Information, advice & guidance
for RMCs and Property Managers

FlatLiving Magazine

September 2023

Feature: Major Works

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Welcome

Welcome to our September issue of Flat Living Magazine!

In this edition, our contributors have dedicated their expertise to exploring Major Works. They have covered everything from overcoming the challenges of major works to the relationship between major works and service charges.

Be sure to visit page 11 where JB Leitch provide an overview of the relationship between the process of undertaking major works and the new building safety regime.

Meanwhile, you can also find the latest from Future Group, who have recently launched their new service: EV Connected. Check out page 6 to find out more on this exciting development.

In news – you can find advice from ARMA on Reinforced Autoclaved Aerated Concrete (RAAC) and the recent headlines surrounding blocks of flats and apartments!

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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Future Group Launch Future Fuel EV Connected

Future Fuel EV Connected bridges the gap between new build developers and the Electric Vehicle chargers they are obligated to install, and the property managers and residents that inherit them.

Future Group are firmly established as multi-manufacturer-approved EV specialists and knowledge leaders in the leasehold block management space. Their services include eco-centric design, compliance and maintenance for lighting schemes, electrical installations, fire safety and security systems, EV chargers and block refurbishment. For many large-scale developers and property management companies across the south-east, they are a one-stop shop for block management support.

Their Future Fuel division has been on the front line of EV charger installation, commissioning and maintenance since 2019. As award-winning, OZEV and multi-manufacturer approved installers, they have now launched an additional offering: Future Fuel EV Connected. This service offers support to developers and property managers alike to ensure the safety, compliance, and maintenance of residential block EV chargers.

The Issue the Leasehold Sector is Facing

Developers are obligated to furnish block car parks with EV chargers. This is fantastic news for eco-centric residents and the planet. However, developers are under no obligation to safety check their installations, or to provide any information to the property managers who inherit their sites. This leaves many property managers facing unsafe installs, non-commissioned chargers (which can increase a block's electricity bill enormously if the chargers are utilised by residents) and a complete lack of information to enable them to maintain their chargers appropriately.

Property managers struggle to gather the information needed to make informed decisions about the EV chargers they have on site. Finding out what brand the chargers are, whether they are active or passive, commissioned or non-commissioned, safe or unsafe can all be very challenging. It's here that Future Fuel EV Connected have found a need for expert support. As an ideally positioned third-party, they are well-placed to gather the information needed and to connect the dots between what is currently in place and what needs to be done for the sake of safety and compliance.

"Having been approached by many large-scale developers and property management firms, we felt a new service was needed to correct this disconnect. Future Fuel EV Connected has been launched to smooth the transition during a site handover. We can help on both sides of the fence- stepping in before the site handover to ensure a developer's due diligence is done, and/or to safety check, commission and maintain the chargers for property managers who have already inherited a site."

Jamie Willsdon, Group Director

Future Fuel EV Connected Services

Future Fuel EV Connected provides a solution to the inherent issues with inherited chargers; their engineers are kept up to date with current leasehold law and compliance requirements and they provide safety checks, commissioning, scheduled servicing, and reactive repairs via 24/7 support.

Some details may be gathered over the phone, but to ensure the information a property manager holds is correct, the team will likely attend for an intrusive survey. A safety inspection is then provided, along with compliance certification and reporting.

Damaged cables and other charging equipment including wiring and plugs severely increase the likelihood of electric shocks for the user. An AC electric vehicle charger requires 110 to 240 volts; enough to trigger muscle spasms that cause the sufferer to hold on for an extended period of time, increasing their risk of serious injury or even death. Damage can be caused by wear and tear, adverse weather or even vandalism. Unsafe installation also increases the likelihood of shocks.

Trips and falls are common when charging electric vehicles- particularly in the case of at-home charge points. The layout of the chargers and cabling is often poorly planned with leads trailing across walkways or even at a low height above car park flooring. If low lighting is also a factor, trips are inevitable.

If any defects or inadvisable layouts are detected, works can be quoted for.

Once the chargers are deemed safe for use, the team will move on to commissioning the chargers. This is the process by which the chargers are set up with a billing platform to ensure that the electricity used at each point is billed only to the electric vehicle user, and not to the block as a whole via the service charge.

As accredited partners to a variety of third-party billing and management platforms, the team will advise re which one is most suited to the site- options may include Future Fuel's own solution, Future Tap. Whichever platform is best, the team can provide training to property managers, or provide ongoing direct management of the platform for a small fee. All billing platforms offer ease of use and a direct contact for any billing issues experienced by residents, saving property managers the additional work of handling such enquiries.

With the chargers set up for use by residents, thoughts may well turn to maintenance. With a Planned Preventative Maintenance agreement in place, Future Fuel EV Connected can take over scheduled maintenance as well as providing 24/7 support for any charger-related concerns or emergencies.

Why Future Fuel?

Future Fuel understand the challenges of leasehold block management.

They have worked in the arena since their inception in 2014 and are also experts in electric vehicle charge points and billing, having been leaders in the industry since Future Fuel began.

This combined skillset positions them perfectly to respond to the issues caused by inherited charge points. Support can be provided via a stand-alone service, or as a bolt-on to any existing arrangements.

Non-commissioned, unsafe chargers can increase electricity bills for your block, pose real risk to life due to the high voltage at play, and create issues with buildings insurance.

As leasehold and EV experts, Future Fuel EV Connected supports will assure you and your residents that your chargers are safe, and that only the EV user will be paying for the electricity used.

If you'd like to enquire about their services, please contact them directly.

We combine Lighting & Electrical, EV Charging, Fire, Refurbishment, and Security services and are dedicated to meeting the needs of property and estate managers by delivering a fresh and competitive, turnkey service. Our promise is to deliver an affordable, first-class service for you and your clients that continues to make us stand out from the crowd.

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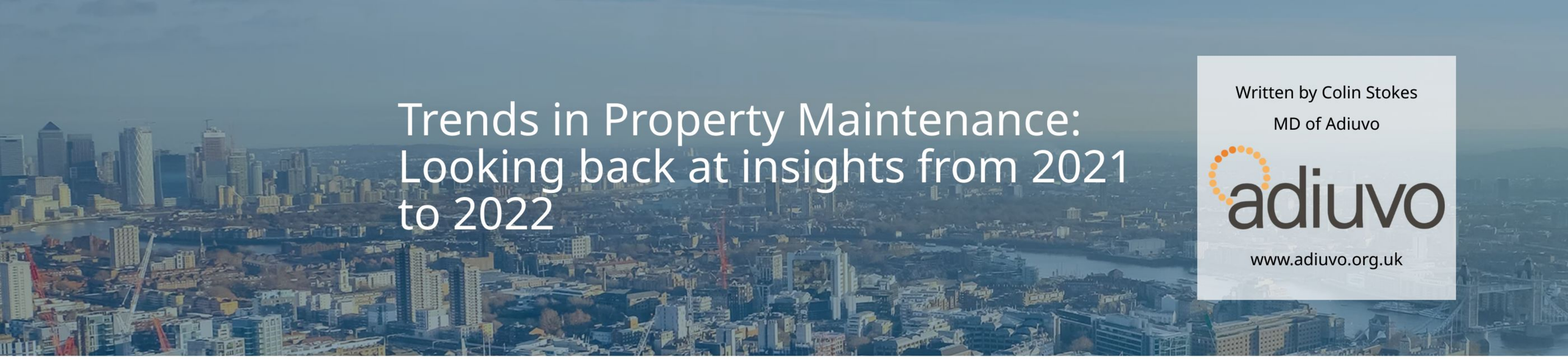


Trends in Property Maintenance: Looking back at insights from 2021 to 2022

Written by Colin Stokes
MD of Adiuvo
adiuvo
www.adiuvo.org.uk

Colin Stokes, MD of adiuvo, looks at trends in out of hours Property Maintenance.

Due to the number of calls we receive and issues we are asked to deal with we thought it may be interesting to review our last 2 completed years to see if we can extrapolate out any trends. And the transition from 2021 to 2022 has revealed intriguing trends and shifts that underscore the evolving landscape of service delivery and tenant engagement. Let's delve into the key takeaways from this period of change.

1. Enhanced Service Efficiency

Surprisingly, 2022 witnessed a decline in calls and tickets despite the expansion of property units. This drop can be attributed to, we believe, improvement in service quality provided by agents.

2. Geographical Call Shifts

Notably, a fractional increase in the percentage of calls from outside London marked a changing trend. This can be linked to the growing prevalence of Private Rented Sector (PRS) schemes beyond the capital. As property landscapes diversify, property professionals must adapt to cater to a wider geographical spread of residents.

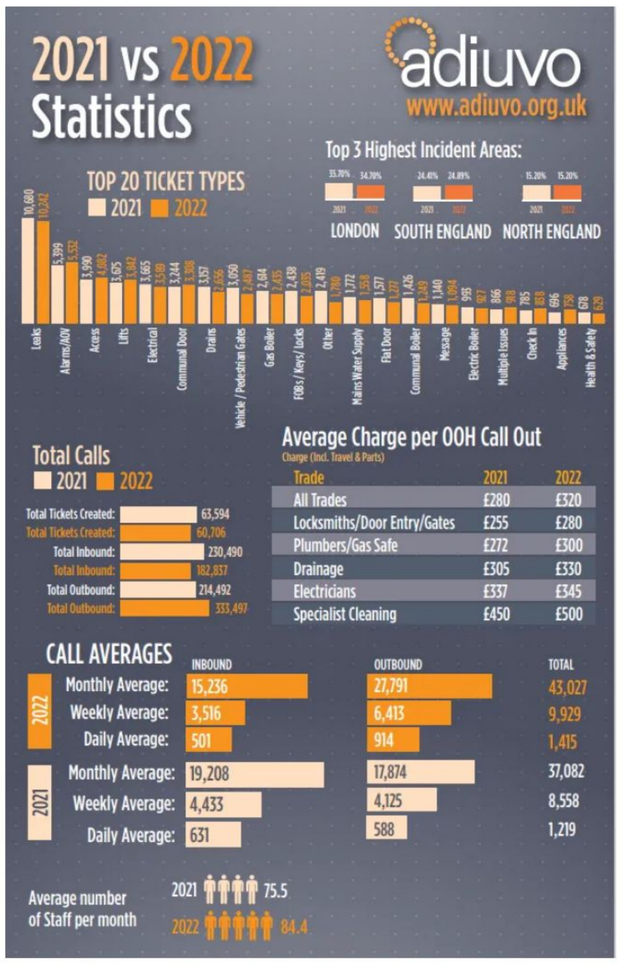
3. The Proactive Outreach Surge

A noteworthy increase in outbound calls took centre stage in 2022. This surge can be attributed to two factors. First, the challenges encountered in reaching contractors. Second, a concerted effort to keep residents informed led to a rise in communication initiatives. This aligns with our ongoing commitment to maintaining tenant satisfaction and engagement.

4. Navigating Inflation Impact

Property maintenance was not immune to broader economic trends. A notable increase in costs was observed, mirroring the effects of inflation. This underscores the need for property professionals to carefully strategise their operational approach to offset rising expenses without compromising on service quality.

In conclusion, the transition from 2021 to 2022 brought about interesting shifts and it will be even more interesting to watch those develop once this years figures are complete. landscape. By staying attuned to these trends, property professionals can effectively adapt and continue delivering optimal experiences to both tenants and property owners.



See the infographic for statistics from adiuvo. Or visit their website for more.

Formed in 2007 by ex-London Property Managers, adiuvo (from the Latin to help or assist) to initially offer a service that had, in their opinion, been severely lacking; a professional and knowledgeable office based emergency out of hours' response for Property Managers.

Adiuvo | 0203 370 9332 | info@adiuvo.org.uk

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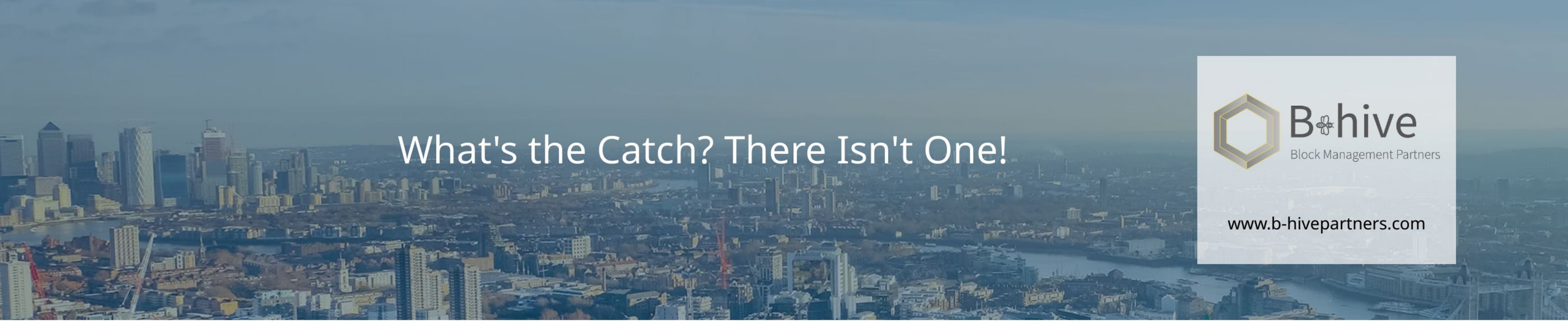

What's the Catch? There Isn't One!

B-hive
Block Management Partners

www.b-hivepartners.com

In the ever-evolving landscape of property and block management, the tried-and-tested methods of yesterday are no longer enough. Clients want a better service, legislation is growing and technology advances at a fast pace to try and improve everything for everyone! Keeping up with all of this is increasingly difficult. Enter B-hive Block Management Partners, a game-changing solution that offers a modern twist to the traditional business model. Now you might be thinking, "What's the catch?" Surprisingly, there's no catch at all, just a revolutionary approach to modern block management.

The Next Generation of Block Managers

The traditional business model for block management often comes with its share of complexities, overheads, and limitations. B-hive dares to be different by introducing a refreshing approach that's tailored for the next generation of Block Managers. With the backing of us, a capable and credible partner, you can concentrate on providing a first class customer service.

The Modern Method Unveiled

B-hive Block Management Partners isn't the usual business model. What truly sets our service apart is the power of B-Hive. Partners can operate proactively, offering a front-end service under their brand, strengthened by B-Hive's capabilities to handle complexities behind the scenes. This combination enables partners to focus intently on nurturing client relationships and delivering exceptional customer service. It's a dynamic approach that merges cutting-edge technology, forward-thinking strategies, and a robust back office, all tailored to empower block managers to thrive in the ever-evolving industry landscape.

