



# Leasehold Handbook Brockley

A photograph of a brick wall with a large, 3D sign that reads "SEA". The letters are white with a green outline and are mounted on a dark, possibly black, background. The wall is made of red and orange bricks. In the background, a brick building with a window is visible. A sign on the wall to the right reads "COULCATE STREET".

SEA

### Translation

This handbook provides information on your lease and services to Leaseholders within the Brockley area.

If you would like to have this handbook translated into another language, please contact us at the Brockley Office on:

0204 518 1447

to enquire about available languages.

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# Introduction

## Welcome to the Regenter Brockley Leaseholders' Handbook.

We hope you find it helpful in providing information about your lease and the wider Brockley community.

The handbook provides an overview of both your rights and responsibilities as a leaseholder and ours as a managing agent on behalf of Lewisham Council.

The handbook is not intended to cover every situation. Should you have any questions regarding any item not covered in this handbook, you should contact our Leasehold Manager who will be able to help you, or let you know who can.

Your lease is a legal document and therefore the handbook should only be seen as a guide. Accordingly, you should not rely on the handbook in any dispute to do with your lease. In this respect we would advise you to obtain independent advice such as from a solicitor or law centre.

## Regenter Brockley

The London Borough of Lewisham has entered into a twenty-year housing Private Finance Initiative (PFI) with Regenter B3 Ltd known as Regenter Brockley. The contract commenced on the 4 September 2007 and will provide significant investment in Brockley homes and services over a 20-year term.

The Regenter Brockley service incorporates 1,836 properties of which approximately 1/3 have been purchased on a long lease by leaseholders. Accordingly, a significant part of our service is geared to delivering services to leaseholders.

A PFI contract is a government initiative to obtain private sector funding to refurbish council owned property.

The objectives of the Brockley PFI are as follows:

- To refurbish Council estate based dwellings and street properties in the Brockley PFI area of Lewisham within three and half years.
- To maintain these dwellings for the duration of the twenty-year contract period.

- To provide responsive and cost effective landlord services for tenants and leaseholders of the PFI properties
- To enhance and maintain the neighbourhood and estate environments

The Brockley neighbourhood is a mixture of small to medium sized estates and a large number of street properties. A number of properties are within Brockley conservation areas.

We have a series of service standards that have been agreed with the London Borough of Lewisham. These are monitored and reported to Lewisham Council.

In addition to ensure value for money is achieved, Lewisham Council undertakes regular reviews of the contract.

## Our Vision and Values

### Our Vision

Investing in people, transforming places, maximising potential.

### Our Values

#### People

By putting people at the centre of everything we do, we build teams who genuinely care about the communities they work in and take pride in the quality of the services they provide to customers.

#### Places

By delivering works and services that focus on the environments in which people live, we can work in partnership with our customers to look after their assets and protect their communities.

#### Potential

By combining the best from our staff, the people we serve and the places we manage, we can maximise the potential for stronger, more sustainable communities.

## Service Delivery Partners

### Pinnacle Group

Pinnacle Group provides neighbourhood management services including housing management, leasehold management, estate services and resident support services.

### Rydon

Rydon is a construction, development, maintenance investment and management company who carry out the day-to-day repairs and maintenance service.

### Higgins

Higgins are a developer who were responsible for the three-and-a-half-year refurbishment programme which commenced at the beginning of the contract.

## How to contact us

### In person and in writing

111 Endwell Road, Brockley London SE4 2PE  
Monday - Friday, 9am - 5pm

### By phone

Housing Management & Customer services  
0204 518 1447  
Repairs  
0800 083 9683

### E-mail

[brockley.customerservice@pinnaclegroup.co.uk](mailto:brockley.customerservice@pinnaclegroup.co.uk)

### Website

[www.pinnaclebrockley.co.uk](http://www.pinnaclebrockley.co.uk)

### Out of hours

Telephone: 0800 0839 683

# Your Lease



## Leasehold Interest

When you purchase a flat you will be buying a 'leasehold interest'. You do not usually own and are not normally responsible for the 'bricks and mortar', or structural parts.

The lease is the formal contract between you and the London Borough of Lewisham. Both you and the Council have a duty, by law, to keep to this agreement.

The lease is for a set period of time, normally 125 years from the time of the first sale. If you purchased from another leaseholder, you will need to check how much time remains on the lease.

