the shortfall.
- An officer pays a contractor to fix their roof with RMC funds before the works have started. Subsequently, the contractor absconds with the money, never to be seen again. There is an exposure to potential legal action being brought by the individual flat owners following the loss of RMC funds due to a mistake made by an RMC member.



Directors' and Officers' Liability Insurance

Directors and Officers Liability Insurance coverage extends protection to members of Residents' Management Companies, shielding them from legal liabilities. Underwritten by AVIVA Insurance, our policy protects directors and officers against the cost of potential claims for alleged wrongful acts.

These may include:

- Breach of trust
- Breach of duty
- Neglect/error/omission
- Misstatement
- Libel and slander
- Breach of warranty of authority
- Wrongful trading

Residentsline's Directors and Officers Liability Insurance provides a comprehensive solution to protect your directors.

Protect Your Directors with Residentsline and use our easy-to-use portal to get a quote and be covered today! Click here to get a quote.

At Residentsline, our flats insurance policies are tailored to your needs; created for all sizes and types of blocks of flats and apartments. Our insurance cover also includes the option to include directors and officer's liability insurance, terrorism insurance, lift cover or legal expenses protection as part of your policy or as a separate policy if desired.

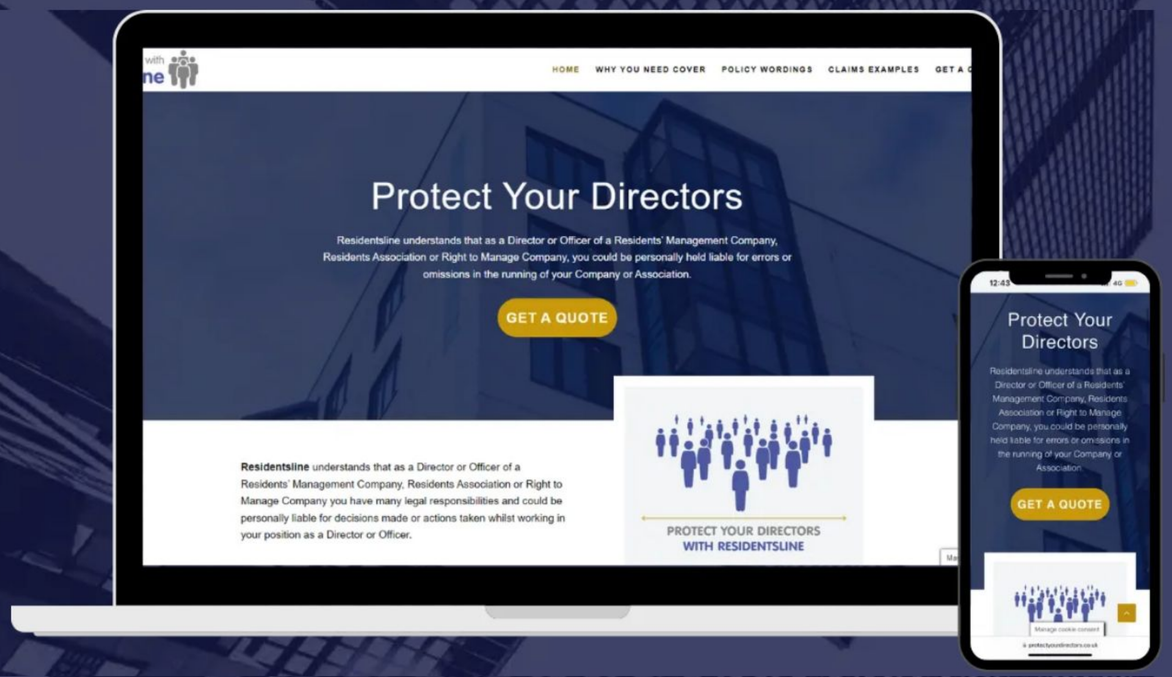
residentsline.co.uk | info@residentsline.co.uk | 0800 281 235

Share this page on social media

Protect your Directors with **Residentsline**

CLICK HERE TO GET A MANAGEMENT LIABILITY INSURANCE QUOTE AND COVER TODAY!

One mistake or misjudgement could end up being expensive. Get a quote for Directors & Officers Liability Insurance with us today, a specialist insurance broker you can trust.



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HELPING YOU
BUILD YOUR FUTURE,

BLOCK
BY
BLOCK



"Stella was great throughout the whole process. She was very easy to speak to, always answered my calls and emails promptly. Excellent service!"

- Melissa Bagot

"With Alice's help and using the information she gave me I have secured a role with an amazing company and I couldn't be more grateful. If you're looking for someone with a wealth of knowledge and a real passion for what they do I couldn't recommend Alice enough"

- Max Braun

www.blockrecruit.co.uk

Featured Job Vacancies

Are you looking for a new role, maybe a step up the career ladder? Take a look at a range vacancies in the block management sector from Block Recruit.