B-hive believes that success should be accessible to everyone. By streamlining operational processes, leveraging advanced software solutions, and providing tailored support, B-hive minimizes unnecessary overhead costs. This ensures that the benefits trickle down directly to you, the block manager, allowing you to focus on your core business activities without the burden of exorbitant expenses.

With B-hive as your partner, you're not just gaining a business associate; you're joining forces with a team dedicated to your success. The beauty of the B-hive Block Management Partners model is that there's no hidden agenda. Instead, you get a partner committed to your growth, success, and future-readiness, enabling you to concentrate on providing exceptional customer service to your customers.

Let's explore what you get without any catches:

- **Expertise and Experience**

B-hive brings years of industry experience to the table. No catch here – just a team of experts ready to guide you through challenges and help you confidently navigate the current and future complexities of block management.

- **Streamlined Operations**

The catch? There isn't one! B-hive's operational systems are fine-tuned for efficiency, ensuring you optimize processes, and enhance service delivery to your clients.

- **Client Finance and Service Charge Accounting**

Transparent, compliant, and efficient – B-hive handles the financial complexities with no strings attached. Our dedicated team and modern software solutions ensure you can focus on growth while your finances are compliantly managed. No hidden fees, B-hive takes the reins of client finance and service charge accounting, enabling you to focus on building strong and long-lasting client relationships.

- **Flexible Support**

Your success is our priority. No catch, just a tailored support system including technical assistance and operational guidance, all from your dedicated Business Development and Partner Relationship Manager. Your dedicated Business Development and Partner Relationship Manager is there to provide technical assistance and operational guidance whenever you need it, allowing you to concentrate on your core business activities.

- **Winning New Business**

B-hive believes in collaborative growth (you grow, we grow). Our Business Development Manager works closely with you, offering valuable insights and a Business Tool Kit to secure a steady stream of leads. The catch? No catch, just genuine commitment to your growth.

- **Training and Development**

In an industry characterized by rapid change, continuous learning is essential. B-hive recognizes this, offering comprehensive training led by experts to keep you updated on the latest trends and best practices.

- **Comprehensive Software Solutions**

State-of-the-art software solutions tailored for efficient block management. This software solution streamlines processes, enhances communication, and offers a new level of transparency. The catch? Zero catch – just innovation at your fingertips.

- **Marketing Support**

There's no hidden fee, just a digital marketing starter pack (including brochures, business cards, letterheads, postcards and a static web page) designed to amplify your visibility and drive growth.

The Truth: There's No Catch!

In a world where skepticism often prevails, it's refreshing to encounter a business model that truly delivers on its promises. B-hive Block Management Partners stands out by removing the traditional catch associated with revolutionary changes – the hidden costs, the sacrifices, the compromises. Instead, it presents a partnership that empowers you to thrive without strings attached. So, the next time you wonder, "What's the catch?" remember – with B-hive, the answer is beautifully simple: there isn't one!

B-hive Block Management Partners is redefining the game. It's a visionary business model built on the foundation of cutting-edge technology, forward-thinking strategies, and a robust back office support system. We're committed to changing the industry with a business model that's transparent, affordable, and geared towards your success, at the same time offering clients a new service proposition. No hidden fees, no hidden agendas – just a partnership built on trust, innovation, and a shared vision for the future of block management.

Contact us now to find out more:

0333 032 5920

info@b-hivepartners.com

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B-hive Block Management Partners is a specialist division that offers solutions for existing property professionals and is a trading name of HML PM Ltd. HML's extensive experience is derived from being specialists in the estate and block management sector for more than 50 years and managing circa 100,000+ units.

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Feature: Major Works

Major Works & The Impact of the New Building Safety Regime

www.jbleitch.co.uk

The specialist building safety team at JB Leitch provide an overview of the relationship between the process for undertaking major works and the new building safety regime...

As readers will no doubt be aware, the main legislation relating to building major works is Section 20 of the Landlord and Tenant Act 1985. Section 20 provides that, in relation to any "qualifying works" (often referred to as major works) or "qualifying long term agreement", the relevant service charge contributions of leaseholder tenants will be limited unless the consultation requirements have either been complied with or dispensed with by the First-tier Tribunal.

Qualifying works (or major works) are defined in Section 20ZA of the Act as meaning works on a building or any other premises. Qualifying Long Term agreements are agreements entered into by or on behalf of the landlord, for a term exceeding twelve months.

The Act requires landlords to 'consult' with leaseholders before carrying out any major works that would cost any leaseholder at the development more than £250 via their service charge contribution (as set out in Regulation 6 of The Service Charges (Consultation Requirements) (England) Regulations 2003).

The consultation process is set out in The Service Charges (Consultation Requirements) (England) Regulations 2003, specifically in relation to major works, as follows:

Firstly, a landlord must give notice in writing to all leaseholders, and any recognised tenant's association, of its intention to carry out the qualifying works. This is known as a notice of intention. A notice of intention must describe the works proposed in general terms or specify the place and hours during which a description of the works may be inspected, confirm the reasons why the works are necessary to carry out and invite any leaseholder observations in relation to the proposed works. A notice of intention must also invite the leaseholders to propose, within the relevant period (30 days) the name of a contractor from whom the landlord should try to obtain a quote from.

A landlord must have due regard to any observations received and must attempt to obtain a quote from any contractors nominated by leaseholders within the relevant period.

Secondly, a landlord is to send a statement of estimates to all leaseholders and any recognised tenant's association detailing at least two of the estimates received (ensuring that at least one is a company wholly unconnected to the landlord and that any estimates received from tenant nominated contractors are included), a summary of the observations received and the landlord's responses to those observations. A statement of estimates must make all estimates obtained available for inspection and must again, invite leaseholders to make any written observations within a relevant period. A landlord must have due regard to any observations received.

Finally, if a landlord intends to enter into a contract in respect of major works it must send a final notice, unless it is proceeding with a leaseholder nominated contractor or the cheapest estimate.

A notice of award of contract must be sent within 21 days of any contract being entered into and should include the landlord's reasons for awarding the contract to the specified contractor together with a summary of any observations received in relation to the estimates and the landlord's responses to them.

It is not always possible for landlords to complete the consultation process for various reasons, in which case it should make an application to the First-tier Tribunal under section 20ZA Landlord and Tenant Act 1985 for dispensation of those requirements.

In order for the First-tier Tribunal to make an order for dispensation, it will consider whether it is reasonable to do so and primarily, whether the leaseholders have suffered relevant (financial) prejudice as a result of the landlord's failure to consult.

There is an interesting relationship between the legislation governing major works, The Building Safety Act 2022 and the new building safety regime.

- Generally, and for obvious reasons, there is a governmental expectation that fire safety remediation works (which are likely to constitute relevant measures in relation to relevant defects, in accordance with the definitions provided in the Building Safety Act 2022) are to be carried out swiftly. Such works are likely to be major works given their value. In some circumstances, the landlord's ability to complete the consultation process can be affected.

- Schedule 8 of the Building Safety Act 2022 provides protections for leaseholders in relation to the costs of relevant measures in relation to relevant defects. For example, paragraph 8 of Schedule 8 states that no service charge is payable under a qualifying lease in respect of cladding remediation. Works to remediate flammable cladding will most likely constitute major works and would ordinarily be subject to the consultation process to prevent limitation of the sums payable by the leaseholders via their service charge contributions. However, in relation to cladding works, it is necessary for landlords to carry out the process described in The Building Safety (Leasehold Protections) (Information etc.) (England) Regulations 2022 to ascertain which of the leaseholders own qualifying leases. If it is the case that all leaseholders own qualifying leases, none of the costs in relation to cladding remediation is payable via the service charge and consultation becomes redundant.

Should you require any further insight, guidance or support, please contact us: BuildingSafety@jbleitch.co.uk

JB Leitch are specialist solicitors for freehold investor and property management companies.
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Feature: Major Works

Is There a Recipe for the Perfect Major Works Project?

Written by Glen Hardingham BSc(Hons) MRICS APAEWE, Associate Director, Earl Kendrick London.

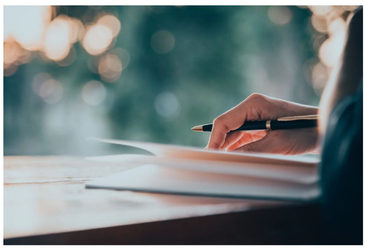
EarlKendrick Project & Building Consultancy

www.earlkendrick.com

My eye-catching headline may, I suspect, cause you to roll your eyes, especially if you're a property manager who has been involved with several major works projects over the years.

So first things first: Every project is different. Opening your recipe book, turning to the 'external repairs and redecorations' page and following the instructions line by line, won't give you the results you were looking for. As every good property manager knows, you are managing people as much as bricks and mortar, therefore you need to be mindful of the fact that you're turning leaseholders' homes into a building site.

When a project goes particularly well however, it's worth reflecting and making notes of the detail, which can be enormously helpful when speaking to apprehensive clients who are preparing to embark on their own works.



While it is fresh in my memory, here are my notes from a real life example of a successful project, elements of which can be translated into any project.

A long time coming, a £5m exterior refurbishment project to 6x blocks of flats in London SW8, was to date the largest undertaking of its kind for Earl Kendrick Project & Building Consultancy since our inception 12 years ago. Starting in lockdown 2020 and reaching practical completion in spring 2023, it's a success story for the freeholder (a professional and I might add, diligent landlord), the leaseholders, EK and the contractor.

This project stood out structurally – external redecs, renewed pitch roofs, fire compartmentation works – crucial works to ensure the safety of all residents. And visually – a dramatic change to the façades' appearance, replacing the windows and balcony doors from old PVC to powder coated grey aluminium framed thermal efficient double-glazed windows and doors.

Why it's such a success story is in no small part down to our doggedness to get the project to site after years of prevarication. You will no doubt have seen clients push works back a year or two, even if the works are definitely needed and the lease dictates their frequency. As the managing agent, you encourage the works to proceed in a timely fashion but when the push-back happens, you need to cover your backs!

In this case in south west London (located just south of the Thames and between fascinating Nine Elms and Vauxhall), we worked closely with the freeholder and various resident groups to explain the practicalities and financials of putting off the works further. In other words, we earned the key stakeholders' buy-in, then began the challenge of getting hundreds of leaseholders on board.

We organised an open day, with everyone welcome (including tenants), gazebos, bbq, drinks, and building materials, sample window sections on display so that residents could meet their neighbours, discuss the proposals and actually touch/feel the materials that would transform their homes and neighbourhood. The engagement was brilliant and it took us all by surprise!

Fortunately and crucially when you're spending over £5m of the leaseholders' money, the cap ex that EK (and others) had worked on with the freeholder over many years meant the funding was in place. No small feat, but clearly preferable to asking each leaseholder for a few thousand pounds. The key here, quite evidently, is to put plans in place to raise the necessary funds years ahead of time, assuming the lease allows the collection of a reserve fund.

The 'section 20' process went without a hitch, in no small part due to the extra written communications that went alongside the statutory, prescriptive requirements of the legislation. Yes, you must follow the s20 process to the letter, but that does not prevent you from over-communicating with the service charge payers about the landlord's intentions, anticipated timescales and inevitable disruptions.

This encouraging start continued throughout the various works phases, where there was less of "them vs us" and more of "us". Of course, such works are to everyone's benefit, although leaseholders don't always see it that way!

It's difficult at the best of times to please leaseholders who are enduring darkened rooms, risqué scaffold language (kept to a minimum!) and noise nuisance for months on end. With the freeholder's support, we set up a superb site office. We required the contractor to have a designated person to deal with resident queries and regular site meetings ensured the queries were actioned. This hands-on approach also meant spurious claims by residents of dampness or cracking (unrelated to the works) could be dealt with fast and decisively.

Almost literally treading on eggshells, the works to lofts above top floor flats in extremely confined spaces were enormously challenging. Huge credit to the Houdini-like contractors whose good humour and dedication has won them plaudits and a place on future tender lists.

Turning the clock back, the works commenced during covid lockdown no. 1 which meant a laborious first few months, particularly due material shortages. In the years that followed right up to 2023, the contractor (with our and the freeholder's permission) had to buy and store off-site thousands of roof tiles, purchasing them whenever they became available! With insufficient storage on site, calculated risks were taken to store elsewhere.

And this is a great example of why a recipe can't be followed line by line. Materials shortages still occur and the impact on the supply chain can lead to severe delays on site and grumpy leaseholders enduring extra weeks of scaffolding. Regular meetings starting before works are on site are essential to ensure client, contract administrator (us) and contractor are aligned and communicating honestly and transparently.

We're all delighted with the finished product and hats off to the contractor who embraced the project brief (embraced the leaseholders too!) and worked collaboratively throughout.

And this was achieved without a managing agent, another reason why this project stands out, as the presence of a great block management company usually makes the works more likely to succeed.

This project also stood out in an old-fashioned way. Whereas most surveyors (and clients) force leaseholders down the route of reporting concerns/defects online, the daily on-site presence meant physical issues (e.g. paint splatter, broken glass, stuck window) could be seen almost right away, in person, and action taken. Demographically (elderly leaseholders), this was vital, as not all octogenarians have computers and the eyesight needed to tap out emails or portal requests.

Technology does have its place and most residential buildings and larger schemes are home to time-poor young professionals keener to pass on their thoughts and feedback via an online form rather than face to face. Ok, I generalise, but do provide options for two-way communications and cater for the demographics on site.

In summary, here is a major works checklist that will stand you in good stead:

- **START NOW:** The earlier you start planning, the better.
- **CHECK THE LEASE AND PLANNED MAINTENANCE PROGRAMME/CAP EX PLAN:** If you don't already know what the lease says about the frequency of external repairs and redecorations for instance, check the lease and check when major works were last carried out. Let your client know. If you have a capital expenditure plan in place, this should give you your answer. If the cap ex needs updating, speak to your surveyor to get it updated. Where there is no cap ex, speak to us.
- **SELECT A GREAT BUILDING SURVEYOR:** Earmark the right surveyor for the job and introduce them to your client. The building surveyor might be engaged through you but they are appointed on behalf of your client so get your client involved. The most successful projects in our experience are ones where the managing agent, client (RMC/RTM/freeholder) and surveyor are working together from day one, talking through the cap ex, funding, phasing of works and much more. Set up a conference call between the surveyor, your client and you – host the call and let the surveyor and client talk. A lot can be achieved on a 45-minute Zoom or more face to face.
- **FUNDING:** Look at the reserves, if indeed the block has sinking funds. A well-funded reserve account means far faster progression to starting on site. Where a call for cash is needed, the earlier you request it the better (always ensuring you request service charge/reserve monies in accordance with the lease. The serving of s20 notices does not automatically give you the right to demand the money required. Read the lease!)
- **DECIDE WHAT WORKS ARE TO BE DONE:** Our scoping documents are very popular. Before ploughing on with a specification that may yield extensive works that your client is unable to afford, our scoping document gives you and your client an overview of the state of the building, some options to consider such as phasing, and budget costings too. Get this bit right and the works – when they start – will proceed all the smoother.
- **SECTION 20:** Now that you know the extent of the works and the likely funding requirements, it's time to serve the consultation notices. But don't forget that whilst the statutory notices are vital to get right, it's also very important to do the extra communicating with your leaseholders as we did in SW8. The more you communicate about the forthcoming works, the fewer problems you are likely to have with their financial contributions and their general buy-in. Explain why the works are needed, the benefits to them and how you as the appointed surveyor will spend their money wisely and minimise the disruption to all residents.
- **ON SITE PRESENCE:** Nothing is more annoying to a leaseholder than a full scaffold erected and a lack of bodies on site. If there will be days when the site presence will be sparse, communicate that fact. And if the project is substantial like the one in SW8, then invest in a full-time liaison manager, on site, that the contractor provides.