Under the terms of the lease, we can raise the service charge to cover the costs we incur in providing related management services to you. However, we must be reasonable at all times and be able to prove the costs incurred, consulting with you in advance for any major costs or changes. Other than this we can only change the conditions of the lease if you agree or a court decides upon application, that it is reasonable to do so and gives the necessary permission.

It is important to understand the main terms of your lease. Refer to your lease to make sure you know what your responsibilities are and what are the Council's.

## Our responsibilities to you

- To maintain the structure and outside of your property, the services to the building and all shared areas of the building and estate
- To ensure that the building is insured against damage, loss or vandalism (this does not include the contents of your flat) and give you a summary of buildings insurance cover
- To ensure service charges are reasonable and explain how we have worked them out
- To consult you about issues which may affect the services we provide
- To consult before carrying out any major works to your block. Any work costing more than £250 for each flat in a block is classed as major works.
- To respect your right to live in and enjoy your home.

## Your responsibilities as a leaseholder

- To pay your service charges and ground rent (where applicable) on time
- To ensure that a 'GAS SAFE' engineer services your heating system each year
- To maintain and repair your home including window panes and locks, front entrance door and all the services used in your home
- To allow us into your home to carry out any work that is needed to the property or block
- To use the premises only as a private home. You cannot run a business from your home

### You must not do any of the following:

- To carry out any major structural alterations to your property without our permission in writing
- To cause any nuisance to or annoy your neighbours or allow any other persons who reside with you or any visitors to your home to do so.

## Breach of Lease

If there is a breach of a lease condition, we will initially write to you advising of this and ask you to rectify it within a given period. If the situation does not improve then the London Borough of Lewisham may then serve you with a Section 146 notice under the Law of Property Act 1925. The Section 146 Notice warns a leaseholder of the landlord's intention to forfeit the lease, and may then apply to the Court and seek forfeiture of your lease, (i.e. repossession), damages for the breach, or both. This action could result in you losing your home.

The serving of a Section 146 Notice for forfeiture for non-compliance of the lease covenants will not be issued unless the breach has been agreed by the leaseholder, determined by court or by the First Tier Tribunal.

Regenter Brockley or the Council cannot offer you legal advice about your lease. Instead, you should ask a solicitor before or after purchase or obtain independent legal advice.

# Service Charges



## Leasehold Legislation

There are two main areas of law that control service charges. The first is the lease itself, which explains your responsibility for paying service charges and the second is leasehold legislation.

The Landlord and Tenant Act 1985 explains what a service charge and your rights as a leaseholder in relation to the service charge.

While the Commonhold and Leasehold Reform Act 2002 provides leaseholders further opportunities to be consulted on major works and consultation.

Further information about leasehold legislation can be obtained from:

Government website  
[www.gov.uk](http://www.gov.uk)  
Leasehold Advisory Service  
[www.lease-advice.org](http://www.lease-advice.org)

## Block and individual service charges

The lease sets out how we work out your share of the costs of providing services, works and insurance. Leaseholders make up an increasingly high percentage of the properties that we manage. Income from leaseholders service charge is an important contribution for the services that are provided.

We calculate the cost of services to your block and estate by dividing the total cost by the number of flats in the block or on the estate to confirm your share. The proportion you have to pay is detailed in your lease and will be normally a certain percentage for both the block and the estate.

You pay service charges only for the services and work for your block and estate, including our management services.

The cost of building insurance (for the shared areas, structure and outside only), is included in your service charge bill.

Typical items that may be included in the service charge are:

**Caretaking and cleaning services**  
We provide mobile caretaking services for most of our flatted properties including window cleaning

**Communal lighting**  
We provide lighting to shared areas such as staircases and landings

**Day-to-day repairs**  
We carry out any day-to-day repairs needed in the shared areas of the block

**Door entry systems**  
We maintain and repair door entry systems

**Gardening and grounds maintenance**  
We maintain the gardens and hard landscaping in the shared areas around the accommodation

**Ground rent**  
There is normally a ground rent charge of £10.00. This is for renting the land on which the property stands

**Insurance**  
We insure the structure of the block and the shared areas

**Lifts**  
We service and repair any faults to blocks.

## Service charge management fee

The management fee covers staffing costs related to leaseholder activities. This includes items such as calculating service charges, major works consultation, billing and office running costs associated with leasehold management.