BLOCK RECRUIT

Block Property Manager

Location: Gloucestershire

Salary: £39,000

Tell me more

Property Manager

Location: South West London

Salary: £40,000 - £50,000

Tell me more

Block Manager

Location: West Sussex

Salary: £30,000 - £37,000 + £3,000 car allowance (£40K Max)

Tell me more

Property Manager

Location: Berkshire

Salary: £20,000 - £40,000

Tell me more

Business Development Manager

Location: Merseyside

Salary: £27,000 - £30,000

Tell me more

Residential Sales Consultant / Client Relationship Manager

Location: West Sussex

Salary: £30,000 - £45,000 (OTE after 2 years £80,000)

Tell me more

Property Administrator

Location: Hampshire

Salary: £20,000 - £23,000

Tell me more

Service Charge Accountant

Location: South West London

Salary: £35,000 - £45,000

Tell me more

Block Recruit

Block Recruit specialise in providing property professionals to all areas of the block management industry in the UK.

Visit the Block Recruit website to find out about other vacancies they have and how they can support you in finding the perfect new role.

BLOCK RECRUIT

Upcoming TPI Training Courses

TC110: Leaseholder Protections And Landlord's Certificates And Leaseholder Deeds Of Certificate



Dates

Wed 17 April 2024

Wed 10 July 2024

Who should attend?

Those dealing with the scope of the Leaseholder Protections regulations, and involved in collating/reviewing Leaseholder Deed of Certificates and/or have been instructed to support or compile Landlord Certificates.

A half day course exploring the leaseholder protections under the Building Safety Act

Book your place

TC1: Introduction to Residential Property Management



Dates

Wed 29 May 2024

Tue 9 July 2024

Mon 16 September 2024

Tue 8 October 2024

Who should attend?

This introductory course is ideal for those new to the sector with less than six month's experience in residential property management and those moving from letting to residential leasehold management.

Book your place

TC116: Resident Engagement Strategies



Dates

Tue 30 April 2024

Wed 19 June 2024

Who should attend

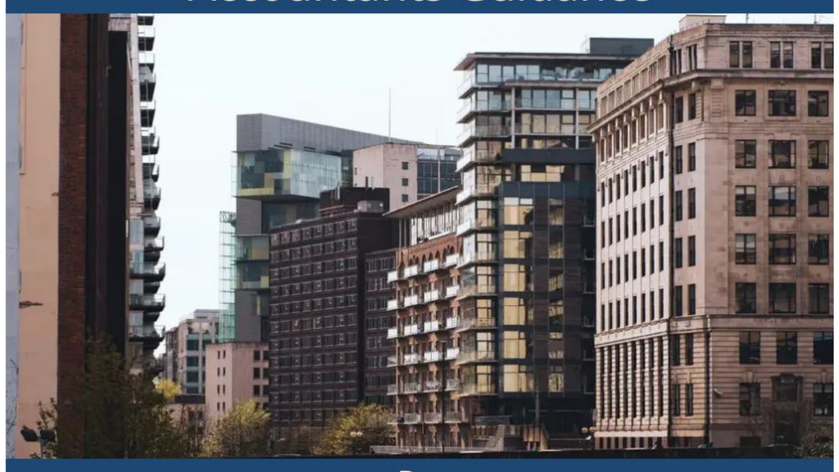
The course is suitable for anyone who has a role in managing leasehold properties.

Course Contents

- Introduction to The Building Safety Act 2022
- Understanding the difference between accountability and responsibility
- What is resident engagement
- And much more!

Book your place

TC11: Residential Service Charge Accountants Guidance



Dates

Mon 17 June 2024

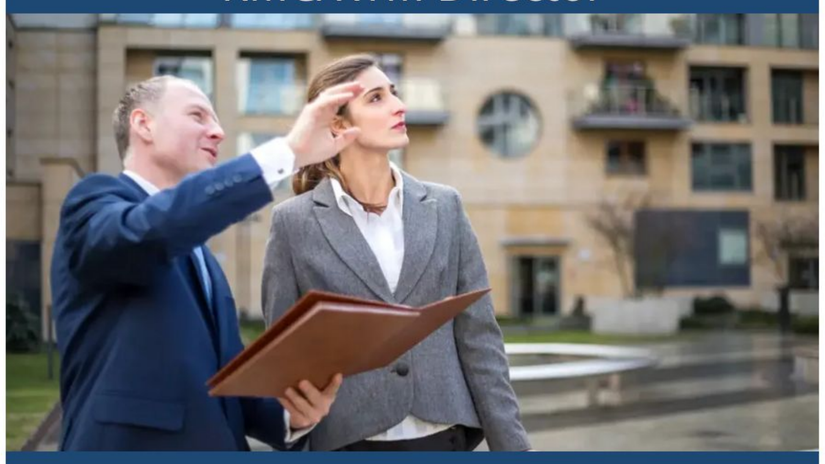
Mon 18 November 2024

Who should attend?