As a property manager, you have a key role to play in the year leading up to a major works project. Page 1 of the recipe book for a perfect major works project is all about YOU!

To start planning your 2024 major works projects wherever they are in the country, do not hesitate to contact me and we can plan together.

Author: Glen Hardingham BSc(Hons) MRICS APAEWE, Associate Director, Earl Kendrick London.

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Feature: Major Works

Contractor Communication and Vetting – Its Importance for the Safety Management of a Building

www.4siteconsulting.co.uk

Using contractors may be very routine for your company, but this doesn't mean that accidents and health and safety incidents cannot occur.

Whether you are hiring a contractor for roof works, electric works, or external maintenance, they are likely to be strangers to your building, therefore, won't necessarily know about the hazards, emergency procedures, rules and safety procedures individual to that property. Even if you do know and trust your contractors and use them for various sites that you manage or own, the safety information for your building can change and new hazards can pop up each year. And, in accordance with HSE Guidance (HSG159) you still need to have a policy and procedure in place for contractor management. In this article we discuss the importance of contractor communication, contractor vetting and what the law says...

Communication is Key

As previously mentioned, one of the main causes for accidents involving contractor's is poor communication between them and those who employed them (i.e., Property Managers or Landlords). Communication is key; not only will you need to brief contractors of your site processes, you will need to find out what they are doing to ensure safety, and you will need to communicate with residents to keep them updated.

In some cases, you may have more than one contractor working at a building, in which case, you will need to think about how their work may affect one another. Moreover, if the building was built pre-2000, then you will need to consider the safety implications relating to Asbestos. Contractors should be given access to the buildings' Asbestos Surveys and Register and it is vital that they are asking to see this before any works commence.

Why is Contractor Vetting so Important?

We've established that communication between yourself and your contractors is highly important. However, before you can even begin this you need to ensure that the contractors that you instruct to carry out works at your building are suitable, sufficient and have safe working practices.

Some of the things you should be considering when employing contractors are:

- Do they subcontract, and do they have a program in place that effectively assesses the competency of their sub-contractors?
- Have they had suitable and sufficient health and safety training?
- Do they regularly maintain and inspect their equipment?
- Do they have any required health and safety certifications, such as ISO accreditations?
- Do they have the right insurances in place for the work they are doing and is it up-to-date?

To assist you with this, there are various different contractor vetting services out there; including Safe4site which is our own.

So, what does the law say?

You may be wondering why you need to worry about all this. Which is why, if you manage contractors you need to be made aware of the requirements of the following:

- Health and Safety at Work Act 1974 – which applies to all work activities and "requires employers to ensure, as far as reasonably practicable, the health and safety of: their employees, other people at work at their site, including contractors and members of public who may be affected by their work"
- Management of Health and Safety at Work Regulations 1999
- Construction (Design and Management) Regulations 2015 (CDM Regs) – You will need to consider whether the work is routine maintenance or construction work in which case the Construction (Design and Management) Regulations 2015 (CDM) will apply. Basically, where the activity involves construction processes, requires construction skills and uses construction materials, it is most likely to fall within the term construction work and CDM will apply.

Finally, it is important to note that this works both ways and contractors also need to comply with the relevant health and safety legislation and ensure that their working practices are safe. Furthermore, you should refer to the HSE Guidance (HSG159) which outlines your requirements and why contractor management is so important.

For further advice and guidance please contact 4site Consulting on office@4siteconsulting.co.uk and 01376 572936 where we will be happy to help..

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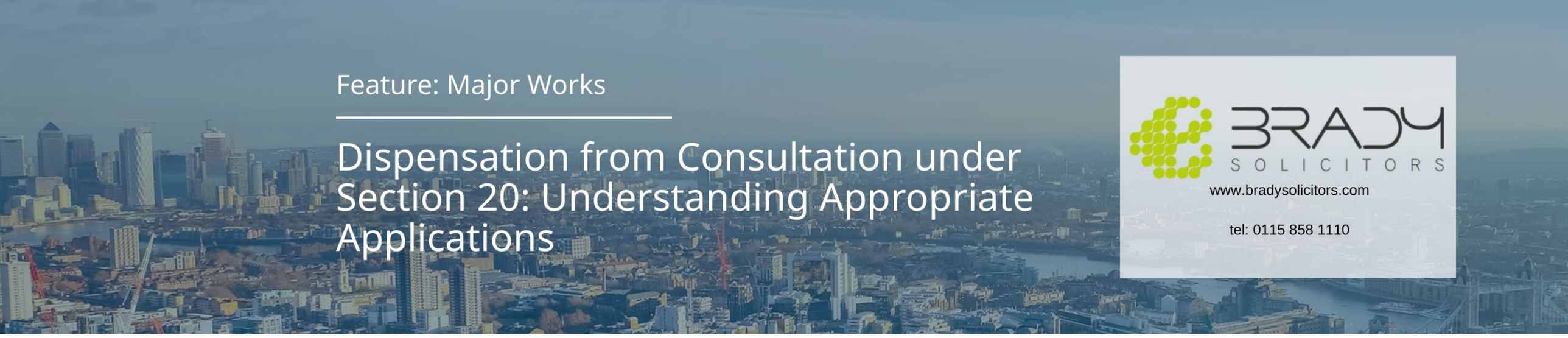

Feature: Major Works

Dispensation from Consultation under Section 20: Understanding Appropriate Applications

www.bradysolicitors.com

tel: 0115 858 1110

The Landlord and Tenant Act 1985 (LTA 1985) in the United Kingdom provides a framework to regulate the relationship between freeholders and leaseholders. Section 20 of the LTA 1985 includes provisions for consultation with leaseholders regarding major works and long-term agreements. However, there are circumstances where an application for dispensation from consultation may be appropriate.

This blog aims to explore the circumstances under which an application for dispensation from consultation under Section 20 of the LTA 1985 can be considered suitable.

Overview of the Consultation Requirements

Section 20 of the LTA 1985 mandates freeholders to consult with leaseholders before carrying out major works or entering into long-term agreements. The consultation process involves providing leaseholders with relevant information, estimates of costs, and allowing them a reasonable opportunity to provide observations or nominate contractors. The purpose of consultation is to ensure transparency, fairness, and to protect the interests of leaseholders.

When is an Application for Dispensation Appropriate?

- Procedural error:

An application for dispensation may be appropriate when freeholders unintentionally fail to adhere to the consultation requirements outlined in Section 20 of the LTA 1985 due to procedural errors. These errors could include minor omissions, administrative oversight, or technicalities that do not significantly affect the consultation process. In such cases, dispensation can be sought to rectify the procedural errors while still ensuring leaseholders' interests are protected.

- Urgent or Emergency Works:

In situations where urgent or emergency works are required to ensure the safety, security, or habitability of the property, an application for dispensation from consultation may be warranted. Examples include unforeseen structural damage, severe leaks, or instances where delaying the works would pose a significant risk to occupants or the property. Dispensation in these cases allows freeholders to take immediate action without compromising the safety and well-being of leaseholders.

- Disproportionate Costs or Scope:

If the costs of consultation would be disproportionately high compared to the nature and scale of the works, an application for dispensation may be justified. For instance, if the estimated costs of the works are minimal or the works are of a minor nature, requiring full consultation may be unnecessarily burdensome. In such cases, dispensation can be sought to save time and resources while ensuring the leaseholders' interests are still considered.

- Unreasonable Obstruction or Delay:

An application for dispensation may be appropriate if leaseholders unreasonably obstruct or delay the consultation process. While consultation aims to involve leaseholders in decision-making, it should not be used as a means to unduly delay necessary works or cause unreasonable disruption to the property. In instances where leaseholders consistently hinder the consultation process without valid reasons, dispensation can be sought to proceed with the works in the best interest of all parties involved.

Conclusion

The application for dispensation from consultation under Section 20 of the Landlord and Tenant Act 1985 should be considered in specific circumstances to ensure fairness, transparency, and the efficient execution of works. Situations such as procedural errors, urgent or emergency works, disproportionate costs or scope, and unreasonable obstruction or delay may warrant an application for dispensation. However, it is crucial to note that dispensation should not be sought as a means to bypass the consultation process without valid reasons.

If you require advice on consultation for any proposed major works, please do not hesitate to contact Brady Solicitors for assistance.

Click here to visit the Brady Solicitors website.

Brady Solicitors is an award winning, specialist property management law firm based in central Nottingham. From the speedy recovery of service charge arrears through to lease extensions, right to manage and the resolution of business-critical property disputes, Brady Solicitors offers a seamless and skilled legal service to the property management industry.

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Feature: Major Works

Landlord Powers to Resolve Service Charge Matters Under the Lease

Bishop & Sewell Monro Wright & Wasbrough

www.bishopandsewell.co.uk

"The levying of service charges by landlords under leases of residential property in respect of their expenditure upon repairs and the provision of other services has for long been controversial."

Sets the scene quite nicely really; that was the opening sentence of Lord Briggs' judgment in *Aviva Investors Ground Rent GP Ltd & Anr v Williams & Ors*, a judgment which went on to clarify the extent to which a landlord was (not) constrained in making decisions relating to service charges.

Background

Under the Commonhold & Leasehold Reform Act 2002, s.27A was introduced to the Landlord & Tenant Act 1985 and set out powers for the Tribunal to assess the payability of service charges, including:

- by whom they are to be paid;
- to whom they are to be paid;
- the amount for payment;
- the date for payment; and
- the manner of payment.

These determinations can be retrospective (subsection 1) or prospective (subsection 3).

Many readers will be familiar with landlord determination provisions in a lease; they will often reference the 'landlord' or 'landlord's surveyor's' decision on matters of dispute being binding or final. Section 27A(6) sets out that provisions which seek to oust the jurisdiction of the Tribunal, so far as that provision may otherwise have been the subject to a determination under s.27A, will be void – and accordingly will bite on such provisions.

The present case arose following a landlord's decision to reapportion the per centum service charge contributions, deviating from the amounts specified under the lease.

This case was considered at three different instances (First-tier, Upper Tribunal and Court of Appeal) before reaching the Supreme Court, with each decision varying slightly, although all accepting they were bound by the decision in Oliver v Sheffield City Council (in which Lord Briggs (then LJ Briggs in the Court of Appeal) also gave the leading judgment).

Oliver was not on all fours with Aviva, however, the principle laid down there was that s.27A would render void any lease provision, surrounding service charge payability, wherever it would otherwise be of "contractually determinative effect".

"...in the present case only five years have elapsed since the Oliver decision and, as will appear, the present case may fairly be regarded as having tested the principle there laid down to destruction." **Aviva at 7**

Application of 27A

In Aviva, the Court distinguished between the questions which fell within the scope of 27A(1) and 27A(3), and activities which were defined as 'discretionary management decisions'.

The reason for this distinction was to consider whether 27A(6) had the effect of extending the jurisdiction of the Tribunal (further than that granted under subsections 1 and 3, and thereby encompassing the 'discretionary management decisions') or whether its purpose was solely to protect the jurisdiction granted under those subsections.

This is important as it lays the foundations for how to interpret (and therefore apply) the statute.

In this instance the Supreme Court found that the purpose of 27A(6) was to protect the jurisdiction of the Tribunal, not to extend it.

Application of the protection

Lawyers like certainty in contractual provisions. If a clause has been drafted, but is varied by statute or common law in its enforceability, people will want to know how it should then be read.

To this end, Lord Briggs considered whether the provision should be reconstructed, or 'blue-pencilled' to remove the offensive elements. Both options could open up different interpretations and outcomes (as demonstrated in this case) and, as Lord Briggs highlights, could radically alter the original bargain between the parties.

So, which is to be done?

"...neither...The offending part of it is just ignored, and the application is allowed to proceed to the FtT in the usual way." **- Aviva at 28**

Well, that makes life more straightforward!

In Aviva the landlord had activated and acted on their contractual right to reapportion, and that was found to be correct.

"...whether there should be a re-apportionment and if so in which fractions, was not a 'question' for the FtT within the meaning of s.27A(6). The question...was whether the re-apportionment was reasonable, and that question the FtT was able to, and did, answer..." **Aviva at 33**

The former question being a 'discretionary management decision', and the latter being a question falling within the express jurisdiction of the Tribunal.

What will happen next?

Landlords will have received more certainty as to their position and what decisions they can take where the lease provides contractual options, but they will need to remain mindful of the challenges which could nonetheless be raised when exercising their powers.

Although Tenant's are not prejudiced by this decision, as it does not reduce the Tribunal's jurisdiction, it does mean that they will need to be more aware of the contractual mechanisms contained in their leases – particularly if they had a recent purchase and they were advised on the basis of Oliver being good law at the time.

It should be remembered that s.27A is still framed within the backdrop of s.19 (challenges to reasonableness), s.20 (consultation requirements) s.21 (delivery up of information), and the contractual legitimacy of any demand under a particular lease.

For me, I will continue to observe the park through our windows (which currently feature a veritable jungle of sunflowers waiting to bloom), whilst I drink my tea, and muse on which will be the next established caselaw principle to be: tested to destruction.

For initial advice or to arrange a meeting with one of our Dispute Resolution team, please email litigation@bishopandsewell.co.uk or contact 020 7631 4141 and ask to speak to the Litigation team.

The above is accurate as at 10 August 2023. The information above may be subject to change.

The content of this note should not be considered legal advice and each matter should be considered on a case-by-case basis.

About the Author:

Charles Jamieson, Associate Solicitor.