It also includes a contribution towards other indirect leaseholder staffing costs such as the management of communal repairs and housing management issues. The charge is worked out as a percentage of your service charge.

There are normally two levels of management fee as follows:

**Estate properties**  
These properties normally receive the majority of services outlined above.

**Non estate properties**  
Generally these properties are only in receipt of insurance and ground rent fees.

## Service charge payments

Under the terms of the lease you should pay your annual service charges bill within 21 days of date of receipt. Alternatively, you can arrange to make a payment by 10 monthly instalments.

Each year normally in April we will send you an estimated service charge statement. This will have your estimated contribution towards the likely costs of any services provided as well as insurance and ground rent (if applicable), for the forthcoming year.

The statement will show actual expenditure for the previous year, estimates for the current year and a balance on the account. If you think any of your charges are incorrect, you can contact our Leasehold Manager Team on:

Telephone: 0204 518 1447

Email:  
brockley.customerservice@pinnaclegroup.co.uk



## How to pay your service charges

There are a range of methods of payment as follows:

### Payment card

You can contact our Brockley Office on 0204 518 1447 or [brockley.customerservice@pinnaclegroup.co.uk](mailto:brockley.customerservice@pinnaclegroup.co.uk) to order a payment card. This can be used to make payments at Post Offices and Pay Points.

### Post

You can make payment by post by sending a cheque to our Regenter Brockley office:

Pinnacle Group  
111 Endwell Road  
Brockley  
SE4 2PE

The cheque should be payable to Lewisham Council with your address on the back. Please do not send cash in the post.

### Telephone

The London Borough of Lewisham telephone payment service provides a facility to make a credit or debit card transaction over the telephone. The payment facility can be accessed on 020 8690 8707 and requires your ten digit property reference number.

### Standing Order

You can ask your bank to pay the service charge by standing order, usually on a monthly basis. You should contact the leasehold team to request an instalment agreement.

You will be in breach of your lease if you fail to pay your service charges. If your circumstances change or have difficulty in paying your service charge please contact the Brockley Office to make an agreement on the method of paying outstanding charges.

If you continue to be in arrears with your re-payments we will be required to take legal action. This could affect your credit rating and will incur legal costs.

There are a number of agencies who can provide debt advice including the Citizens Advice Bureau (CAB).

See useful contact lists at the end of this handbook for further details.

For further information on how to pay by one of these methods contact our Leasehold Team on 0204 518 1447 or [brockley.customerservice@pinnaclegroup.co.uk](mailto:brockley.customerservice@pinnaclegroup.co.uk)

## How to pay your service charges

You will be in breach of your lease if you fail to pay your service charges. If your circumstances change or have difficulty in paying your service charge, please contact the Brockley Office to make an agreement on the method of paying outstanding charges.

If you continue to be in arrears with your re-payments, we will be required to take legal action. This could affect your credit rating and will incur legal costs. There are a number of agencies who can provide debt advice.

# Repairs



## Responsibilities

Your lease will tell you the repairs that are your responsibility as a leaseholder and what repairs are the Council's responsibility. Some leases have different responsibilities and you should refer to your lease for the legal position regarding both yours and the Council's obligations.

## Our responsibilities for repairs

We are responsible (on behalf of the Council), for the external parts of the building that you live in and any communal or shared areas. These include:

- The main structure of the building, including walls, foundations, window frames and roofs
- Shared electrical, plumbing and drainage that is supplied to the whole building
- Decorations to outside or shared areas
- Shared boundary walls, fences, gates and paths

You will be responsible for paying a proportion of all cost incurred in carrying out the above repairs.

All repairs have a target date when they should be completed, and you will be provided with this information when you report the repair.

## Your responsibility for repairs

You are responsible for the following repairs:

- All parts inside your home including services only you use
- Fixtures and fittings in your home
- Heating and hot water systems
- Repairing broken glass in windows
- Front door and frame
- Locks.

We do not carry out repairs that are your responsibility. We may be able to help in exceptional circumstances (for example, if you cannot do the repairs yourself and this is causing problems for other residents).

You will have to meet the full cost of the repair including VAT.