- Accounts staff who need to understand the requirements of lease and law in the production of accounts
- Property managers whose input is required during the service charge year from their clients
- It may also be suitable for senior managers who are responsible for the corporate strategy within their accounts department

Book your place

TC114: Introduction to Being an RMC/RTM Director



If you are a Director of a Residents' Management Company (RMC) or Right to Manage Company (RTM), or thinking of becoming a Director, this course is for you. RMCs/RTMs are companies which own and run blocks of flats.

Each flat owner is typically a member or shareholder in the RMC and members are appointed from amongst their number to become Directors. The RMCs are then run by these Directors. The duties of the company towards each Leaseholder are set out in the Leases for each flat. There is a mix of contractual duties, such as repairs, maintenance, insurance, and service charge accounting, and statutory duties, including setting reasonable levels of service charges and consulting on major works.

Book your place

TC66: Introduction to Fire Safety for Property Managers



Dates

Wed 24 April 2024

Wed 26 June 2024

Who should attend?

The course is suitable for anyone who has a role in responding to, managing or overseeing building safety of those properties in scope of the Building Safety Act.

Course Contents

The aim of this course is to help you, your team and your clients understand who has accountability for the development of a Building Safety Case Report but also understand what is required, what support can be offered to AP/PAPs and how best to manage building safety in the long term.

Book your place

To view TPI's full list of training courses, **click here**.

Get in touch

Website: https://www.tpi.org.uk/

The Property Institute

Upcoming Events

The Property Institute Annual Seminar 2024



Dates: Thursday 16 May 2024

Venue: Queen Elizabeth II Centre

The Property Institute Annual Seminar promises to deliver important industry updates directly to members whilst also serving up unbeatable networking opportunities with peers and top industry suppliers.

Ticket Prices: Members - £149 Non Members - £299

Sponsorship interest: Email abanasiak@tpi.org.uk

Book your place

ACE Awards 2024



Date: Friday 21st June

Venue: Old Billingsgate, 1 Old Billingsgate Walk, London EC3R 6DX.

ACE Awards 2024 will be heading back to the Roaring '20s with a Great Gatsby theme. Get creative and start planning your frocks & tuxedos for an evening of glitz and glamour!

The 2024 ACE Awards will recognise excellence and exceptional achievements by UK managing agents, their suppliers and the work of their people in improving the lives of millions of leaseholders.

Book your tickets

The Active Bystander Conference



Date: 10th July 2024

Location: Hartpury University in Gloucester

The Active Bystander Conference by the Hollie Gazzard Trust

The conference promises a dynamic day of discussions led by prominent industry and academic experts, focusing on the empowerment that an Active Bystander programme can bring.

The goal is to inspire a culture of intervention and support, equipping attendees with the tools needed to stand up against harassment, abuse, and violence.

Register here

ARMA SAVE THE DATES - 2024

The Date for ARMA's Annual Conference will be Released soon!

- **Annual Seminar -** Thursday 16th May 2024
- **The Property Institute Regional -** Southampton - 5th September
- **The Property Institute Regional** - Newcastle - 12th September
- **The Property Institute Regional -** Birmingham - 7th November
- **The Property Institute Regional -** Manchester - 12th November
- **The Property Institute Regional -** Bristol - 26th November
- **The Property Institute Regional -** London - 5th December



Setting Standards in Residential Property Management

The Institute of Residential Property Management (IRPM) is the professional body for residential property management specialists and provides nationally accredited qualifications, guidance on career pathways and resources, to assist property managers within their roles. IRPM is dedicated to supporting, building, and setting the standards of the profession.

IRPM Key Objectives



Setting & Raising Standards across the residential property management sector



To be the **trusted** source of **expertise**, **knowledge**, & **qualifications**



Providing individuals with an independent **professional accreditation**



Provide **knowledge**, **leadership**, and **proficiency** in the property management sector

Join the IRPM



Directories

Find Managing Agents, Suppliers and ALEP Professionals who know and understand leasehold property.