Charles is a Dispute Resolution lawyer with Bishop & Sewell, handling a mixed Chancery practice focusing on Business, Property and Contentious Probate disputes.

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Feature: Major Works

The Cost of a 'Broken' Lift

Written by Gareth Lomax – Director of Ardent Lift Consultancy

www.ardentlc.co.uk

Further to our previous articles on major works, most notably the South London project we oversaw in 2022-23 (Flat Living article, Ardent Case Study), we wanted to identify the other end of the spectrum in terms of project size and building usage, with another recently completed project.

We were contacted in July 2022 for a property in the Paddington area of London, as the client wanted a second opinion on their lift (which was inoperative and had been for a number of months). A previous consultancy firm had surveyed the lift and recommended a full replacement of the equipment, proposing works in excess of £100k (a significant sum in a building with only 4 floors and 12 flats).

The other consultant's report concluded that:

"The lift has reached the point where the complete replacement should be considered rather than a partial repair to bring the lift in line with current standards and ensure a reliable lift service is maintained going forward."

We felt this was unlikely, due to the design and age of the equipment in the property and proposed to undertake an inspection to offer our own opinion. We attended site and noted a number of issues with the proposed replacement, identifying these to the client and advising against this intrusive and costly option:

- Lift pit was suspended above below flat, meaning change of lift design would have a bearing on the layout of the apartment below the lift shaft.
- The pit was too shallow for modern lift systems and there was no headroom available above the lift car. Whilst new lifts can be installed into existing buildings (EN81-21), there are still constraints to modern lift design that would have made a new lift very challenging (and expensive) to install at this property without significant (and costly) builder's works.
- Site storage was very limited, meaning the lift replacement (with large steel guide rails, car sling, etc) would require split deliveries, adding weeks to a prospective programme.
- The existing lift, lift shaft and motor room area had ample opportunity to provide the benchmark for a modernisation, providing 'as new' service to the property, but at a far lower cost to the client.

The project was subsequently awarded to Ardent Lift Consultancy; a full modernisation scheme was recommended to the client and fully discussed to ensure reliability, safety and performance levels were achieved within the property's budgetary constraints.

The project was specified and tendered to five contractors to obtain a competitive price for the client. Two of the five tender returns were within our original budget costs, outlined within our survey report. The two most competitive tenderers were invited to a post-tender meeting to discuss the proposed equipment being offered, length of site programmes, warranty periods, etc. to ensure our client obtained best value. The successful lift contractor was then appointed to undertake refurbishment of the lift, which included all remedial building works.

The successful contractor submitted a cost of £73,349.00 saving the client over £25,000 from the original quote given by the original consultant on a project that would have ultimately proven even more costly due to the technical issues we noted.

Ardent Lift Consultancy will always strive to ensure the client receives the best possible advice and value, without sacrificing quality.

Key Project Stages

Lift Motor Room

We noted the incoming power supplies were not suited to the lift system and these were upgraded to fully compliant alternatives, with new lockable fused isolator and distribution board for auxiliary systems.

The refurbishment works undertaken within the motor room have included the replacement of the hoisting machine, lift control system and upgrading health and safety compliances. The lift machine was specified to be replaced with a vertical (rather than horizontal) mounted unit to aid maintenance within the restrictive motor room space. The new machine provides a smooth and comfortable ride and ensures EN81-A3 compliance.

The controller has been replaced with a UK based open protocol control system and a drive unit utilising VVVF (Variable Voltage, Variable Frequency) technology, increasing energy efficiency and providing a smooth and controlled ride with near perfect floor levelling accuracy.

The advantage of the new control system being UK based and open protocol in design means maintenance can now be competitively tendered to the open market thus reducing long term maintenance costs. Furthermore, in the unfortunate event of component failure, replacement parts can be sourced within days rather than months (if having to be obtained from the European market) reducing time and inconvenience to occupants.

Lift Shaft and Pit

The original equipment housed on the lift car top was in worn condition and poorly positioned, restricting working man space. The car top controls have been upgraded and repositioned to provide clear working space and emergency car top lighting and RCD protected sockets to ensure safe maintenance practices for personnel. The shaft lighting has been upgraded and the shaft painted white, promoting good maintenance practices moving forward.

The landing doors were outmoded and no longer supported, as part of the modernisation works the doors were replaced. When removing the original doors, the contractor noted poor building practices had been undertaken and uncovered some areas which required adaptation of the brackets used to install the lift entrances.

We supported with the suggestion of using less intrusive fixings (chemical anchors) to ensure the fabric of the property was not damaged unduly. Working together with the contractor, the doors were successfully installed without significant delays.

This element underlined the correct decision to modernise (rather than replace) the lift, as the lift shaft would have been ultimately unsuitable for the new lift equipment.

The lift pit has had new collapsible buffers installed to ensure that safe working spaces can be created for operatives working on top of (or below) the lift car. The landing doors have interlocked solenoids installed to ensure the lift requires a manual intervention before returning to normal operation once an engineer has been in the lift shaft. This provides full safety devices to protect personnel from the crushing hazards posed by the shallow pit and headroom.

Lift Car Interior

The original lift car was tired and had limited concessions for accessibility requirements (EN81-70) for persons of limited sight, hearing or mobility.

Whilst the lift could not be made fully compliant with modern standards (the lift car was too small to permit this), we ensured that the standards for accessibility were met as far as reasonably practicable, to deliver a future proof installation.

The stripping of the car interior revealed a white fibrous material (hidden within a suspended ceiling panel) and works were temporarily stopped whilst this material was analysed.

The results were negative for asbestos enabling the project to continue without further delay, due to the swift actions of the team on site in identification.

The car interior was finished in a high-pressure laminate, as it is light and durable, it enabled moving of the car operating panel from the front to side wall (aiding passenger access).

The car had new lighting installed (providing the requisite 100 lux) and a hard-wearing floor, giving the client the bright, clean look, they requested.

It also ensured the lift looked 'as new' from a user perspective.

Summary

Ardent Lift Consultancy has undertaken a witness test of the lift to confirm it has been refurbished to the correct standard. This ensures that the new equipment highlighted within our specification, complies with the relevant regulations and compliances, thus ensuring that the client has received what they have paid for. The accepted tender also includes a 12-month+ manufacturer's warranty and defects liability period and 12 month fully comprehensive lift maintenance program.

The project had to ensure that budgetary constraints were adhered to and provided a compliant and reliable lift service with a design life of circa 20+ years. The alternative of installing a new lift could have doubled the client's expenditure (when factoring builder's works), prolonged the programme of works and caused greater disruption to the residents. The property now benefits from a modern and reliable lift service, boasting a new geared hoisting machine and control equipment coupled with VVVF drives to ensure an energy efficient, smooth, comfortable, and reassuring service.

Ardent Lift Consultancy provided an expert second opinion on the level of lift works required at the property which included an accurate and honest review of the condition of the existing equipment. This combined with a well planned and executed refurbishment scheme has proven to be of great financial benefit, saving the client a minimum of £25,000, but likely far more.

Lift Consultancy

With constant changes in both technology and regulations, it is very difficult to keep abreast of both to ensure that the best value is always being obtained from the lift industry. This is where an independent expert is invaluable. ARDENT Lift Consultancy can assist with measured, professional advice on the 'must haves' along with the specific performance of equipment and contractors alike.

The correct level of Lift Consultancy can be utilised to:

- Assess the condition of a single lift or of a whole portfolio
- Analyse the lift requirements of a building
- Specify a replacement or refurbishment to give the maximum value allowed within the budgetary constraints of the client

While consultants can sometimes be viewed as an added expense, an expert in a certain field will often obtain the best value from the parameters they have been given, which will frequently outweigh the fees they would charge for their services.

ARDENT Lift Consultancy offer a range of services to assist with the ownership and management of lifts, below are some of the services offered:

Survey Reports

A survey report will look at the current condition of lift equipment and highlight operational issues, typical energy consumption values, predicted lifespan and recommendations with associated budget costing.

Specification Writing

Whether your ARDENT survey report has recommended minor repairs, major refurbishment, or full replacement, we will write a full specification to ensure contractually and technically the requirements of the building, client and passengers are adhered to.

Project Overview

With the lift repair, refurbishment or replacement being undertaken, ARDENT will work closely with the lift contractor, commentating on all the paperwork and technical documentation, by ensuring regular site visits to ensure workmanship and program are in accordance with expectation. We communicate with the client and contractor throughout this process to ensure all parties are aware of timescales and progress.

Witness Testing

Upon successful completion of the project, ARDENT's qualified engineers undertake a full witness test of the installation to ensure the lift is safe, reliable and in accordance with both the specification and to all regulatory requirements. This service also includes monitoring of the lift during the defect's liability period and beyond.

Gareth Lomax of ARDENT Lift Consultancy is always happy to field questions on lifts, and ARDENT cover the UK to assist clients with their portfolios, wherever they may be.

Gareth can be contacted on 07792 395259, at gareth@ardentlc.co.uk or alternatively please refer to their website www.ardentlc.co.uk for further details.

As independent lift consultants, ARDENT Lift Consultancy recognise the importance of offering unbiased and accurate advice to our clients. This has developed mutual respect between our team of lift consultants and those we work with. Whether working with architects looking to build practicality into their vision, or a property manager with time constraints seeking immediate solutions, we totally understand individual client requirements and provide timely, well considered and accurate advice.

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Feature: Major Works

The Impact of Major Works on Leasehold Properties

Fraser Allen
— Estate Management —

www.fraserallenem.co.uk

Major works in leasehold flats can have a profound impact on the lives of residents, spanning from financial implications to emotional stress and the overall sense of community.

Above: Author Jodie Fraser

These significant renovations or repairs, often involving the building's structure, systems, or common areas, carry far-reaching consequences that extend well beyond the physical changes to the property.

The effects can be both positive and negative, leaving a lasting imprint on the residents' daily lives, financial well-being, and relationships.

One of the most immediate and tangible effects of major works on leasehold residents is the financial burden it places on them. Leaseholders are typically required to contribute towards the costs of major works through service charges, which can sometimes be substantial.

These charges cover expenses related to planning, execution, and management of the project, and can vary widely depending on the complexity and scope of the work. For some residents, particularly those on fixed or limited incomes, the financial strain can be overwhelming, causing stress and anxiety about their ability to cover these unexpected expenses.

Furthermore, major works can disrupt the lives of residents in significant ways.

Construction noise, dust, and limited access to certain areas of the property can lead to disturbances and inconvenience. Residents may find it challenging to maintain their daily routines, especially if the works involve the building's common areas like hallways, elevators, or shared amenities. The disruptions can also lead to concerns about safety and security, as unfamiliar workers and contractors enter the premises.

The emotional impact of major works on leasehold residents should not be underestimated. The sense of home and comfort that residents associate with their flats can be disrupted by the upheaval caused by construction activities. Feelings of frustration, helplessness, and a lack of control over their living environment can arise. Residents might also experience a sense of isolation as they navigate these changes, as community spaces may be temporarily unusable, and the usual interactions with neighbours may be disrupted.

On the flip side, major works can also foster a sense of community and shared experience among residents.

Facing a common challenge can bring neighbours together, as they share their concerns, coping strategies, and mutual support. This shared experience can lead to the formation of bonds among residents who might not have interacted much before the major works began. Community meetings held to discuss the progress of the works can provide a platform for open communication and collaboration, which may contribute to a stronger sense of belonging among residents.

In some cases, major works can even enhance the value and appeal of leasehold flats in the long run. Upgrades to common areas, improved energy efficiency, or modernised amenities can make the property more attractive to potential buyers or tenants. This could potentially lead to increased property values and a better living environment for residents in the future.

However, it's important to note that the immediate benefits of major works may not always outweigh the challenges and inconveniences faced by current residents during the renovation process.

In conclusion, major works in leasehold flats can have a multi-faceted impact on residents. Financial burdens, disruptions to daily life, and emotional stress are among the challenges that residents might face as their living environment undergoes significant changes. At the same time, major works can also serve as a catalyst for community bonding and enhance the property's long-term value.

Striking a balance between the short-term challenges and the potential long-term benefits is crucial for both residents and property management alike. Open communication, empathy, and effective planning are essential to mitigate the negative effects and create a smoother experience for all parties involved.

For more from Fraser Allen, please click here. For more from Flat Living you can also 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: Major Works

Working at Heights: Major Works Safety

www.blockinabox.co.uk

Anyone managing a block of flats must be aware of the Work at Height Regulations of 2005, and their obligations re adhering to the regulations and ensuring the proper inspections are carried out. Here we'll be summarising what the regulations entail, and under which circumstances they should be applied and why safety should be such a priority when working at even low heights.

Understanding the Risks

According to the Health and Safety Executive, falls from height are one of the biggest causes of workplace fatalities and major injuries. Figures from 2022-2023 put injuries sustained from working at height-related falls at around 35,000 (up from 25,000 in the previous period). Many of these were from falls of 2 meters or less, suggesting that less care is taken when the perceived risk is low.

These injuries can be sustained by management staff, visitors to the building, leaseholders or contractors. They can range from bruises to fractures to death- all of which would need to be reported to the Health & Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). Near-misses should also be reported.

Besides the obvious risk of allowing people to come to harm, if no risk assessment for working at heights can be produced following a fall, legal issues can follow as well as difficulties with potential insurance pay outs.

What Are the Regulations?

The Health and Safety Executive define work at height as "work in any place where, if there were no precautions in place, a person could fall a distance liable to cause personal injury". This could include anything from using step ladders to dust the corner of ceilings, to window cleaners working 20 storeys high.

You can view the HSE's working at heights guide here, but the regulations state that, if work can be carried out in any way other than by someone working at height, then this option should be used. If it can't be avoided, then the regulations must be observed to minimise the risk of accidents and injuries.

The responsible person must ensure that:

- All work at height is properly planned and organised.
- Those involved in work at height are deemed competent.
- The risks from work at height have been assessed.
- Appropriate work equipment is selected and used.
- Equipment for work at height is properly maintained and inspected.
- The risks from fragile surfaces are properly controlled.

"Take a sensible, pragmatic approach when considering precautions for work at height. Factors to weigh up include the height of the task; the duration and frequency; and the condition of the surface being worked on. There will also be certain low-risk situations where common sense tells you no particular precautions are necessary."