## Front doors

As a leaseholder it is your responsibility to ensure that your front door is fire resistant. Fire doors are built to restrict and delay the path of a fire and will save lives.

Most wooden doors meet fire requirements but in nearly all cases new UPVC or plastic doors are not sufficiently fire resistant. If the assessment shows your front door is not a fire door it is your responsibility to replace it with a new door.

Regenter B3 is responsible for the communal fire doors in your block and for the self-closing doors in the corridors and staircases. If you would like advice on how to get your front door assessed for fire safety, please contact the Brockley Office.

## Reporting repairs

If you wish to report a repair, you should contact our Rydon Maintenance freephone repair line on 0800 083 9683 during office hours (9am to 5pm). Similarly, if you have an emergency after 5pm or at a weekend you should contact the same number.

If you phone out of office hours and it is not an

emergency, you may be charged a call-out fee.

Please remember that anyone working for Regenter Brockley should show you their identification. Always ask to see the operatives ID card before you let them into your home.

## Rechargeable repairs

If a water leak occurs from your home into a neighbouring property, Regenter B3 will undertake any repairs to a tenanted property. However, you may be recharged for the works needed to put right the damage caused.

If an on-going leak occurs, we will try and make contact

with the leaseholder (including any correspondence address that has been supplied in respect of a sub-tenant). As a last resort we will apply for a court injunction to gain access and undertake the work ourselves. For further information on insurance responsibilities please see Insurance on page 23.

# Major Works in Brockley



## Consultation on major works

The repairs service charge covers day-to-day repairs to the structure of the block and shared areas. Where works are likely to cost in excess of £250, they are designated as major works.

There are clear guidelines that we must follow when we consult leaseholders about major works. These guidelines are set out in section 20 of the Landlord and Tenant Act 1985 and were amended by Section 151 of the Commonhold and Leasehold Reform Act 2002.

## Major works in Brockley

As the freeholder, the Council is responsible for maintaining the structural, exterior, and common parts of the building and shared parts of estates such as roads and parking areas.

RB3 carry out these responsibilities on behalf of the Council. These areas are not included in your home because you share them with other people.

The cost of maintaining a building depends on its age and structure. From time to time, we will need to carry out major works to improve or repair the shared and structural parts of the building. If the cost of the repair or improvement is estimated to cost you more than £250, we refer to it as major works, but these costs are also a service charge.

Under the terms of your lease, you must pay a share of the costs of major works. This will include a management charge and professional fees, such as consultant surveyors, engineers or architects.

Major repair work can take some time to complete. We will not know the final cost until the work is finished, and we have checked and agreed the final sum with the contractor.

Further clarification of living in a leasehold flat and its obligations on you and Regenter acting as the agent for your landlord Lewisham Council, can be sought by going to the LEASE website at [www.lease-advice.org](http://www.lease-advice.org)

## Formerly consulting you about major works

The regulations say that we must consult you if we carry out work that results in you being charged more than £250.

### Notice of Intention / Notice of Estimates

Before we carry out any work, we must send a S20 notice of intent to all leaseholders who will have to pay towards the work, and any Resident Tenant Association that represents them. This notice must:

- describe the planned work, or tell you where and when
- you can see the plans and get copies;
- explain why we need to do the work;
- give the total estimated cost;
- invite you to make comments in writing on the proposal and give you the address where you should send your comments; and

- give the date the consultation period ends and make it clear that we must receive your comments before the end of the 30-day consultation period.

Under the Brockley PFI all major works contributions are capped to a maximum of £10,000 in any five year period. This means that the most we can ask you to contribute towards the cost of work to your building including major works is £10,000 in any five year period.

Major works charges (in the same way as annual service charges), are charged in accordance with the requirements of your lease. In addition to the cost of the works and any professional fees a management charge is levied. This is currently 10% of the major works and includes the cost of the following:

- Responding to any comments we receive and respond to them within 21 days.
- Recovery of major works charges.

## Emergency works

For reasons of safety, we may have to carry out emergency works. We will endeavour to notify you of these works, but this may require emitting the above referred formal consultation period. Where necessary we will apply to the First Tier Tribunal to dispense with the formal consultation process.

## Major works charges

Invoices will be raised when the final costs are known after the work has been completed.