01
Flat Living Directory

02
Recommended Suppliers

03
Find an ARMA Member



FlatLiving® Directory

FIND SERVICES FOR YOUR BLOCK OF FLATS

0808 175 1371 www.flatlivingdirectory.co.uk



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Flat Management Co. Accounts Limited

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Alternative Accommodation

ICAB Insurance Claims Accommodation Bureau

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Asbestos Surveying and Management, Fire Risk Assessments and many more

4site®

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Broadband Services

4thUtility

Find out more

Cladding Consultancy, Commercial Property Surveying

EarlKendrick Project & Building Consultancy

Find out more

Cyber Security Training

intelectGroup eLearning

Find out more

Neighbourly Advice: Daylight, Sunlight and Overshadowing

McQuade Neighbourly Matters

Find out more

Directors and Officers Liability

Find out more

Drone Surveys

MIRU

Find out more

Electric charging points

ESTD 1859 BRITISH ENGINEERING SERVICES

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Emergency Assistance

R&M Facilities Management

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Enfranchisement

BRADY SOLICITORS

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Future Group

FUTURE GROUP

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Fire Risk Appraisal of External Walls, Higher-Risk Building Registration and Representative for Cladding Remediation Funding

FRC an RSK company

Find out more

FPRA

FPRA FEDERATION OF PRIVATE RESIDENTS' ASSOCIATIONS

Find out more

Historic Building Repair, Housing Assoiations, Party Walls, Planned Maintenance Programs and License to Alter

EarlKendrick Building Surveyors

Find out more

Insurance

FlatLiving Insurance

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Insurance

London Flats Insurance

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Residentsline Flats Insurance

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Lease Extensions and Lease Variation

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RMC utilities specialists in resident management energy

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Setting the Standards in Property Management

TRANSPARENT
STANDARDS
AUDITED
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Whether you are a leaseholder, residents' management company, developer, landlord or freeholder - you need a managing agent you can rely on to professionally manage your apartment block.

So look for the ARMA logo for accredited managing agents who are compliant, audited, independently regulated, transparent and will hold your service charge in TRUST.

For information on the advantages of appointing an ARMA member contact:

020 7978 2607 | www.arma.org.uk



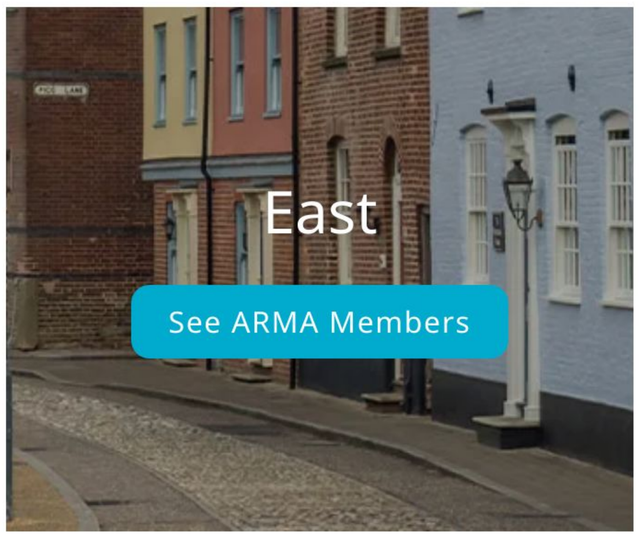
Find an ARMA Member

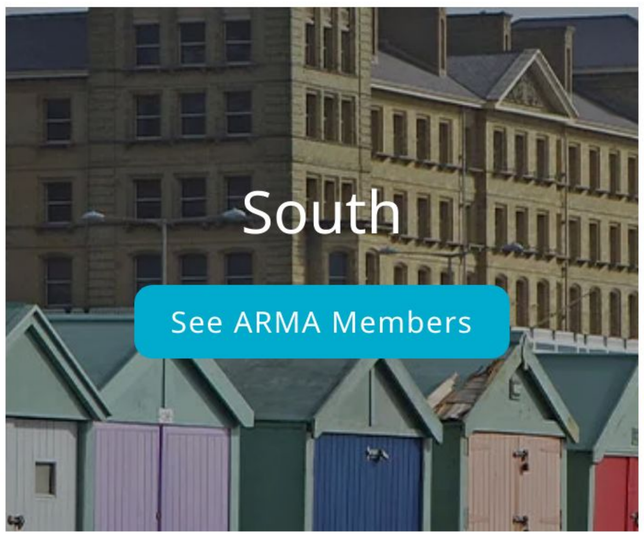


Are you considering a new managing agent?

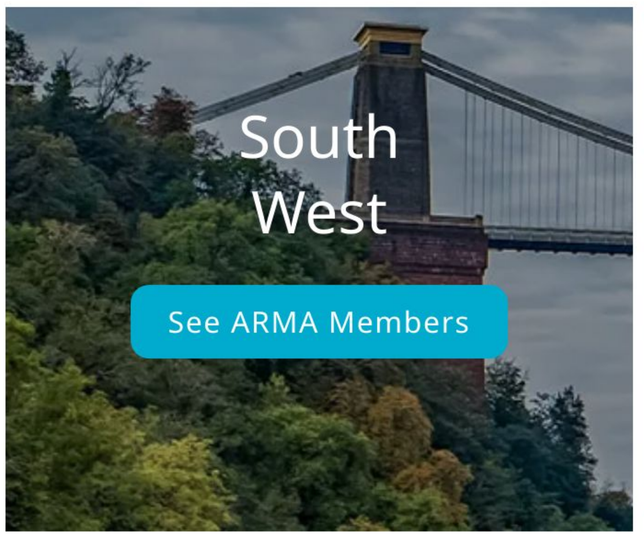
Below are a list of ARMA (Association of Residential Managing Agents) members by region.