- Health & Safety Executive

What Should be Included in the Assessment

When carrying out your assessment ahead of anyone working at heights under your management, you must legally:

- Consider the weather and how this may compromise safety.
- Ensure the basic safety of the area in which the work is to be undertaken (e.g. if working on a roof, can it safely bear weight).
- Ensure that no materials or objects will fall onto the worker and, if this can't be ensured, set out suitable and effective measures to ensure that no one will be injured from falling objects (e.g. using exclusion zones or mesh scaffold).
- Store all materials safely so they can't hurt anyone if they are disturbed.
- Plan for emergencies and rescues (e.g. set out an evacuation procedure, ensuring that everyone is aware)

Deciding if Someone is 'Competent'

This can be tricky for property managers as there is no hard and fast rule for showing that you've selected a competent person for the job. Under the regulations, you are expected to "make sure that people with sufficient skills, knowledge and experience are employed to perform the task, or, if they are being trained, that they work under the supervision of somebody competent to do it".

If works can be completed in under 30 mins and only involve the use of a ladder, the H&SE advises that your requirements would be met simply by ensuring the person taking on the task is shown how to use a ladder appropriately, including how to tie it. If the task is lengthier and/or more complicated, for example if scaffolding is involved, then "existing training and certification schemes drawn up by trade associations and industry is one way to help demonstrate competence".

Ensuring the Condition of Equipment

According to the regulations, "work equipment needs to be assembled or installed according to the manufacturer's instructions and in keeping with industry guidelines. Where the safety of the work equipment depends on how it has been installed or assembled, an employer should ensure it is not used until it has been inspected in that position by a competent person. Any equipment exposed to conditions that may cause it to deteriorate, and result in a dangerous situation, should be inspected at suitable intervals appropriate to the environment and use."

The advice mean that you must carry out an inspection every time something happens that may affect the safety or stability of the equipment, for example: adverse weather or accidental damage.

Any working platform used for construction work and from which a person could fall more than 2 metres must be inspected:

- After assembly in any position
- After any event liable to have affected its stability
- At intervals not exceeding seven days

Where it is a mobile platform, a new inspection and report is not required every time it is moved to a new location on the same site.
You must also ensure that before you use any equipment which has been supplied by another business or rental company, "it is accompanied by an indication (clear to everyone involved) when the last thorough examination has been carried out."

Keeping an exacting paper trail of all inspections is key for your compliance, the safety of all involved and for the sake of avoiding difficult questions should someone suffer an injury.

For more information, please contact a member of the team on 0333 015 4145 or email info@blockinabox.co.uk.

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.

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Feature: Major Works

What are Major Works?

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It's important for residents and managers of leasehold blocks of flats to understand major works and the Section 20 procedure that must be followed when high-cost maintenance or improvements are carried out. Here we'll be explaining what constitutes as major works, why they're vital for the upkeep of the building, and how the section 20 consultation should be carried out.

What Would Constitute as "Major Works"?

Major works are substantial projects such as large-scale maintenance, repair work or significant improvements for the block of flats, which will affect the block's service charge or reserve fund. Such works are carried out to ensure the proper functioning, safety and value of the block of flats.

Major works typically require careful planning, budgeting, and coordination. They often involve hiring contractors, obtaining necessary permits, and communicating with residents to minimise disruptions during the project.

Some examples of major works for blocks of flats include:

- Roof repairs and replacements
- Exterior redecoration
- Adding, removing or replacing cladding
- Lift replacement
- Façade refurbishment including window replacement
- Plumbing upgrades
- Electrical upgrades
- Fire safety enhancements
- Common area refurbishment
- Structural repairs
- Landscaping
- Renewable energy installations
- Waterproofing and damp-proofing
- Accessibility upgrades

Why Are Major Works So Important?

Without reactionary and planned-for maintenance, blocks of flats can quickly lose their 'curb appeal', quickly followed by their market value. This would be bad news for the landlord as well as for the individual leaseholders. Without necessary upkeep, blocks of flats can quickly deteriorate, allowing damp and mould to flourish. Vital machinery such as lifts can breakdown, leaving residents and their visitors at risk and outdated elements (such as old windows and basic entry systems) can affect the day to day lives of residents.

Some major works are needed to ensure the health and safety of residents. Fire alarm systems, door entry security and damp-proofing must be maintained and upgraded as necessary to avoid any harm. Besides the obvious necessity for structural and security-related repairs, major works also include planned improvements and refurbishment. These are just as important for the sake of resident satisfaction and maintaining the value of the block of flats.

Who Pays for Major Works?

Major works can be expensive, with the costs usually split between the leaseholders and charged via their annual service charge (or through a reserve fund if one is available). Even if the costs are shared with multiple leaseholders, bills can still be significant for individuals. It's for this reason that landlords and property managers are legally obligated to follow the Section 20 consultation procedure.

The Section 20 Consultation

The Section 20 consultation procedure is a set of legal requirements set out in the Landlord and Tenant Act 1985. It comes into force if cost of major works exceeds £250 per leaseholder.

The procedure ensures that leaseholders are properly consulted during the planning stages for any major works or long-term agreements. It was enacted to make sure that landlords and property managers work with transparency and fairness while taking leaseholder opinions into account.

The consultation procedure consists of three stages:

- **Notice of Intention**

Firstly, the landlord or property management company are required to serve a "Notice of Intention" to the leaseholders. This notice must detail the proposed works and the reasons behind them and invite leaseholders to submit their responses within a specified timeframe (usually 30 days).

- **Obtaining Estimates**

Once the timeframe has elapsed, the landlord or property management company must provide leaseholders with at least two estimates for the proposed works. These estimates should come from different contractors and should be sent to the leaseholders along with a summary of the responses received from all residents. Leaseholders should then be given another opportunity to submit their comments.

- **Notice of Reasons**

After considering the estimates and the observations of leaseholders, the landlord or property management company must send a "Notice of Reasons" that includes details of the chosen contractor, the costs involved, and any other relevant information. Leaseholders have the right to seek further information and potentially challenge the choice of contractor or the costs. If leaseholders believe that the costs are unreasonable, they can apply to the First Tier Tribunal (Property Chamber) for a determination.

It's important to note that the Section 20 procedure may vary slightly depending on the specific situation and the value of the works or agreements. In some cases, the procedure may be shorter or have certain exemptions. The goal of the procedure is to ensure that leaseholders are informed, consulted, and have the opportunity to influence decisions that impact their financial responsibilities and the quality of their living environment.

Failure to comply with the Section 20 procedure can have legal consequences, including potentially limiting the amount that leaseholders are required to pay for the works or even making the costs entirely unenforceable. Therefore, it's crucial for landlords, property management companies, and leaseholders to follow the procedure correctly to ensure fairness and compliance with the law.

What If There Are Major Works Going on During the Sale of a Property?

Expensive annual service charges can often be tricky for leaseholders to afford. That is why it's important for any potential residents to ask for a Leasehold pack before purchasing a leasehold flat or apartment. This pack will contain information on all major works planned for the next few years so that buyers can be prepared. Normally, the estimated costs for any upcoming works should be highlighted, allowing buyers to budget in advance and not be caught unawares.

If any major works are in progress during the sale of a flat, the seller may request that the new leaseholder contributes towards the cost in the same way as the other tenants. This is not always the case, as sometimes the fees for the major works have already been covered.

In other cases, the works have been carried out and the estimate has been paid, but the final amount has not yet been confirmed. In such scenarios, it is necessary for the buyer's solicitor to request a 'retention' from the seller's solicitor. A retention refers to an amount of money which is retained from the sale amount by the seller's solicitor and used until the final accounts have been officially published. The retention is normally included as a term in the leasehold contract.

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Feature: Major Works

Ensuring Safety and Quality for Major Works

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When a block of flats requires significant maintenance work, property managers can swiftly find themselves overwhelmed with tasks.

Such complex and unpredictable major projects often keep everyone on their toes. This makes it all too easy to forget to focus on safety and quality of works. Here we'll be giving you a reminder of how you can ensure the safety of your staff, residents and independent contractors, while also ensuring any work the latter complete is to a high standard.

What Are "Major Works"?

Major works are substantial projects such as large-scale maintenance, repair work or significant improvements for the block of flats. Such works are carried out to ensure the proper functioning, safety and value of your block of flats. Typically this requires careful planning, budgeting, and coordination. They often involve hiring contractors, obtaining necessary permits, and communicating with residents to minimise disruptions during the project.

Some major works are needed to ensure the health and safety of residents. Fire alarm systems, door entry security and damp-proofing must be maintained and upgraded as necessary to avoid any harm to residents too. Besides the obvious necessity for structural and security-related repairs, major works also include planned improvements and refurbishment. These are just as important for the sake of resident satisfaction and maintaining the value of the block of flats.

Risk Assessments and Planning

Challenges that arise with major works can be predicted and overcome during any planning stages. A generally proactive and strategic approach will also help to avoid any emergency works becoming necessary. Thorough planning is key and should include:

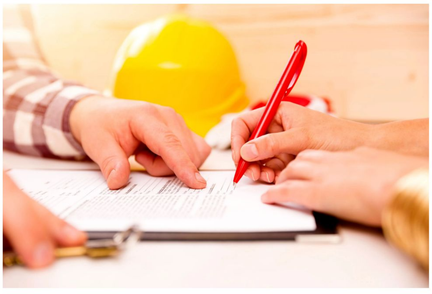
- Conducting thorough inspections to assess the extent of the work needed and potential issues that might arise.
- Identifying the scope of the works and creating a detailed project plan; breaking down the tasks, timelines, and required resources.
- Allocating budgets and resources appropriately, considering both direct costs (materials, labour) and indirect costs (permits, administrative expenses).

Cyclical inspections including Health & Safety, Fire Risk, Gas Safety, Electrical Safety, Legionella and Asbestos should be carried out as normal if reports are unlikely to be changed by the works being carried out.

If, however, the works may well alter the outcome of an inspection, then these should be booked in immediately after the works have been completed.

The Work at Height Regulations 2005 will need to be observed. This is if any of the works will require contractors to work above the ground. These should be fresh in mind from being observed for anything from lightbulb changes to gutter clearances. A full working at heights risk assessment must be carried out for any contractors who will be working off the ground. This is usually done by the contractor themselves, but the whoever is arranging the work has the legal responsibility to ensure this is done.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) are also worth a reminder. These regulations require "The 'responsible persons' to report deaths at work, major injuries caused by accidents at work, injuries to members of the public that require hospital treatment, injuries arising from accidents and dangerous occurrences." So even a near-miss must be reported via the Health and Safety Executive (HSE) website: hse.gov.uk/riddor.



Choosing the Right Contractors

As you'll most likely be relaying on independent contractors to complete the necessary works, it's vital that you do your due diligence. If the works will be costing each leaseholder more than £250, they will also have their say on your choice of contractor via the Section 20 Consultation procedure. This consists of three stages:

- **Notice of Intention:** This notice must detail the proposed works and the reasons behind them, inviting leaseholders to submit their responses within a specified timeframe.
- **Obtaining Estimates:** Once the timeframe has elapsed, you must provide leaseholders with at least two estimates for the proposed works. These estimates should come from different contractors and be sent to the leaseholders along with a summary of the responses received following the notice of intention. Leaseholders should then be given another opportunity to submit their comments.
- **Notice of Reasons:** After considering the estimates and the observations of leaseholders, you must provide a "Notice of Reasons" that includes details of the chosen contractor, the costs involved, and any other relevant information. Leaseholders have the right to seek further information and potentially challenge the choice of contractor or the costs.

So, when you're shortlisting contractors to quote for the job, make sure you're first checking their:

- Insurance
- Reliable reviews
- Accreditations, qualifications and certificates
- Previous work on other buildings and the relationship they had with RMC or property manager there
- General manner (you may be working closely together for some time!)

Always approach at least 3 different suppliers for quotes and compare them with the results of the above checks in mind. Simply choosing the cheapest option may not serve you well at all. Once you have a shortlist, it's worth meeting with contractors on site. There's a lot to be said for gut instinct after a face-to-face meeting. If a contractor is open, clear and concise in their responses to your questions and seems willing to spend the time with you, you're likely off to a good start.

Quality Assurance

The Leasehold Advisory Service produced a good practise guide in 2016 that contains very relevant advice on the subject of quality control for major works in blocks of flats. They say themselves that "One of the biggest areas of dispute that ultimately ends up at the Leasehold Valuation Tribunal (LVT) is where a leaseholder believes they have received poor value and poor quality services or work."

Top tips for ensuring the work carried out is of consistent quality:

- Set out clear standards for the completion of the works themselves, on-site behaviour, arrival and departure times, regularity of communication and how the site should be left at the end of each working day. Set all of the above out in writing so all parties can refer back if agreements are not adhered to.
- Set out key milestones with your contractors so that a timeline can be agreed to for all parties. Obviously, some delays due to unforeseen circumstances may be unavoidable. If so, the plan should be adjusted and the new completion dates should be communicated to all leaseholders and contractors.
- Ensure that all leaseholders direct any comments or complaints to you, rather than to the contractor. This ensures that you're consistently aware if things are falling below par. Encourage all communication with your leaseholders- some complaints may be by-the-by, but allowing all residents to be heard will help you keep your finger on the pulse.
- Once work is completed, surveyors reports should be requested and scrutinised, before and after photos should be compared and leaseholders should be invited to comment via individual discussions or surveys. Make use of included 'snagging' visits from contractors to bring any sub-par work up to standard.

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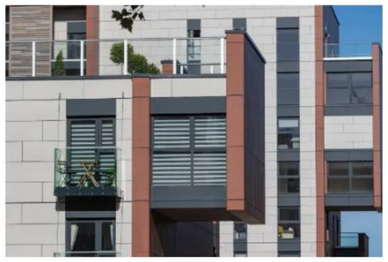

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Feature: Major Works

Overcoming the Challenges of Major Works

www.residentsline.co.uk

Carrying out substantial works on or in blocks of flats for the purposes of essential maintenance, large-scale improvements or safety compliance can be a complicated and time-consuming task.

Following the right procedures according to the lease and the section 20 consultation should ensure the avoidance of any legal challenges, and sticking to best practise in the planning stages should avoid any other issues arising.

Here we'll walk you through 'best practise' and give you some tips for nipping issues in the bud.

Legal Requirements

If the necessary works will cost each leaseholder more than £250, then the section 20 consultation procedure must be followed to ensure that leaseholders are properly consulted. It consists of three stages:

- **Notice of Intention:** This notice must detail the proposed works and the reasons behind them, inviting leaseholders to submit their responses within a specified timeframe.
- **Obtaining Estimates:** Once the timeframe has elapsed, you must provide leaseholders with at least two estimates for the proposed works. These estimates should come from different contractors and be sent to the leaseholders along with a summary of the responses received following the notice of intention. Leaseholders should then be given another opportunity to submit their comments.
- **Notice of Reasons:** After considering the estimates and the observations of leaseholders, you must provide a "Notice of Reasons" that includes details of the chosen contractor, the costs involved, and any other relevant information. Leaseholders have the right to seek further information and potentially challenge the choice of contractor or the costs.