Under the Brockley PFI all major works contributions are capped to a maximum of £10,000 in any five year period. This means that the most we can ask you to contribute towards the cost of major work to your building is £10,000 in any five year period.

Major works charges (in the same way as annual service charges), are charged in accordance with the requirements of your lease. In addition to the cost of the works and any professional fees a management charge is levied. This is currently 10% of the major works and includes the following:

- Issuing formal major works consultation notices; advising leaseholders on payment options.
- The administration costs of issuing estimated notices and actual final invoices for the major work bills
- Staff for responding to observation

## Paying for Major Works



### How can I pay?

One of the questions most commonly asked by leaseholders is 'how can I pay for Major Works?'. There are a number of options that leaseholders can consider and we hope this information will help you find the one best suited to your circumstances.

### When should I pay my Major Works charge?

Payment is due within 21 days of the invoice date. If full payment is not made within 21 days, then you must ask the Leasehold Services Team if you can have a repayment agreement put in place.

When the actual cost is known at the end of the works, your major work account will be debited with the actual cost being applied to your account. We will write to advise you of the actual cost.

## What can I do if I need extra time to pay?

The following information is about the main options available, but you may also wish to seek independent financial advice.

### Interest free payment option

Lewisham Council has recently introduced a new 'interest free payment option' for resident leaseholders who are required to pay for Major Works as part of their service charges. We send out information about the 'interest free payment option' with every leasehold invoice. However, if you would like more information contact Leasehold Services.

The new interest free option allows up to:

- 24 months interest free for bills less than £3,000; or
- 36 months interest free for bills over £3,000.

### Right to a Loan

Some leaseholders have the Right to a Loan from the Council. This right only applies where the original purchase under the Right to Buy scheme is within the last ten years. These loans from the Council:

- are secured as a mortgage on your property;
- charge interest throughout the term of the loan
- have a maximum and minimum amount for the loan
- and have a maximum number of years over which the loan can be repaid.

### Increasing your mortgage

Leaseholders who already have a mortgage on their home can ask their mortgage lender to have the cost of the works added to their existing mortgage. The mortgage lender pays for the Major Works and then the leaseholder makes payments to the mortgage lender for the cost of the works and interest - over the remaining years of the mortgage.

### Re-mortgaging

A number of leaseholders have arranged to re-mortgage their property with a different mortgage lender. The

new mortgage takes into account the cost of the works. Sometimes it is possible to re-mortgage at a lower rate of interest than you are paying on your current mortgage. However, a new lender may charge you an arrangement fee for the new mortgage.

### Other loans

Generally loans offering the lowest interest rate are those secured on the property. However you may be able to obtain other loans, such as personal loans from a bank. These loans tend to have higher interest rates.

### Lewisham Bromley Credit Union

The Credit Union is a not-for-profit savings and low cost loans service for people living or working in the London Borough of Lewisham.

[www.pluscu.co.uk](http://www.pluscu.co.uk)

262 Kirkdale Road, London SE26 4RS

### Service Charge Loans

Lewisham Council offers service charge loans to leaseholders. You could benefit from this option if you cannot pay the whole amount due within the interest free period. However, you may find that you can get a more competitive rate of interest from high street lenders. The service charge loans from the Council are secured by a mortgage on your property. If you are interested in taking out a Council loan for the works please contact our Leasehold Team. Please note these loans are discretionary and subject to conditions.

### Equity Loans

There are a number of different schemes designed to assist older homeowners to release the equity value in their home. It is particularly important that you receive legal and financial advice before entering into one of the schemes. We suggest that you consider using the service provided by the Home Improvement Trust, which is a not-for-profit organisation aimed at helping homeowners aged 60 or above, disabled homeowners or homeowners living with disabled person/s.

## Can I get help paying my major works charge?

### Housing costs

If you are in receipt of certain payments from the Department for Work and Pensions, as a leaseholder you may qualify for assistance with some housing costs. Our Leasehold Team can make an appointment with our Welfare Benefit Advisor who will help you to work through different options and make sure you are claiming all the benefits you are entitled to. For independent advice, you can contact the benefits service (run by JobCentre Plus) on 0845 608 8770.

### General

If you are considering taking out a loan to pay for the works, it is important that you read all of the terms and conditions carefully. Some loans have heavy penalties if you wish to pay the debt off early. It is important to remember that if you fail to keep up the repayments on a loan secured against your property, your home could be repossessed.