A managing agent that is a 'member' of ARMA will have successfully achieved ARMA Accreditation and is required to comply with the ARMA Bye-Laws, RICS Code, relevant legislation and ARMA Consumer Charter & Standards.





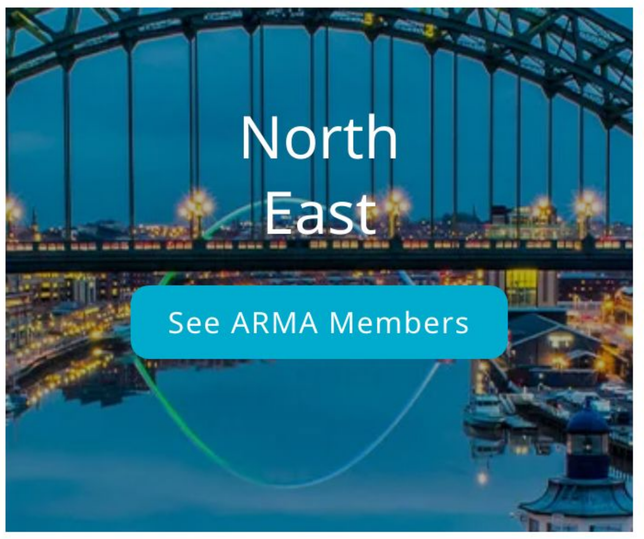


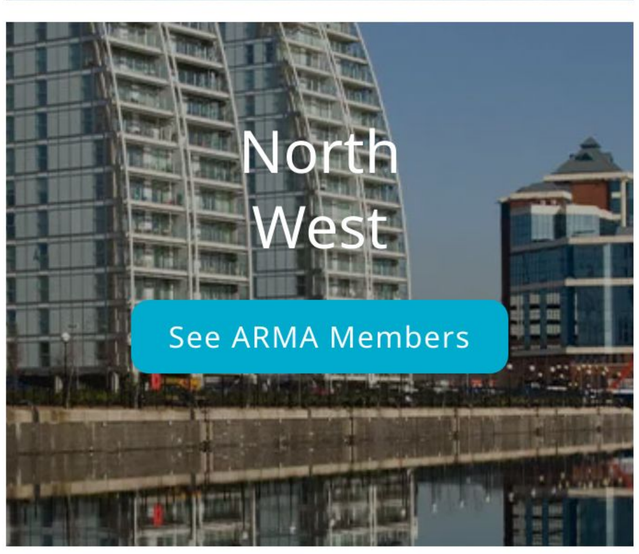


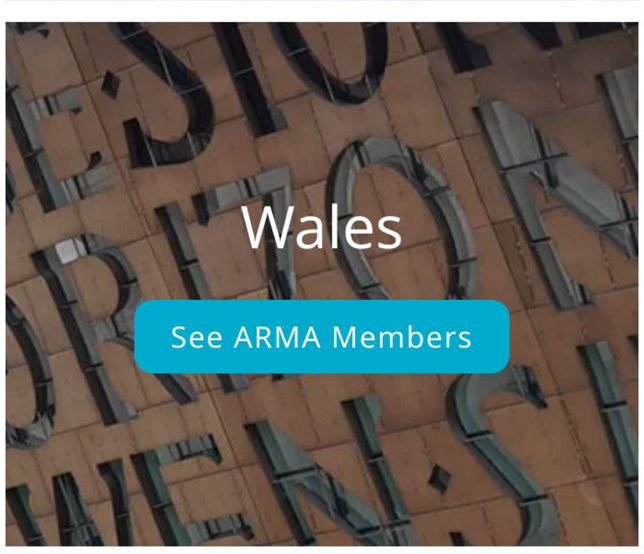


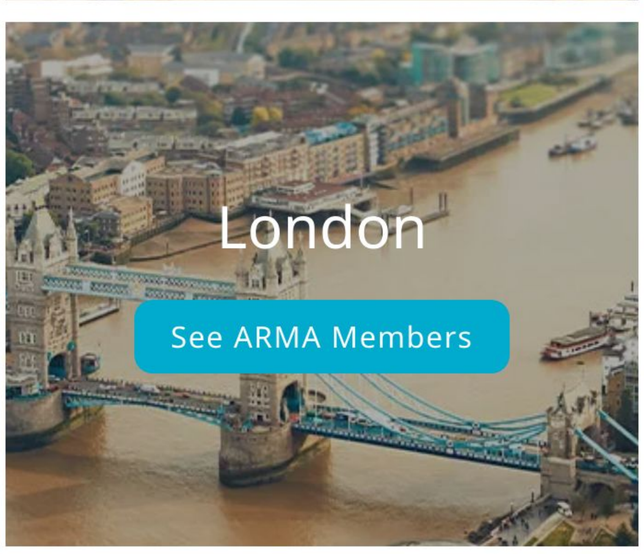




















ALEP ASSOCIATION OF LEASEHOLD ENFRANCHISEMENT PRACTITIONERS

ALEP - the voice of the enfranchisement sector promoting best practice

Leasehold enfranchisement includes the processes of lease extension, freehold acquisition and correction of management problems within leasehold properties.

