

Norwich Leaseholders Association

Open Meeting; 20.07.2022

NOTES OF MEETING

The meeting was held with temperatures in the 30's; despite this the meeting was attended by 24 NLA members.

Jon Neville-Jones, the Chair of the NLA, welcomed the attendees and introduced the Committee members: Lorna Kirk (Community Support), Penny Ellis (Treasurer), Alice Holtom, Nan Neville-Jones, and Paul Neale. Apologies were received from Mark Smith and Barbara-Ellen Joseph

Last meeting

The last Open meeting was in 2019 before the Covid pandemic; the notes of that meeting are available on the NLA website.

This meeting started with a quick light hearted quiz aimed at raising awareness of issues concerning Leaseholders. Questions included

- What percentage is the management fee charged by NCC? Answer: 59%
- How much does NCC charge every year to arrange the property insurance? (this sum does not include the actual cost of the insurance, it is just what NCC charge for arranging the insurance). Answer: £120,000 every year, even though the insurance is for a 3-year period, so for 2 years out of 3 there will be no work required.

Presentation by Fosters Solicitors

Gurpal Singh, Senior Associate from Fosters Solicitors, assisted by Rebecca Clarke, trainee Solicitor, gave a presentation about some of the issues that leaseholders may have and how, as an independent legal adviser, he may be able to help.

(Please note this is only a summary of the presentation).

Service charge: when the Service Charges are sent out, it is a legal requirement that leaseholders are made aware of their rights and obligations, otherwise the bill is defective. In order to challenge any service charges, it is possible to make an application to challenge these charges. Information can be found in a Google Search by searching "Challenging Service Charges" and "Application to Challenge Service Charges".

Tribunal: to make a formal challenge to a Tribunal is relatively straightforward. It costs £100 and takes about 3-6 months to arrive at getting a remote hearing.

Service charges may include money charged for a "Reserve" fund or a "Sinking" fund. These are amounts held by NCC towards future major works.

Breakdown: Any demand for payment should include a breakdown of how the total cost was arrived at. You have a right to know how this sum was made up and to challenge it if it does not make sense to you.

Time limits: All leaseholders must be notified of expenditure made within 18 months of when the liability occurred.

Consultation: Under Section 20, the Landlord must consult on any charges made that will amount to more than £250. If the due consultation process has not been followed, then charges made to Leaseholders must be capped at £250 and cannot be recovered by NCC.

Insurance: leaseholders who are charged for an Insurance policy are entitled to have a copy of the Policy itself, not just the Certificate.

General: once a Leaseholder has a demand for service charge payments, it is best to scrutinise the breakdown of costs. Raise enquiries with NCC. Speak to other leaseholders who will have received a similar demand. If not happy, then a group concern raised may have more weight than an individual concern. Several leaseholders who have shared concerns may consider a shared consultation with a solicitor. This would help share the cost of any legal advice.

Norwich Leaseholders website has been updated and is a source of useful information and links to further help.

Fosters Solicitors also include useful information on their website.

There are also Government websites that give useful information for leaseholders.

All present thanked Gurpal Singh for his presentation.

Recent Tribunal

Alice Holton spoke about her recent Tribunal experience.

Alice challenged NCC on various aspects of their charging, including Communal Lighting, Administration fees, Structural Repairs, "Out of Time" Service Charges made by NCC. The claims against communal lighting and management fees were not upheld by the Tribunal. However, there was a win for Alice regarding the admin fee.

Alice was spared over £3000 costs as a result of the Tribunal ruling.

NCC were not represented at the Court, due to illness and it was agreed that NCC had fallen short in following due consultation procedures.

The Tribunal process is slow, but Alice found it relatively easy. She recommended getting some legal advice to help focus any claim and help prepare a clear case.

Questions from Leaseholders

The presentation was followed by questions and comments from Leaseholders, including the following:

Improvements which do not deliver: One resident is being charged for a new security system, the need for which was cited by NCC as improving the security of the Block. However, NCC have not repaired the doors, which easily open to anyone, so there has been no improvement in security. So, in spite of being charged for a new system, the resident is upset by drug addicts using her building due to easy access through the doors, and no improvement in security.

Changes forced by NCC projects: one resident reported that in Normandie Towers, he will lose space in his flat when a new boiler is installed. His drying cabinet will have to go and he will have to change his shower to a mixer shower. How can he avoid this? The resident was

encouraged to contact the other Leaseholders within the building, pool resources, and seek specialist advice.

Lease Extension: At what point should leaseholders explore extending their lease? It was felt that it is inadvisable to allow a lease to reduce below 80 years.

Inappropriate charges: One resident reported that he is being charged for hanging baskets and a new outside seat being installed at the request of one resident. It was felt that service charges should only include charges for maintenance, repairs and structure. It is possible to dispute any charges that leaseholders feel are not included in their lease agreement. A breakdown of costs can be requested and these can be checked against individual leases. A good question to ask is: "Please refer me to the section in my lease where this charge is recoverable"

Non-compliant Fire doors: One Leaseholder reported that she had raised a Health and Safety concern several times. Another resident has installed a non-compliant door in her block of flats. It opens outwards and would block a fire escape. It is made of UPVC and is not Fire Resistant. Post Grenfell Tower, this is a real H&S concern. NCC have not responded after several approaches. It is felt that NCC's lack of response, is effectively compromising the residents' safety. Suggestions were made to contact The Fire Service for advice as well as local Councillors (again) stating that Health and Safety of all residents is at risk.

Lack of response from NCC: Many Leaseholders reported that they fail to get any responses to queries or questions from the Homeowners Team at NCC.

Elected members: Local Councillors in particular and possibly MPs can be asked to support Leaseholders when answers are just not being supplied.

Jill Tacon was mentioned as being a helpful contact. Her details will be posted on the contacts section of the NLA website.

Next meeting and close

The 2022 AGM is planned to take place in October. The exact date and venue is to be confirmed, please keep an eye on the NLA website.

The meeting closed at 9 p.m.

21.07.2022.