Before entering into any loan agreement you may wish to take your own legal and financial advice.

## What happens if I cannot afford to pay for the works or a loan?

If you are in this position, it is important that you contact Leasehold Services straight away. You can discuss your individual circumstances over the phone or arrange an interview.

Home visits can be arranged if you are unable to come to the office for health reasons. We will assist you in identifying benefits that you may be entitled to claim and work with you to calculate an amount that you can afford to pay. We will then discuss with you the ways that may help to reduce the amount you need to borrow and in doing so reduce the interest that you pay. In order to provide this assistance, we will need to ask you to provide full details of your income, expenditure and savings.

## What will happen if I do not pay the Major Works bill?

It is a condition of the lease for leaseholders to contribute towards Major Works when they are carried out to their block or estate.

Every effort will be made to come to an arrangement that is acceptable to both you and Pinnacle Group as the Councils managing agent. We provide assistance that is generally not available to leaseholders in the private sector, for instance allowing payments by instalment and offering service charge loans.

We will take recovery action for non-payment of charges via the courts but only after we have tried to reach a suitable arrangement with you.



## What are the methods of payment available?

### Direct debit

To set up a direct debit, you will need to agree a monthly repayment plan with us.

### Standing order

You can ask your bank to pay the service charge by standing order, usually on a monthly basis. If you set up a standing order with your bank, you will need to agree a monthly repayment plan with us.

We may require you to complete and return a payment options form and return it to the Leasehold Services team so that we can update our system. Please quote your 10-digit Major Works account number when paying by this method.

### By credit or debit card

You can pay by credit or debit card, by phoning the Council's Payment Line on:  
020 8690 8707

### Plastic card

A Payment Card can be used at any Post Office. You can also use the card to pay by cash at a PayPoint outlet. If you require a Payment Card to be sent to you, please request this by contacting Leasehold Services on:

020 7635 1200

Brockley.customerservice@pinnaclegroup.co.uk

### In person

You can pay in person at any Post Office or PayPoint outlet using your plastic card. You can also pay at a bank using the details on the standing order form.

### By telephone

Please call 020 8690 8707 to access the touchtone payment service. You will need your 10-digit account number to use this service.

### Direct payment from your bank account

You can also arrange to transfer your payment directly from your bank account to the Council's bank account. You must quote your 10-digit account number as the reference.

The bank details are:

Pay: London Borough of Lewisham

Name of Bank: Barclays Bank PLC Main Income Account

Account No: 93380513

Sort code: 20-00-00

# Alterations and Improvements



## Improvements

You need our permission (landlord's consent) for any improvement works to the structure of your home. This includes:

- Removing or building walls or chimney breasts
- Changing external doors or windows (see note\*)
- Installation of a satellite / TV aerial
- Erection of fencing
- Installation of new windows or double glazing

If you have not received the necessary landlord permission, you may have difficulties in selling your property.

We have a legal right to put right or undo any work you have undertaken without permission from us and restore the property to its original condition and to charge you the costs.

You must write to the Regenter Brockley Leasehold Manager for landlord's consent. The request will need to include full details of the works you wish to carry out along with any plans. We may ask one of our inspectors to visit the property to clarify any aspect of the works you wish to complete.

Before landlord's consent is given you will still need to:

- Check with planning as some alterations will require planning permissions or are affected by building regulations

Once landlord's consent has been given you will still need to:

- Apply the rules of the statutory authorities such as gas, water and electricity companies
- Keep to any condition we set out when giving permission

### \* Note

Installation of external replacement doors and windows must be carried out by a FENSA registered company.

## Brockley Conservation Areas

The wider Brockley environment has a number of designated Conservation Areas as outlined below:

- Brockley
- Brookmill Road
- St John's
- Somerset Gardens
- Telegraph Hill

To help preserve high quality architectural features and ensure that changes are undertaken sympathetically, external changes to elevations visible from public viewpoints require planning permission.

The following list gives an indication of those changes requiring planning permission (in addition to the landlords permission):

- Changes to windows, doors, chimneys and other material alterations
- Alterations to the roof of a house
- The addition of a porch. This would include infilling an open porch
- Putting down a hard surface, for example a drive, or replacing an existing drive
- New boundary treatments like gates, walls and fences and the demolition of the original
- The painting of the exterior of a dwelling house or building within the grounds of the property

For further information on the designated Brockley conservation areas please see the useful contacts section on the last page of this handbook.