A common misconception among landlords is that, by following this procedure, you are then able to demand the costs from the leaseholders upfront, ahead of the works being carried out.

This is actually only allowed if the lease says so.

Many leases state that the service charge is to be demanded in arrears and is only payable once the works have been carried out- in which case you need to be absolutely clear as to who is responsible for the major works and how they will be funded. Many leases, however, contain a clause that allows for one-off demands to be made for emergency works. If you're in any doubt, seek appropriate legal advice.

If your lease allows for a reserve fund but there is currently no savings pot in place, this should be rectified as soon as possible. Good practice would be to contact all leaseholders ahead of raising any demands, explaining why you're raising a reserve fund, how it will help with covering the costs of major works in the future and quoting the clause in the lease that allows for it.

Best Practise for the Planning Stages

Most challenges can be predicted and therefore overcome during the planning stages. A generally proactive and strategic approach will also help to avoid any emergency works becoming necessary. Having a planned maintenance program in place will keep you one step ahead of the game, but here are our tips for handling major works once they roll around:

Thorough Planning

- Conduct thorough inspections to assess the extent of the work needed at the block and potential issues that might arise.
- Identify the scope of the works and create a detailed project plan, breaking down the tasks, timelines, and required resources.
- Allocate budgets and resources appropriately, considering both direct costs (materials, labour) and indirect costs (permits, administrative expenses).

Clear Communication

- Maintain open and transparent communication with all stakeholders about potential disruptions and expected timelines.
- Provide regular updates on the progress of the project and highlight any schedule changes.

Obtain Necessary Approvals

- Ensure you have obtained all the necessary permits and approvals from local authorities before commencing the works. Failure to do so can lead to delays and legal issues.

Document Everything

- Maintain thorough documentation of all aspects of the project including contracts, communication, schedules, and any changes made.
- This documentation can be valuable in case of disputes or for future reference.

Reliable Contractor Choices

- Choose experienced and reputable contractors who have a proven track record in handling similar projects and that understand the complexities of working on blocks of flats or apartments.
- Obtain multiple quotes to ensure competitive pricing but prioritise quality and reliability over the lowest cost.

Minimise Disruptions

- Plan the works with disruption to tenants and residents in mind. For example, scheduling noisy or disruptive tasks during off-peak hours.
- Consider setting up alternative access routes around the block if common areas are affected by the works.
- Anticipate potential challenges and have contingency plans in place. Unforeseen issues might arise, and having a backup plan can prevent major disruptions.

Quality Control

- Implement a rigorous quality control process to ensure that the works meet established standards.
- Regular inspections and progress checks can help identify and address any issues early on.

Post-Project Review

- After the major works are completed, conduct a post-project review to assess what went well and what could be improved. This can help with refining your approach for future projects.

Remember that each block of flats and major works project will have unique challenges, so foresight, flexibility and adaptability are key. By applying these strategies, property managers can navigate the challenges of major works more effectively and ensure successful outcomes.

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Feature: Major Works

Major Works and Service Charges

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An element of living in a block of flats involves being involved with and often living with major works. Collection of fees, in accordance with the properties Lease are essential for upholding the quality of the building, its amenities, and the overall living experience. In this article, we delve into the significance of major works and service charges, what they entail, and how they impact residents.

Defining Major Works and Service Charges

Section 20 of the Landlord and Tenant Act 1985 defines major works for blocks of flats as "one-off" works or maintenance, repair or improvements. "Major works" otherwise known as one-off or qualifying works, refers to substantial construction, renovation, or improvement projects carried out within a property or building. The overall aim of major works is to enhance the structural integrity, safety and functionality of the building. When carrying out major works, it is important to consider careful planning, coordination and compliance with regulations and standards to ensure the safety and welfare of residents and visitors.

"Service Charges" refers to the payments made by residents to cover any expenses related to shared amenities or services, property upkeep and general management of the property. Service charges play a role in maintaining the property and ensuring smooth operation of the building. It also ensures that communal areas and facilities are properly maintained for the benefit of all residents.

Service Charges: Managing Shared Expenses

Usually, service charges are collected by the property manager or Residents' Management Company. They are allocated to finance a range of services and amenities that benefit all residents. The services covered by service charges may include:

- **Security:** Delivering security services, such as surveillance and controlled access systems, guarantees the well-being of residents and the protection of their belongings.
- **Cleaning and Maintenance:** This involves the maintenance and cleanliness of communal spaces such as corridors, lifts, entrances, communal areas, and outdoor areas.
- **Utilities:** Service charges often cover the cost of shared utilities like lighting in common areas, water supply, and waste management.
- **Repairs:** to cover smaller value, day to day repairs.
- **Landscaping:** This encompasses the maintenance of garden and outdoor areas. This creates a more welcoming and appealing environment for residents and visitors.
- **Administrative Costs:** Property management expenses, insurance premiums, and legal fees associated with communal areas and services are also covered by service charges.
- **Sinking Funds:** If the Lease allows,funds can be collected in addition to those covering everyday costs to provide a sinking fund. Sinking funds are normally used for larger repairs associated with the building and ongoing care of shared amenities. This may include staircases, roofs, lifts and similar.

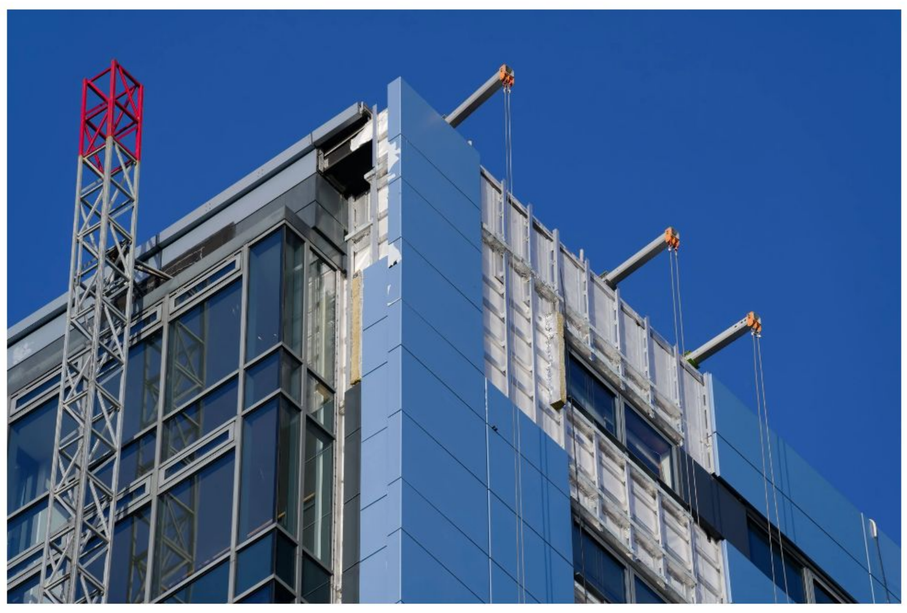
It is important for residents to understand the breakdown of the collection of service charges can have a detrimental effect on how a building is maintained, which in turn could influence their overall living experience.

Major Works: Ensuring Long-Term Sustainability

Major works projects often require a significant financial investment, some examples include:

- **Structural Remediations:** Addressing concerns pertaining to the building's framework, which may entail rectifying cracks, reinforcing foundations, or renewing aging support systems.
- **Roof Replacement:** This may involve installing a new roof or repairing an existing one to prevent leaks and maintain the building's integrity.
- **Exterior Renovation:** Revamping the building's external appearance, cladding, and windows to augment aesthetics and optimize energy efficiency.
- **Plumbing and Electrical Enhancements:** Upgrading outdated plumbing and electrical systems to ensure increased safety and efficiency.
- **Lift Installation and Modernisation:** Installing new lifts or upgrading existing ones to meet safety standards and improve the overall accessibility.
- **Energy Efficiency Improvements:** This might include introducing ecologically friendly solutions like insulation, solar panels, or energy-conserving lighting systems to curtail overall energy consumption.

Major works requires careful planning, resident consultations, and strict compliance with legal regulation. Where the Lease does not allow the Residents Management Company to collect additional funds, typically, the cost of major works will be divided among the residents through a process known as a 'major works consultation'. Throughout this process, residents have the opportunity to provide input and to understand the scope, budget, and timeline of the project.



Significance of Major Works

- **Preserving Block of Flats Value:** Addressing major works supports the preservation of the block of flats value as time progresses. Disregarding maintenance can result in the decrease of the building's and each owner's resale price for their flat or apartment, however by consistently investing in maintenance, renovations, and general upkeep, the property is safeguarded from depreciation. This impacts not only the residents' living standards and quality of life but also their financial investments.
- **Energy Efficiency:** Providing energy efficiency in properties is important in today's world. Improvements carried out during major works can include energy-efficient measures like the introduction of solar panels, upgrades to HVAC systems, and the installation of insulation. By minimising energy consumption through endless measures will contribute to decreased utility expenses, and a reduced ecological impact/carbon footprint.
- **Safety and Adherence to Regulations:** Major works encompasses safety-focused enhancements and compliance with building codes and regulations. This dual focus ensures the safety and security of residents while also guaranteeing compliance with legal requirements to create a healthy and secure living environment.
- **Enhanced Aesthetics:** The general upkeep of a building, regular maintenance and improvement projects play a pivotal role in elevating the aesthetics of a building. By addressing wear and tear, updating design elements, and enhancing the overall visual appeal, these efforts create a welcoming and attractive environment for residents and visitors.

Conclusion: Shared Responsibility for Enhanced Living

Living in a block of flats or apartment entails not only the pleasures of communal living but also a shared duty to uphold and to enhance the property. Service charges and major works play a pivotal role in creating a safe, comfortable, and attractive living environment for all residents. By understanding these concepts and engaging in decisions related to property management and improvement projects, residents contribute to the overall well-being and value of their homes.

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It's a secure, easy-to-use portal that offers access to your block's details at the touch of a button. Designed to make your life easier, it saves you time and offers a fast and efficient interface to connect you, your residents, and your block.

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Who is Manage Your Block For?

Manage Your Block is a nifty online portal specifically designed for anybody managing a block of flats, including:

- Residents' Management Companies
- Right to Manage Companies
- Residents Associations

Do you want to make managing your block easier? Consider our trusted software solution used by thousands of professionals nationwide!

Tel: 03335779070 Email: info@manageyourblock.co.uk

OUR FEATURES

Diary

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.

The Importance of Directors and Officers Liability Insurance

Protect your Directors with Residentsline
www.protectyourdirectors.co.uk

Belinda Bagnall, Managing Director of Residentsline explores the significance of Directors' and Officers' Liability Insurance for your Residents' Management Company.

As a member of a Residents' Management Company, you have a range of responsibilities to ensure the smooth running of your block of flats.

This may include:

- Finance and accounting
- Service charges
- Insurance needs
- Maintenance
- Inspections
- Major works and reparations

This can sometimes be an exhaustive list; it requires a great deal of planning and experience to successfully manage a block of flats or apartments. As such, it can often be easy to make mistakes.

A vital thing to remember here is that, whilst mistakes often happen, any mistakes which cause an incident such as damage or personal injury can result in legal action being taken against the Residents' Management Company.

This is because the directors and officers of the Residents' Management Company are held liable for any decisions taken when acting in their position.

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.

Directors' and Officers' Liability Insurance

This type of insurance cover provides protection towards members of Residents' Management Companies and their legal liability. 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

To get Directors and Officers Liability insurance cover today, please visit the Protect Your Directors with Residentsline website.

Did you know that by using our portal to get your quote and to place cover, you can save on admin fees?

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

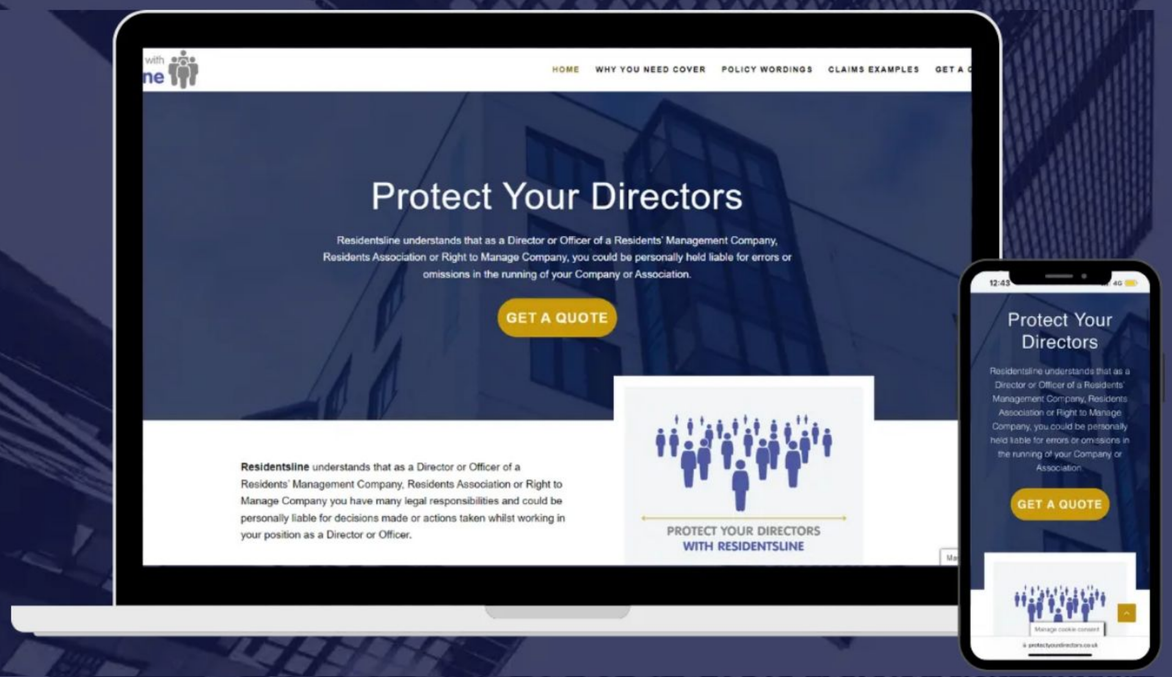
Protect your Directors with Residentsline

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.



