



CITY OF

**YORK**

COUNCIL

# Leaseholder Factsheets



City of York Council aims to meet its obligations to our leaseholders by working to the following standards. We will offer leaseholders the opportunity to monitor performance and influence service delivery.

The promises below set out CYC responsibilities and operational standards that leaseholders can expect.

## **We will:**

- Provide an annual itemised service charge bill
- Offer a wide range of payment options
- Consult with the leaseholder prior to major works/refurbishments
- Hold six-monthly Leaseholder Forums
- Hold six-monthly Leaseholder Panel meetings
- Listen to and respond to all enquiries fairly, consistently and confidentially.
- Answer queries/complaints within 10 working days, or advise you of when a full response can be given
- Offer leaseholders a drop-in surgery facility, to coincide with the issuing of yearly service charge invoices
- Where possible, CYC will provide a welcome pack and handbook to all new/potential leaseholders
- Encourage people to contact us at an early stage should they be experiencing difficulties in paying their service charges
- Answer telephone calls within 20 seconds
- Make sure you do not have to wait more than 10 minutes when you visit our offices
- Produce and regularly update leaseholders FAQs.

## **Maintaining These Standards**

- CYC will train staff about leasehold management legislation
- Report our performance against standards
- Encourage leaseholders to provide views on the service.

CYC operate a Fixed Service Charge. This means that repair works are billed retrospectively, once we know the final total costs. Invoices for January to December will be billed the following year. However, you will be billed in advance for fixed maintenance costs, such as Management Fees. A lease incorporating a Fixed Service Charge is not governed by sections 18–30 of the Landlord and Tenant Act 1985 and so section 20 consultation in its standard form does not apply.

Your Service Charges cover the costs of repairing, maintaining and improving the block in which your property is situated.

In most instances, the costs of repairs are shared between the people in the block, in which case they will be calculated by dividing the total cost of the work by the number of properties in the block.

Where CYC has carried out work to your own home, such as installing a minimum standard fire safety door, you will be solely responsible to pay these costs.

### Your service charge can include:

- Administrative costs
- Management costs
- Caretaking, concierge or estate warden services
- Heating, lighting and cleaning of shared areas and stairways
- Door entry systems
- Day-to-day repairs
- Structural repairs to building
- Lift maintenance
- Maintenance of shared gardens
- Maintenance of boundary walls and fences

- Limited buildings insurance (see fact sheet 7)
- External painting.

### Calculating Your Service Charge

As part of your service charge you will be billed for ongoing Management Charges, which all leaseholders are required to pay. The contribution and costs are made up of the staffing costs including, but not limited to the following elements:

- Total hours spent on leaseholder work
- Total hours of supervision
- Number of repairs raised
- Building Surveyor's inspection time
- Administrative cost of billing process
- Cost of arrears recovery.

All leaseholders who purchased through the 'right to buy' cannot be charged more than the estimate of service charges you were given when you bought your home (plus inflation) for the first five years.

**Communal Lighting Charge.** Properties, which have communal area lighting are subject to this charge. Leaseholders are charged actual costs divided by the number of properties within the block.

**Garden Charge.** Properties with communal gardens are subject to this charge. It is calculated in the same way as the Lighting Charge.

**Fire Insurance Charge.** All leaseholders are required to pay this as part of the Buildings Insurance that CYC provide.

**Capital and Planned Works.** For example, external painting. These charges are specific ▶

# Service Charge

(continued)

- ▶ to individual properties depending on the level of work required and costs entailed.

**The above is only a guide and cannot be assumed to be an exhaustive list.**

## Service Charge Repayments

You can pay your service charge in one lump sum, or in equal instalments over 12 months. City of York Council will consider longer repayment periods for service charge bills over £2,000 or where there is clear financial hardship.

## The Council's Responsibility

The council is responsible for the repair and maintenance of the structure, exterior and shared parts of the block in, which your flat is situated. This could include:

- roof and loft space
- chimneys
- gutters
- rainwater pipes
- soakaways and drains
- soil pipes
- foul drains
- window frames
- shared and outside doors
- door entry systems
- access steps
- gates
- paths
- communal TV aerials
- walls of the building including foundations
- inspection chambers, covers, waste pipes etc
- external painting at least every seven years.

The cost for any repairs will be shared between the number of properties within the block benefiting from the repair.

## Leaseholder's Responsibility

You are responsible for maintaining the internal condition within the property. This could include:

- front door, back door and balcony door (Leaseholders are responsible for ensuring that front doors meet the required fire safety standards.)
- plaster and other surfaces to floors, walls and ceilings
- internal doors

- windows apart from the frame
- ceilings apart from the joists and beams
- fixtures and fittings such as kitchen units, baths and toilets
- heating systems, pipes, water tanks, cables and wires
- internal decorations
- boundary hedges or fences if you own the garden.