# Letting your home

The Councils consent/permission is not necessary for you to sub-let your property.

However the Council does require notice that you are sub-letting. This notice should be sent to:

Lewisham Legal Services  
Laurance House  
Catford  
London SE6 4RU

or can be sent by email to:

leaseholderenquiries@lewisham.gov.uk

The notice should include details of the date of the sub-letting and any information you are able to provide as to who it is being sublet to, whether this is an agency or individual. You must also provide a forwarding address for yourself.

The Councils charge for registration of such a notice of sub-letting is £85.00. A cheque should be made payable to the London Borough of Lewisham. Alternatively, bank details for the London Borough of Lewisham are below. If funds are sent this way, please include evidence of payment with your notice or we will not be able to locate it in our system.

Bank	Barclays Bank Plc
Account Name	London Borough of Lewisham
Sort Code	20-00-00
Account Number	93380513
Reference	OZJ/Notices

You do not need the Council's permission to let your property. However, for the purposes of both building insurance and service charges you must notify us in writing. You should also contact your mortgage lender to confirm the terms of your mortgage.

It is your responsibility to make sure that both you and your tenant are aware of the conditions (covenants) of the lease in particular:

You will continue to be responsible for the following:

- To register your sub-letting
- Paying all service charges, ground rent and bills for major works for all repairs in the property apart from shared
- A copy of the tenancy agreement
- Your correspondence address
- Name and contact details of your tenant
- Gas safety certificate
- The behaviour of your tenants

Under the Gas Safety (Installation and Use) Regulations 1998, you will be responsible as a landlord for undertaking an annual gas safety check. You should also ensure that any electrical works undertaken meet NICEIC regulations.

If you choose to sublet your property, you are responsible for making sure your tenant keeps to the terms of your lease. If there are any subsequent problems with your tenant's behaviour we may be required to take action against you.

You should be aware that water leaks are often a common problem that goes unnoticed until a near neighbour reports damage to their property. In this instance it is essential that we have your contact details in order to contact you, to arrange the necessary repair.

# Buying and selling your home



## Buying the freehold of your home

The London Borough of Lewisham encourages applications from leaseholders to buy the freehold of their home when all the properties in the building are leasehold.

Long leaseholders of flats have the right to buy the freehold of their building as a group if they and their block qualify. This is known as the right to 'enfranchise'. Once they have bought the freehold, leaseholders can decide for themselves how to manage their block and take over the Council's responsibilities.

You have a right to buy the freehold if:

- at least two-thirds of the flats in the building are held on long leases; and
- the number of leaseholders who want to buy the freehold equals at least half of all the flats in the building

If leaseholders buy the freehold in a building with Council tenants remaining, a 999-year lease back will take place. Council tenants in buildings where the leaseholders have bought the freehold will keep the Right to Buy to their home in the same way as secure tenants. In addition a limited company has to be established and maintained.

The cost of buying the freehold depends on the property and legal costs. For more information please contact London Borough of Lewisham or a national advisory group such as the Leasehold Advisory Service (LEASE). See the useful contacts section on the last page of this handbook.

## Repaying the discount if you bought under the right to buy

If you bought your home under the Right to Buy, you may have to pay back some or all of the discount you were given. The monies are usually repayable from the proceeds of the sale. The level of discount repayable is dependent on whether the property was sold under the Right to Buy pre or post 18 January 2005.

### Right to Buy - Pre 18 Jan 2005

If you purchased your property directly from the Council under the Right to Buy Scheme, with the benefit of discount, the Council will have informed you that if you sell your flat you need to contact them to offer the flat back to the council.

### Right to Buy - Post 18 Jan 2005

From this date the discount repayment period for new RTB applications was extended from two to five years. The amount of discount to be repaid if a property is resold within five years is now a percentage of the market value of the property when it is resold.

The Government has set the parameters for the discount repayment. There are, however some exceptions to those relating to marriage, divorce and death where the requirement to repay the discount will not apply. You must contact the Council for guidance.