The Association of Leasehold Enfranchisement Practitioners (ALEP) serves as the leading organisation representing professionals working in this sector.

Established in 2007, ALEP was formed to bring together firms working within leasehold enfranchisement under one, all-encompassing membership organisation. Barristers, managing agents, project managers, solicitors and valuers all form part of the ALEP community.

Our Work

One of ALEP's key aims is to work with member firms within this sector to raise and maintain standards across the board. The Association holds regular seminars and networking sessions, as well as its popular annual Conference and Lecture events, all with the objective of bringing the sector together to share ideas, discuss key issues and encourage best practice.

ALEP also acts as the 'voice of the sector' and represents its members' views to the wider industry, the media and to the general public. More recently, ALEP is proud to have been invited by the government to contribute to several consultations concerning the future of leasehold enfranchisement.

Our Members

ALEP has 260 highly respected member companies and individual barristers – this equates to just under a total of 1,000 professionals – all of whom operate within the enfranchisement sector and who regularly come together to network, compare notes and agree best practice.

ALEP accreditation acts as a badge of assurance for leaseholders and freeholders alike when looking for professionals to handle their enfranchisement transactions. All members are vetted to ensure they are experienced in dealing with the various and complicated issues surrounding leasehold enfranchisement.

Areas ALEP members can help with include:

- Extending a lease
- Leaseholder vs. freeholder disputes and resolutions
- Informal lease extension implications
- Marriage value
- Collective enfranchisement
- First-tier Tribunals
- Leasehold Valuation Tribunals
- Over-inflated ground rent, service charges and insurance

For more information and to find an ALEP member in your area please visit: www.alep.org.uk



Find an ALEP Member

ALEP (Association of Leasehold Enfranchisement Practitioners) member firms are rigorously vetted so you can be confident that they have a proven track record in leasehold enfranchisement.

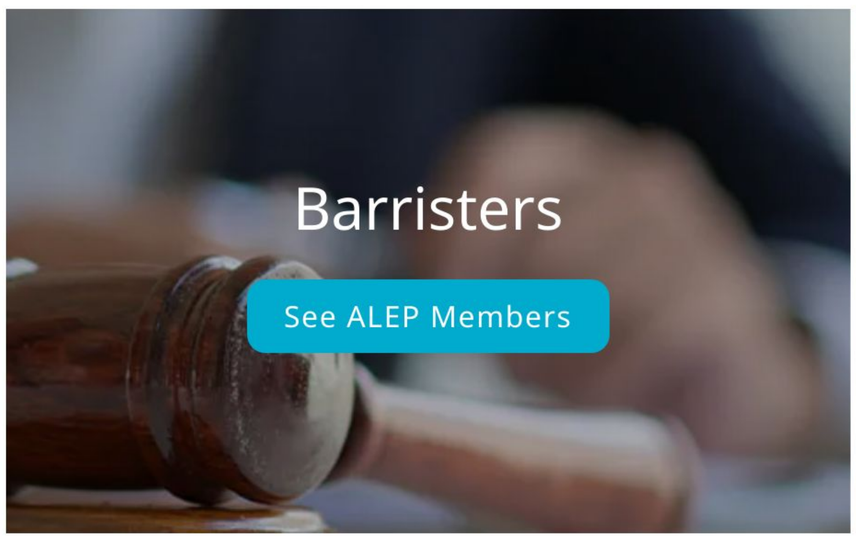


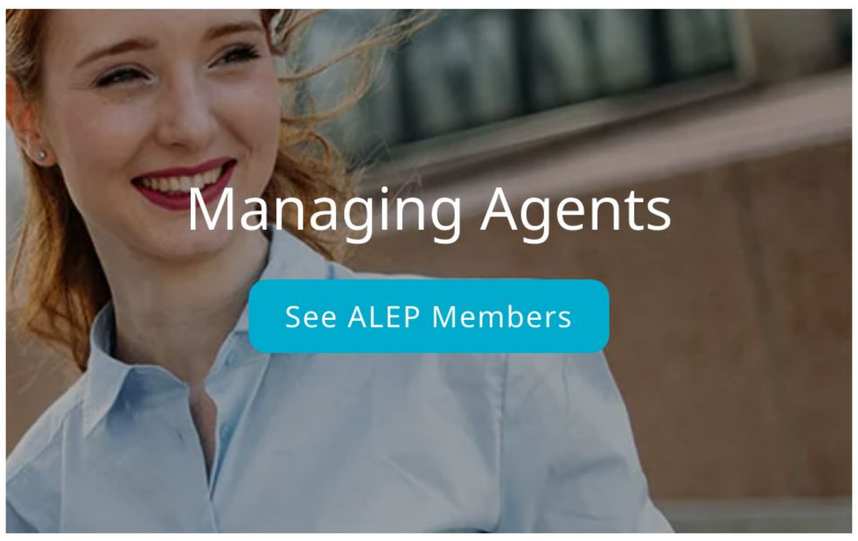
ALEP members can advise or assist with:

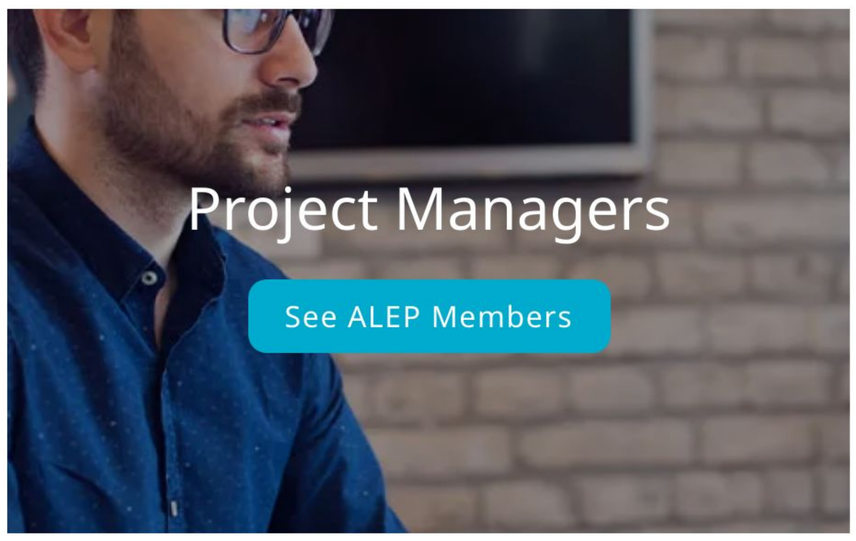
- Extending a lease;
- Buying a share or freehold of a building;
- Exercising the Right to Manage;
- Section 5 Notice;
- Dealing with freeholder or leaseholder disputes

Below are details of ALEP Professionals (alphabetically) in the following areas:

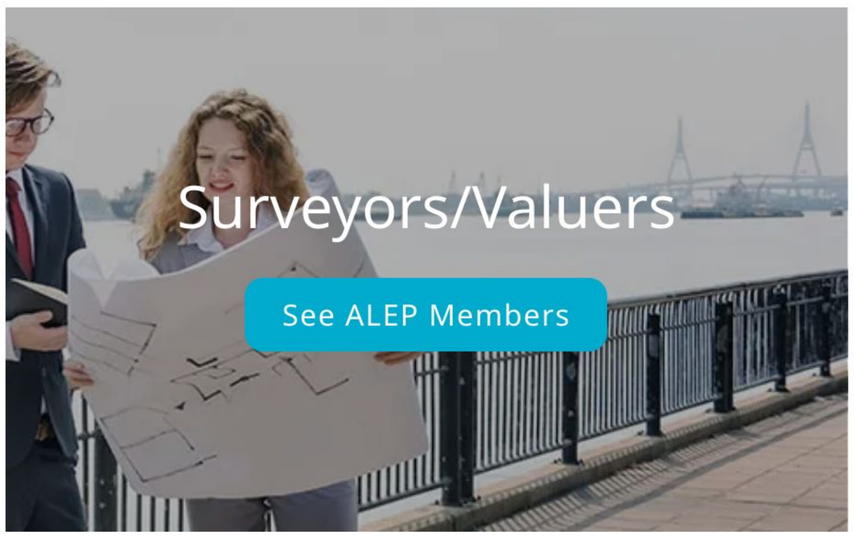
- Barristers
- Managing Agents
- Project Managers
- Solicitors/Legal
- Surveyors/Valuers