- **Fast, easy online quote in 60 seconds**
- **No hidden fees or cancellation charges**

Click here and save on admin fees by using our easy online quote form

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

Property Manager

Location: Greater Manchester (Hybrid Working)

Salary: £35,000 - £40,000

Tell me more

Block Property Manager

Location: East Sussex (Hybrid Working)

Salary: £35,000 - £42,000

Tell me more

Property Manager

Location: Greater Manchester (Hybrid Working)

Salary: £35,000 - £40,000

Tell me more

Property Manager

Location: Cornwall

Salary: £27,000 - £30,000

Tell me more

Senior Block Manager

Location: Nottinghamshire

Salary: £40,000 - £50,000

Tell me more

Block Manager

Location: Dorset

Salary: £30,000 - £38,00

Tell me more

Block Manager

Location: North London

Salary: Up to £45,000 DOE

Tell me more

Maintenance Engineer

Location: Central London

Salary: £25,000 - £30,000

Tell me more

Client Account Administrator

Location: Shropshire

Salary: £20,000

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 ARMA Training Courses

TC1: Introduction to Residential Property Management

Dates:

11th/12th September 1pm to 4pm

13th/14th November 9:30am to 12:30pm

A one-day interactive training course, run by ARMA's Technical Officer, for those new to residential leasehold property management. It will provide an overview of the essential knowledge and processes required to effectively manage a leasehold block.

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

W12 – Flat Front Doors (Conducting Basic Fire Door Checks)

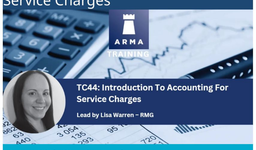
Dates: 11th September 10am to 12pm
20th September 1pm to 3pm
9th October 10am to 12pm
18th October 1pm to 3pm
20th November 1pm to 3pm

This training course delivers instruction on how to conduct basic fire door checks under Regulation 10 of the Fire Safety (England) Regulations 2022.

It will aim to enable those with the responsibility for conducting routine fire door checks to appreciate the purpose and role of a fire door and how to identify common faults in fire doors for remediation.

Book your place

TC44: Introduction to Accounting for Service Charges



Dates: 20th/21st September 1pm to 4pm

A 6-hour course being run over 2 consecutive days (3-hours per day) walking through the financial year of a property. This course is aimed at individuals with less than 18 months experience in the industry.

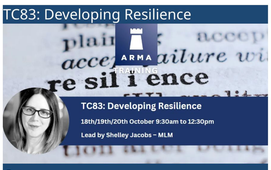
Audience

Accounts staff who are new to the role/the industry and need an understanding of what is required from them.

Property managers and assistants who are new to the role and will be required to work with clients in a financial capacity i.e. budget setting and reviewing service charge accounts.

Book your place

TC83: Developing Resilience



Dates:

18th/19th/20th October

2 HOURS A DAY OVER 3 DAYS, 9:30am to 12:30pm

This practical and highly engaging 6-hour course provides delegates with a range of tools and techniques to develop and maintain their own resilience, providing significant benefits to mental, physical and emotional well-being.

The speed of change in business today, especially in property management, can be very overwhelming. We are constantly bombarded with new challenges, new information, new technologies, new threats and new opportunities alongside the ever-increasing expectations of leaseholders and clients. All of which are taking their toll on our employees as they struggle to endure and survive the resulting high levels of stress, and in turn have a serious impact on businesses.

Therefore, the need to be resilient has never been greater!

Book your place

TC27: The Procedural and Technical Issues of Section 20

Dates:

4th/5th October 1pm to 4pm
11th/12th December 9:30am to 12:30pm

3 HOURS PER DAY OVER 2 DAYS

A 6-hour course being run over 2 consecutive days (3-hours per day) covering the requirements and procedures of Section 20 (qualifying works and qualifying long term agreements), exemptions, OJEU Public Notices and the growing body of Case Law.

Audience

- Property managers or assistant property managers with some experience of advising clients on and processing Section 20s.
- It's also useful for managers who would like a refresher on (or introduction to) the required procedures of Section 20

Book your place

TC62: Fire Safety Management (Senior-Level) For Residential Managing Agents

Dates: 17th/18th/19th October 2pm to 5pm

This course is for directors and senior managers responsible for fire safety management in residential blocks of flats. The course explains the guidance given in ARMA's Fire Safety Management in Flats publication and provides leasehold and legal tools that can be used to enforce leaseholder fire safety compliance.

This course will NOT enable you to:

- Provide safety assistance as required by Regulation 18 of the Regulatory Reform (Fire Safety) Order 2005; or
- Undertake a fire risk assessment as required by Regulation 9 of the Regulatory Reform (Fire Safety) Order 2005.

For more information click the button below!

Book your place

TC59: Managing Your First Portfolio – Legal Workshop

Dates: 23rd/24th/25th October 10am to 12pm

A 6-hour course being be run over 3 consecutive days (2-hours per day).

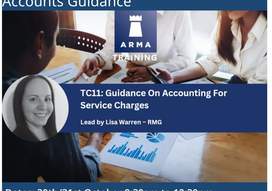
Being a property manager is a demanding job; on any given day you can be required to demonstrate a variety of skills and knowledge. In this interactive legal workshop, we'll explore some of the common legal challenges that you might face and how to deal with them. This workshop will be based around a fictional block and a copy of its specimen lease and Articles of Association will be provided to all delegates for 'pre-reading'.

Audience

This course is ideal for those new to block management and for property assistants moving onto portfolio management who have some knowledge of the legal framework governing residential long leasehold management but who need to become familiar with the essential information needed to safely and efficiently assist or manage a portfolio.

Book your place

TC11: Residential Service Charge Accounts Guidance



Dates: 30th/31st October 9:30am to 12:30pm
Duration: 3 hours a day over 2 days
A 6-hour interactive discussion forum addressing best practice for service charge accounting.
Content

- Understand the difference between corporate and service charge accounting
- Gain an overview of corporate accounts: RMCs, dormant companies, legal requirements, etc.
- Learn best practice for service charge accounting from budget to year end
- Find out about the management of receipts and payments
- Explore the procedures for the accurate allocation of costs
- Learn about the production of accounts under lease and legal requirements

For more information on the long list of content, click the below button!

Book your place

TC104 – Effective Time Management – Online

Dates: 3rd November 9:30am to 12:30pm

Time management is a term that we often use but, we can't actually 'manage' time. We can't slow it down or speed it up. However, what we can do is understand how to use our time more effectively to be more productive and get more 'stuff' done.

When we feel on top of things we feel more in control and that makes us feel good. However, many of us often feel like we are not in the driver's seat of our own time and that can lead to demotivation and increased stress and anxiety.

If you have answered yes to any of the above, then this course is for you!

This practical and highly engaging half-day course provides delegates with a range of tools and techniques to use time more effectively, providing significant benefits to work output, mental well-being, work-life balance and motivation.

Audience - This half day course is suitable for anyone at any level who wants to develop their time management.

Book your place

TC108: Introduction to the Building Safety Act for Property Managers

Dates:

15th/16th November 9:30am to 12:30pm

Duration:

3 hours a day over 2 days

This course delivers guidance on managing buildings in scope under the Building Safety Act 2022. Through interactive and engaging contents participants will gain confidence in delivering positive building safety outcomes in their areas of responsibilities.

Who should attend?
Property Managers in the UK with responsibilities for managing buildings in scope under the Building Safety Act.

Aim:
To enable property managers to better understand their role in managing building safety under the Building Safety Act efficiently and effectively within their area of responsibility.

Book your place

TC105: Effective Complaints Handling – Online Course

Dates: 22nd November 10am to 12:30pm

Duration: 2.5 hours over 1 day

The property business is a people business, and good business means you will deal with a range of people. Inevitably some of those people will be dissatisfied and will make complaints.

Dealing with complaints effectively is a key business skill that often gets overlooked. If complaints are poorly handled, complainants become more disgruntled – taking up valuable time and resources of organisation's. An effective complaints process aims to deal with complaints quickly and efficiently, identifying root causes and taking effective action to win back the confidence of the complainant.

The aim of this course is to help you and your team understand how best to deal with complaints to repair the relationship between your organisation and the complainant, so that great customer relations can be built and maintained.

Book your place

TC84: Developing Leadership

Dates: 27th/28th/29th November 9:30am to 12am

This interactive and engaging 7.5-hour course being run over 3 consecutive days (2.5-hours per day – with 30 minutes each day for questions), covers practical solutions to today's leadership challenges and the resources to develop resilient, engaged and trusting teams.

Content
In a sector rife with high employee turnover, managing people in today's complex world of work, especially in property management, has reached crisis point. High employee stress levels, lack of engagement and high levels of absenteeism require managers and leaders to significantly up their game in order to have the necessary skills to be able to deliver an excellent employee experience.

Managers/Leaders have the responsibility to create a healthy working environment, a positive culture, and have a shared responsibility for the future success of their business.

Their actions, behaviours and values have an enormous impact on the workplace, and the emotional well-being of their staff.

Book your place

ARMA Training Costs

ARMA's upcoming training covers a range of topics to help keep staff prepared for the modern world of property management. Courses and webinars will focus on fire safety for property managers, accounting, insurance and more.

Online Training Course Costs

(Please note: IRPM members are eligible to receive our discounted member rate)

Full-day Course
Members: £100 + VAT
Non-Members: £175 + VAT

Half-day Course
Members: £60 + VAT
Non-Members: £100 + VAT

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

Get in touch

Website: www.arma.org.uk
Phone: 0207 978 2607
Twitter: @ARMAleasehold

Upcoming Events

ARMA & IRPM Newcastle Regional

Dates: Thursday 14th September 2023

Venue: St Mary's Lighthouse Suite, Spanish City
Spanish City Plaza, Whitley Bay, Tyne and Wear, NE26 1BG

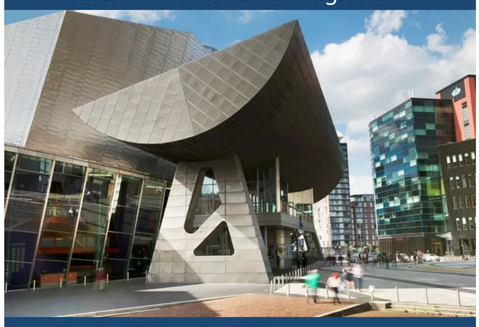
Each regional will combine a full programme of expert speakers addressing important sector challenges with the added benefit of unique, regional networking opportunities.

- **General Member Rate (applicable from 10th May onwards) – £139**
- **Non-Member Rate – £150**

A full programme of topics and speakers will be released in due course.

Book your place

ARMA & IRPM Manchester Regional



Dates: Tuesday 7th November 2023

Venue: Compass Room, The Lowry,Pier 8, Salford Quays, Manchester, M50 3AZ

Discussions and solutions to the challenges of residential property management will be coming to a city near you in 2023 as the ARMA and IRPM Joint Regionals visit the North, East, South and West of England!

Our regionals will blend theory based learning and interactive scenario-based workshops, to allow delegates the opportunity to simulate 'real life' scenarios and discuss the best approaches of dealing with them, with leading industry experts on hand to offer advice and guidance.

A full programme of topics and speakers will be released in due course.

Book your place

ARMA & IRPM London Regional

Dates: Thursday 7th December 2023

Venue: Millennium Gloucester Hotel, 4-18 Harrington Gardens, South Kensington, London SW7 4LH

Our regionals will blend theory based learning and interactive scenario-based workshops, to allow delegates the opportunity to simulate 'real life' scenarios and discuss the best approaches of dealing with them, with leading industry experts on hand to offer advice and guidance.

Each regional will combine a full programme of expert speakers addressing important sector challenges with the added benefit of unique, regional networking opportunities.

Book your place

ARMA Annual Conference 2023

Dates: Friday 6th October 2023, 09:30 – 17:00

Sponsor the 2023 ARMA Annual Conference

There are a wide range of creative sponsorship opportunities on offer for the ARMA Annual Conference. With over 550 leasehold professionals attending our event on an annual basis, the ARMA conference is an ideal opportunity to get your brand in front of decision-makers.

The modern, bright and spacious venue offers Partners the largest conference space in London on one easy-to-access floor. Take a virtual tour of the venue here https://www.etcvenues.co.uk/vr133.

For further information about the sponsorship opportunities still available for the 2023 Conference, please contact Yen Ly Nguyen on yen@arma.org.uk.

Book your place

NLG Service Charge Conference

This event will take place over 4 days
• 3 Days of Virtual Zoom Sessions **Monday 13th – Wednesday 15th November**
• Full Day Live Conference – **The Royal Institute of British Architects (RIBA), Portland Place, London, W1 Thursday 16th November**

NLG Members
- £99 per delegate (virtual)
- £175 per delegate (virtual & live)

NLG Members
- £299 per delegate (virtual & live)

Book your place

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

Find a Supplier

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Accountants

Flat Management Co. Accounts Limited

Find out more

Alternative Accommodation

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Insurance Claims Accommodation Bureau

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Electric charging points

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R&M
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Lease Variations, Lease Extensions, Right to Manage and Enfranchisement

BLOCK in a BOX

Find out more

FPRA

FPRA
FEDERATION OF PRIVATE RESIDENTS' ASSOCIATIONS

Find out more

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

EarlKendrick
Building Surveyors

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Out of Hours Helpline

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Reinstatement Cost Assessments

BARRETT CORP HARRINGTON

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RMC Director Training

LEASE
The Leasehold Advisory Service

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Sussex Airspace Developments

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Rope Access Surveys and Safety Testing

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pdc

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specialists in resident management energy

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Water leak detection and solutions

Waterguard

Find out more

Insurance

FlatLiving® Insurance

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Insurance

London Flats Insurance

Find out more

Insurance

Residentsline
Flats Insurance

Find out more

Setting the Standards in Property Management

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:

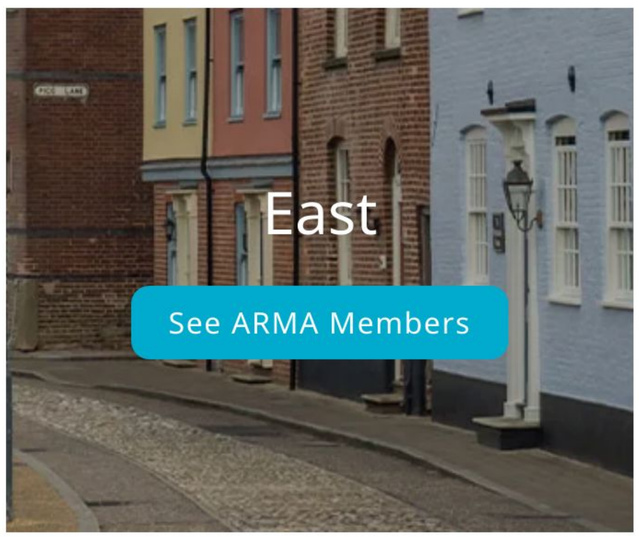
020 7978 2607 | www.arma.org.uk

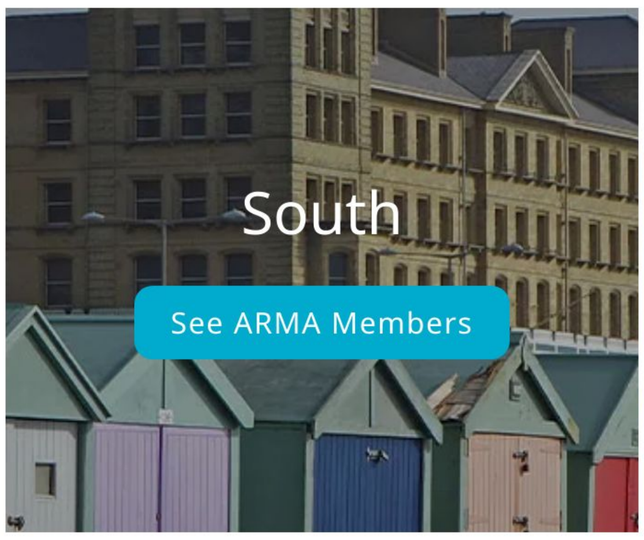
Find an ARMA Member

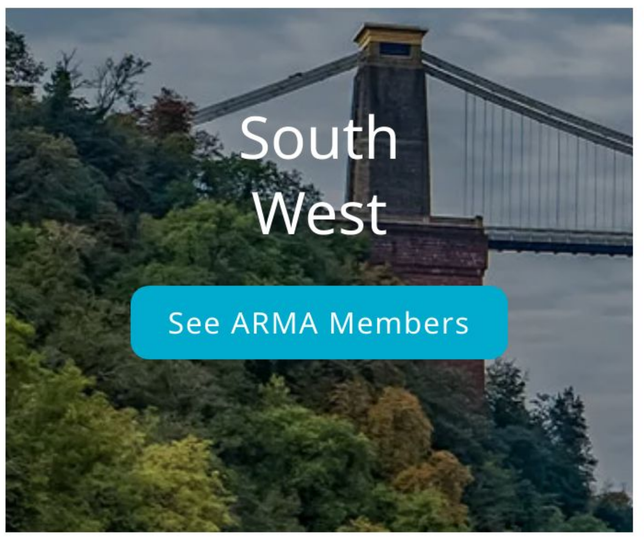
Are you considering a new managing agent?

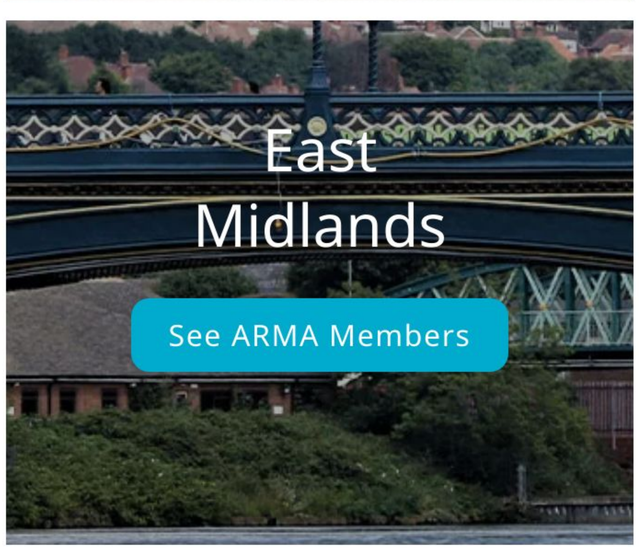
Below are a list of ARMA (Association of Residential Managing Agents) members by region.

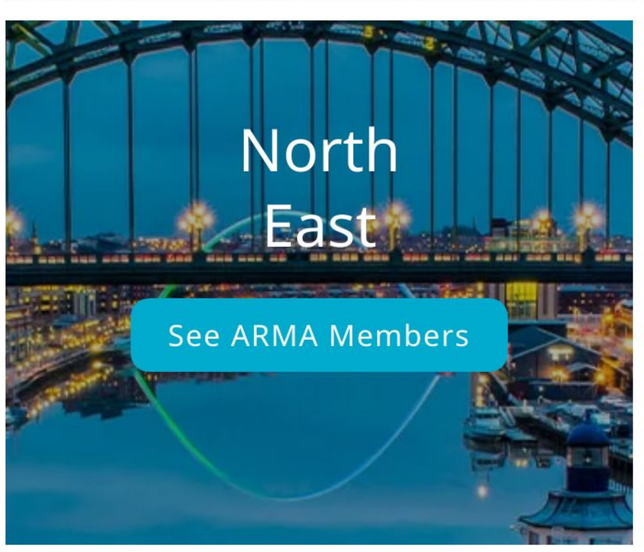
A managing agent that is a 'member' of ARMA will have successfully achieved ARMA Accreditation and is required to comply with the ARMA Bye-Laws, RICS Code, relevant legislation and ARMA Consumer Charter & Standards.











ALEP - 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

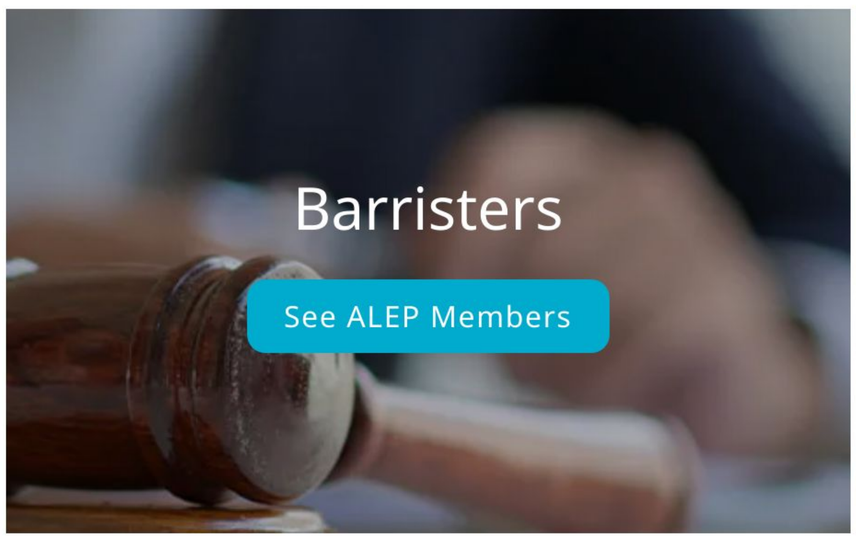
ALEP (Association of Leasehold Enfranchisement Practitioners) member firms are rigorously vetted so you can be confident that they have a proven track record in leasehold enfranchisement.

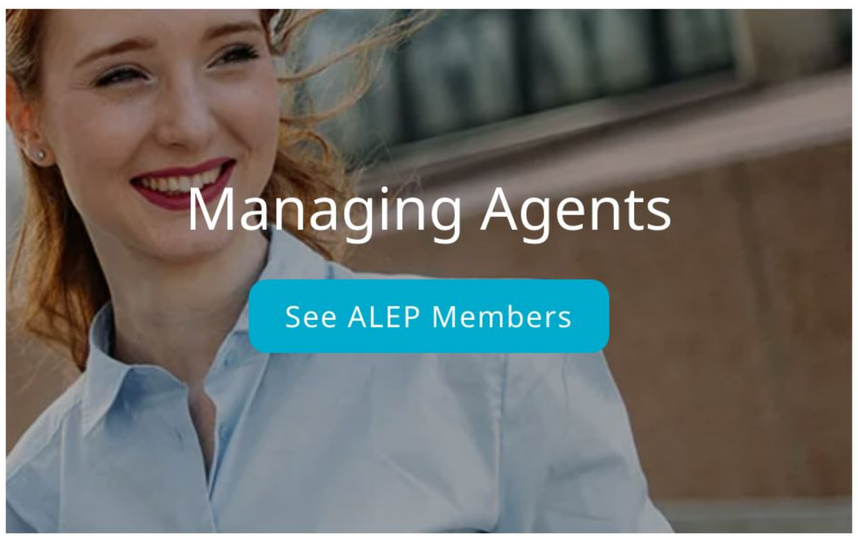
ALEP members can advise or assist with:

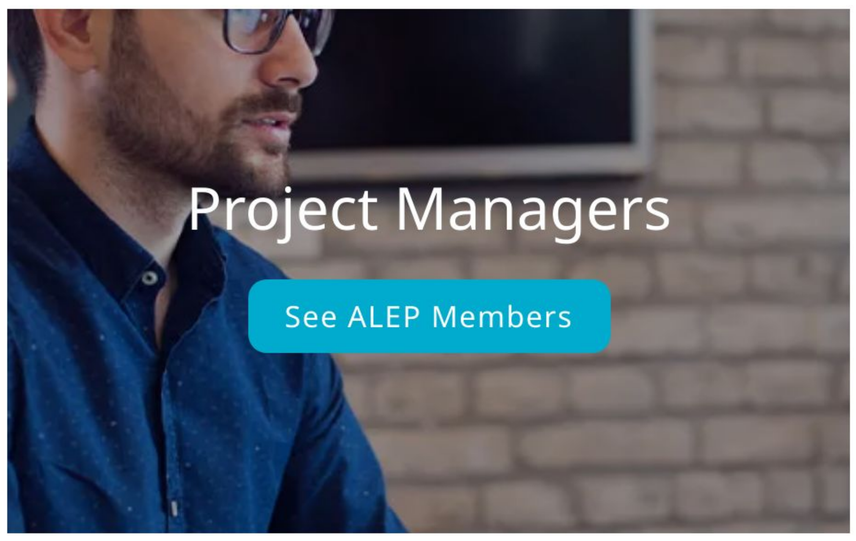
- Extending a lease;
- Buying a share or freehold of a building;
- Exercising the Right to Manage;
- Section 5 Notice;
- Dealing with freeholder or leaseholder disputes

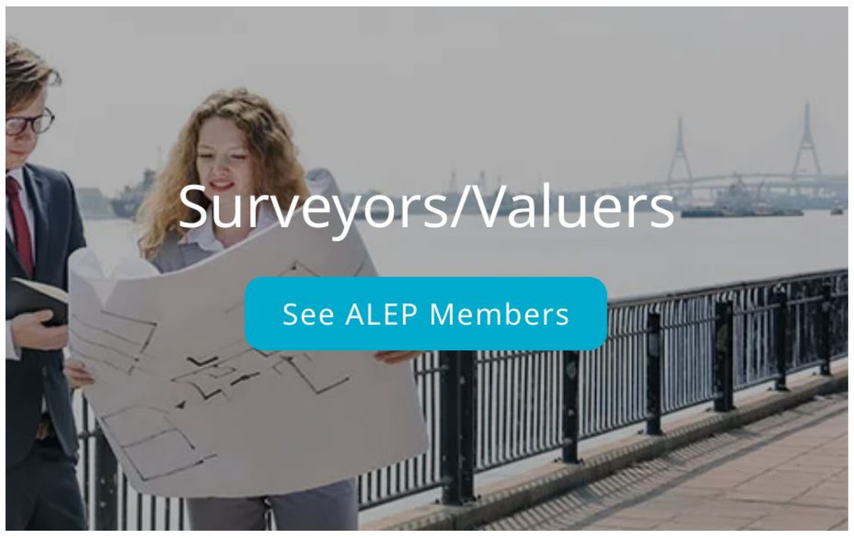
Below are details of ALEP Professionals (alphabetically) in the following areas:

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









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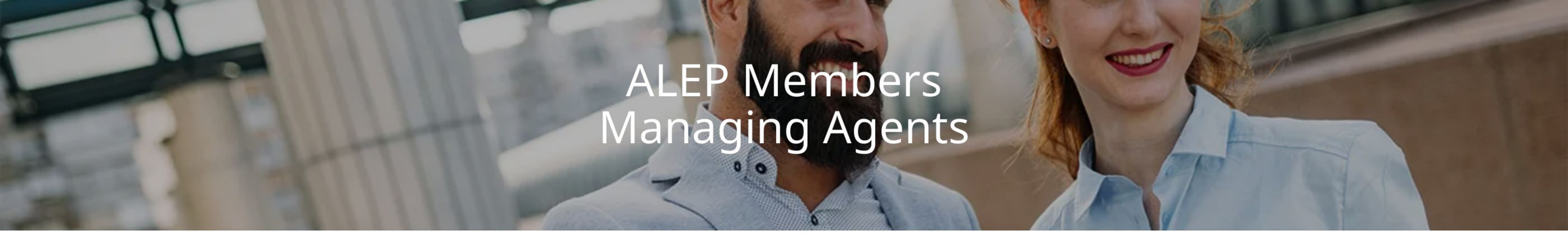

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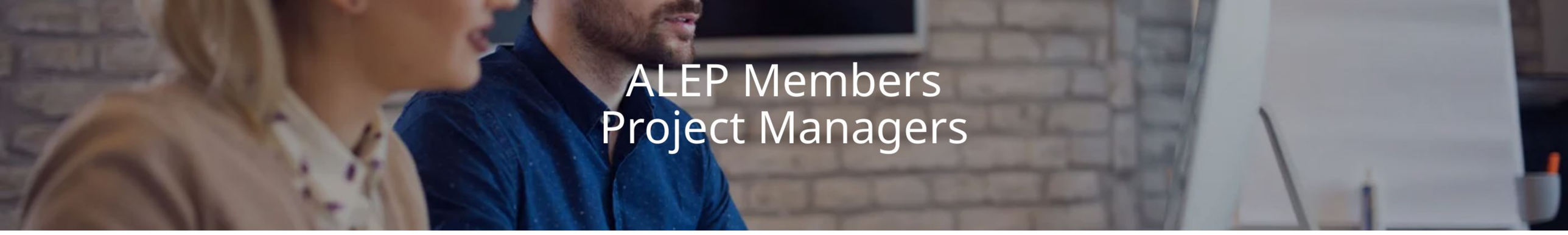

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• Angus Fanshawe	Fanshawe White	020 7099 8465
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• Jenni Freeborn	Graves Son and Pilcher	01273 321123
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• Harriet Fleming	Harriet Fleming Surveyors Ltd	01727 750045
• Colin Horton	Hortons Valuers Ltd	020 3058 3200
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• Adrian Hau	John D Wood & Company	020 7802 3279
• Joe Fraser	Joe Fraser Chartered Surveyors	0330 1740 644
• Simon Coates	Jones Lang LaSalle Limited	020 7087 5911
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• Steven Harding	Kinleigh Folkard & Hayward	020 8739 2040
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• Jeremy Dharmasena	Knight Frank	020 7861 1587
• David Parkin	Lamberts Chartered Surveyors	07764 577535
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