## How to report a repair

If a repair or maintenance problem is the council's responsibility, you should call Housing Asset Officers on (01904) 551550 option 4 option 4 alternatively email [housing.repairs@york.gov.uk](mailto:housing.repairs@york.gov.uk)

**Outside normal office hours report an emergency repair on telephone number: (01904) 630405. Please note all calls to the out of hours service will be recorded for training purposes.**

## What am I responsible for?

- repairs that are needed as a result of damage caused by you, your family or visitors
- repairs to appliances, fittings, etc, which have been installed by you
- repairs to internal decoration including filling of normal plaster cracks
- all keys
- fittings such as curtain rails, hat and coat hooks etc
- servicing and maintenance of all gas appliances
- light bulbs, plug tops and fuses
- sweeping flues
- floor coverings within the flat
- glazing
- baths, basins and fittings
- toilets, cisterns, seat and covers
- kitchen units, worktops and tiling
- internal doors and fittings, architraves, skirting etc
- general tidying and upkeep.

## What repairs are the council responsible for?

As a leaseholder you will be expected to contribute towards the overall cost of any of these repairs.

- roofs, chimneys, flashing and rainwater goods
- external wall decoration, finishes, rendering and pointing
- window frames and non-internal door
- paths, steps and other means of access
- drainage
- garages

- communal stairs and landings
- communal gardens and drying areas
- door entry systems
- communal and CYC digital TV aerials
- planned maintenance
- external painting.

**Gas leaks should be reported to Transco on 0800 111 999**

## Housing Asset Officer

– (01904) 551550 option 4 option 4

The Housing Asset Officers deal with general leasehold issues and reporting repairs, and are your first point of contact. They will either be able to resolve your query themselves, or find the right person to help you. The team are responsible for service charges, maintaining of records including, sublets and transfers.

They give permission for alterations, keeping pets, and deal with breaches of the lease.

They are your first point of contact to help with any issues/queries, as well as reporting repairs.

## Reporting Repairs

You can report repairs to communal areas or building, direct to the Housing Asset Officer (01904 551550 option 4 option 4), who will raise a job for a surveyor to come and inspect the problem.

## Debtors

The debtors team can organise payment arrangements, tell you how much you owe and let you know if you are behind with your payments.

## Housing Management Officer

Housing Management Officers are responsible for the day-to-day management of CYC properties.

They are able to monitor and assist you with issues such as:

- the standard of cleaning
- the warden/concierge service
- rubbish clearance
- grounds maintenance
- antisocial behaviour.

## Capital Projects Team

Responsible for implementation and management of major repair works that may affect leaseholders, for example external painting and reroofing.

## Grounds Maintenance Team

– (01904) 553108

The Grounds Maintenance Team carry out grounds maintenance on all council owned land, except schools and ornamental parks. They cover a full range of horticultural tasks such as maintenance of grass and flowerbeds, open grass areas such as highway verges and housing estates, hanging baskets and arboriculture work across the city's parks, housing areas and streets. They have also taken on the management role for Housing grounds and tree stock.

The Street Cleansing service is provided 364 days a year from 04.00 to 19.00. Works carried out include mechanical sweeping of roadside gutters, kerb lines, footpaths and back lanes, litter and dog bin emptying, manual cleansing of streets and open areas by barrowmen, rapid response to reports of fly tipping and sharps, and removal of graffiti.

## Waste Management Service

– (01904) 551551

Waste Management provide a refuse, green waste and recycling collection service to residential properties across the city. They are responsible for the maintenance of three Household Waste Recycling Centres across the city, and also provide bulky and hazardous waste collection services, such as asbestos. ▶

## ► **Housing Standards & Adaptations**

- (01904) 554019/554050

This service is for customers (all tenures) who require adaptations to continue to live independently in their own homes.

## **Planning – (01904) 551553**

The service deals with all types of planning proposals and enforcement cases.

## **Highways – (01904) 551550**

If you want to report broken or faulty street lighting on the public highway, contact CYC call centre.

## **Insurance – (01904) 552210** [insurance.claims@york.gov.uk](mailto:insurance.claims@york.gov.uk)

If you want to make a claim for compensation for an injury or damage to your property, and you think it is the fault of the council, please contact the Insurance Section for a claim form.

**The issuing of a claim form by City of York Council is not an admission of liability.**

CYC operate a Fixed Service Charge which means it is not governed by sections 18–30 of the Landlord and Tenant Act 1985. Therefore, Section 20 consultation in its standard form does not apply to major works that are undertaken.

CYC will adhere closely to the principals of S20. For planned major works with a cost of £250 or more to individual leaseholders, CYC will:

- Provide a 30-day notification period, inviting comments from customers
- Provide a minimum of 30 days notification period of the start of major works.

CYC will procure works by separately assessing the quality and price of the contractors applying for works. This process delivers best value for CYC tenants and leaseholders alike. This method does mean that there is no facility for customers to nominate contractors for the tender of work.

Notification correspondence will:

- State the reasons for awarding the contract to preferred contractor.
- Provide a detailed description of the goods/ services/works) to be provided.
- State the reasons why we consider the works to be necessary.
- Contain a statement of the total amount of the expenditure CYC will incur on the proposed works.

- If facilities to provide copies of the technical documents are available, these will be made available for viewing at prior request.
- Advise of start and completion date of works.
- Provide contact details of works supervisor and contractor.