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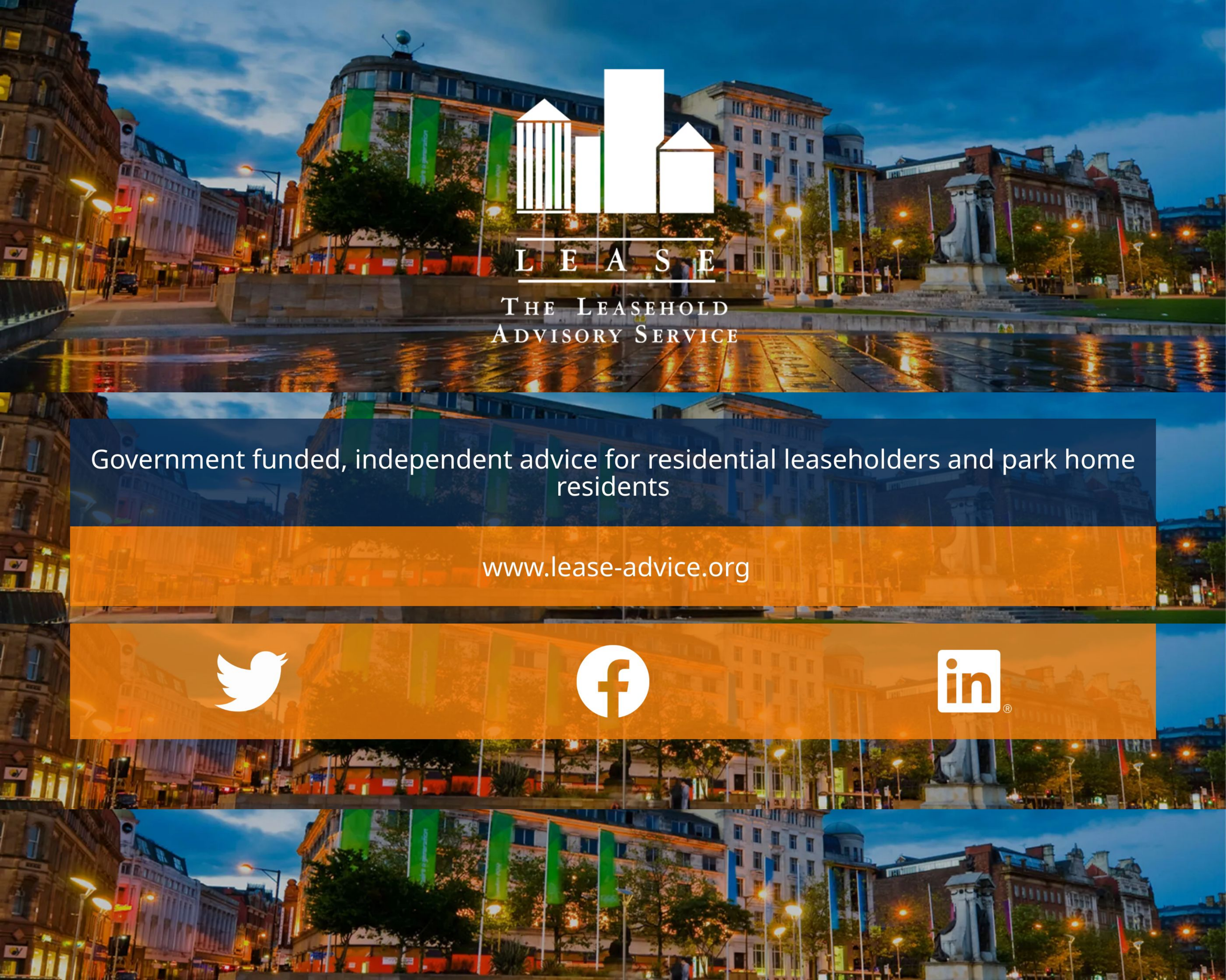

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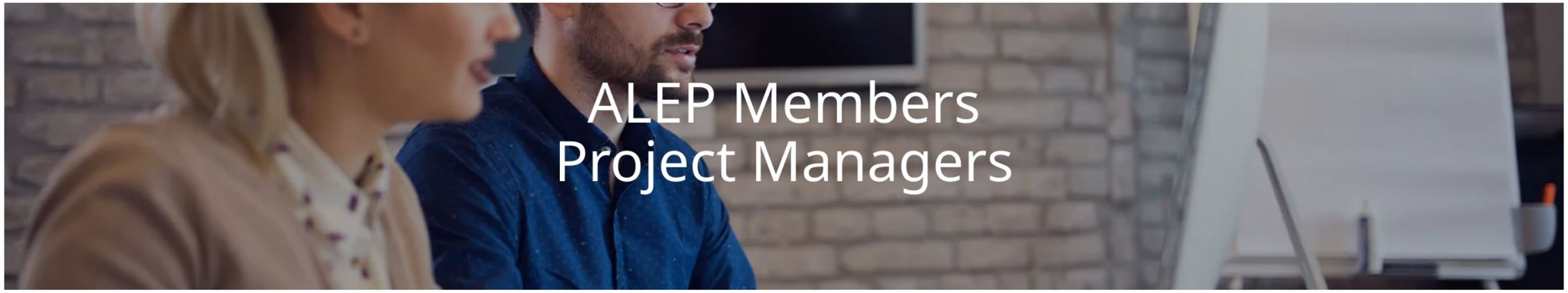

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