The Housing Act 1985 Schedule 6 part 16A(1) sets out that leaseholders may be required to bear a reasonable part of the costs incurred by the landlord in insuring against the obligations imposed by the covenant implied that states the landlord shall rebuild or reinstate the dwelling-house and the building in which it is situated in the case of destruction or damage by fire, tempest, flood or any other cause against the risk of which it is normal practice to insure.

Buildings Insurance for City of York leaseholders is automatically provided by the council, covering the following perils only:

- fire,
- lightning,
- explosion,
- and aircraft.

The full amount is due on the 1st April each year and is included in service charge bills.

Insurance provided by the council is for the structure of the building. You must arrange your own Contents Insurance to cover your belongings and the internal parts of the flat you are responsible for.

The Insurance Team deals with claims on your Buildings Insurance policy.

# Subletting/Selling your Property/Extending Lease

There are generally no restrictions in the lease preventing you from subletting your property. You must make sure that we have your current address and contact phone number in case of emergencies.

## Subletting and antisocial behaviour

We take antisocial behaviour very seriously and will take action against those who cause any disturbance. As the lessee you are responsible for the behaviour of your tenants and their visitors. You must make sure your tenants do not cause a nuisance or disturbance in the flat, in the building or on the estate and surrounding area.

Nuisance or disturbance includes harassing other residents or visitors to the area. If your tenants or their visitors behave in this way, you will be breaking the terms of your lease conditions and we will take the appropriate action against you as the legal owner of the property. This may include legal action to get an injunction (a court order preventing you from doing something) against you as the leaseholder or forfeiture proceedings which may mean you risk losing your home. Examples of unacceptable behaviour that could cause us to take action against you include:

- loud and continuous noise from the flat caused by music, parties, shouting, DIY, slamming doors and barking dogs
- noisy activity in shared areas
- dumping rubbish
- vandalism and graffiti
- drunken behaviour
- actual violence or threats of violence
- abusive language or behaviour
- damaging property.

If your tenant is experiencing anti-social behaviour then you should advise them to contact the Estate Manager for their area, who

will be able to advise further on assistance and action that can be taken.

If your tenant causes any problems for other residents or our staff, we will contact you and tell you to stop your tenant causing the problem. If you don't speak to your tenant, or if your tenant ignores you and continues causing a problem, we may charge you for the time our staff spend dealing with your tenant and sorting out these problems. We may even take legal action against you.

## What happens when leaseholders buy and sell an existing leasehold property?

The seller's solicitor can request management and service charge information, which we provide for a fee to ensure staff time is covered by the seller and is not a cost to other leaseholders.

When the sale is agreed, a Notice of Transfer/ Mortgage is sent to the council by the purchaser's solicitors within one month of the purchase date. This informs us who has bought the lease and become the new leaseholder. Please be advised that the council **does not** get involved in the negotiation process. It is entirely the responsibility of the buyers and sellers of the lease.

The seller will be expected to pay for service charges up until the date of sale as part of the sales process.

## Extension of lease

There is a legal right for leaseholders to extend their lease agreement for a period of 90 years (plus any present unexpired term). The leaseholder will be expected to pay for any reasonable cost incurred by the council when dealing with the lease extension.

## Leaseholder panel

Early in 2013 leaseholders asked us to set up a Leasehold Panel to look at their issues and services.

The panel are setting their own agenda based on their priorities and working to make sure their services improve.

The panel will:

- Improve communication and build a partnership between leaseholders and the council
- Enable leaseholders to express their views on the provision of services that they receive, and the policies that affect them
- Improve the quality of service delivery to leaseholders through better understanding of shared issues and needs
- Receive and discuss performance information on the delivery of services to leaseholders and make recommendations about these where appropriate
- Be a consultative forum to receive service improvement proposals and information regarding planned maintenance and capital works.

## Membership

Membership will be open to all City of York Council leaseholders.

Membership should aim to be representative of leaseholders as a whole.

## Frequency of meetings

Two full meetings a year, usually April and September. Monitoring meetings to be held between these meetings to make sure the actions from the previous meeting are being addressed.

For further information, or if you would like to attend the next meeting, please contact Julie Hood on (01904) 552097 or email [julie.hood@york.gov.uk](mailto:julie.hood@york.gov.uk)

## Leaseholder Billing Surgery

A billing surgery will take place every March at West Offices and run for two weeks. It will provide leaseholders with the opportunity to discuss annual service charge bills, with a member of the Housing Assistant Team.

**Housing Asset Officers –  
General Leaseholder Enquiries**

01904 551550 option 4 option 4  
housing.leaseholder@york.gov.uk

**Repairs – Out of Hours**

01904 630405

**Housing Services – Estate Issues**

01904 551550 option 4, option 3  
Ask for the Housing Management Officer who  
covers your estate

**Insurance Claims**

01904 552210  
Insurance.claims@york.gov.uk

**Leaseholder Advisory Service**

The Leasehold Advisory Service, provides free  
legal advice on the law affecting residential  
leasehold in England and Wales.

020 7832 2500  
www.lease-advice.org

**Other Council Services**

**Pest Control**

01904 553296

**Refuse Collection**

01904 551550

**Environmental Health (Noise Nuisance)**

01904 551555