## Selling your home

You do not need permission from the Council to sell your property. However, if you bought your home after 18 January 2005 under the Right to Buy you must first offer it to the Council for first refusal.

The person buying your property may want details of the service charges and any works that have been carried out or are planned for the future. Your solicitor will normally write to us asking for any information they require. This will be provided by way of a pre-assignment pack normally within 10 working days.

The pre-assignment pack includes the following information:

- Service charge statements for the last three years
- Service charge and major work account balances
- Buildings insurance
- Major works undertaken but not yet billed

A rough guideline of the proportion of the discount which you would have to pay on the resale would be:

- Resold within the first year - 100%
- Resold within the second year - 66.66%
- Resold within the third year - 33.33%
- All major works that are completed

We will not deal directly with any prospective purchaser or their solicitor only the current owner and their solicitor. There is a charge for providing this information. It is the new leaseholder's responsibility, (normally via their solicitor), to notify us that the lease has been assigned into different names. This must be done within 21 days of completion. The Council's records cannot be amended until we have received formal notice of the assignment. The correct owners details are required for the purposes of both building insurance and service charge notification.

# Insurance

## Responsibilities

The responsibility for the insurance of the building is divided into two parts as follows:

### Structure and shared parts of the building

The Council is responsible for the insurance of the 'Reserved Property' (external common areas as defined in the lease, i.e. foundation, roof, walls, etc.), for which the lessee makes an annual contribution incorporated in their

annual service charges.

### The Property

The lessee is responsible for insuring the 'Demised Property', this is the flat and its contents and includes the fixtures and fittings inside the property, for example fitted kitchen units.

## Structure and shared parts of the building

In accordance with the Brockley Private Finance Initiative (PFI) the Council's insurance responsibility is undertaken by REGENTER B3, which is the name of the company that own the contract with Lewisham Council. The registered name is Regenter Brockley Ltd. They hold the insurance policy for the Reserved Property under a blanket policy covering a large number of properties. The total sum insured is not apportioned to specific properties and it is not possible for interests of individual lessees and mortgages to be noted on the property.

All claims must be made to Regenter Brockley Housing Office:

111 Endwell Road, Brockley, London SE4 2PE  
0204 5181 447

[brockley.customerservice@pinnaclegroup.co.uk](mailto:brockley.customerservice@pinnaclegroup.co.uk)

The policy will not recognise claims that are made in excess of ninety days after the incident. A copy of the policy schedule can be obtained on request from the Leasehold Team at the above address.

The policy covers all shared parts of the building and, in addition, it provides cover for:

- Drains, pipes and cables
- Drives and footpaths
- Garden walls and gates
- Communal fixtures and fittings (including aereals and fitted furnishings)

## The demised property (your own property)

You can choose your own insurer. However you must serve a notice of cover on the Council as your landlord, no later than 14 days after buying the insurance (or within 14 days of any request by the Council as your landlord). You should send a copy of the policy to the Council's insurance section to London Borough of Lewisham, Laurence House, Catford Road, London, SE6 4RU.

In addition you should obtain cover for personal possessions. This will be normally insured by the lessee under a separate Contents Insurance policy.

The policy must:

- Be with a reputable insurance company
- Provide comprehensive cover for all risks which can be insured
- Be in the joint names of you and the Council: and;
- Be for the full reinstatement value in terms of the cost of rebuilding

## Public Liability

Regenter Brockley Ltd on behalf of Lewisham Council are responsible for the management of properties and the associated public areas within Brockley. Residents and members of the public may make an insurance claim against Regenter Ltd for any damage caused to the residents' possessions, or injury to the resident or members of their family. Before entering a claim for compensation (public liability claim), it is important to be aware of the following points:

- There is no guarantee that entering a public liability claim will automatically result in compensation and in many cases it does not.
- All claims are assessed on the basis of whether Regenter Ltd has been legally negligent. Occurrences may happen that are unfortunate or accidental but not due to anyone's negligence.
- Regenter Ltd and its insurance company will endeavour to respond to a claim within a three month period. The circumstances of the claim will need to be investigated and any decision on the claim will therefore not be immediate.
- Letter of claims can be entered by the claimant in person or by a solicitor acting on their behalf. We treat all claimants equally regardless of how they are represented.
- Fraudulent claims will be prosecuted.

## How to make a claim

To make a public liability claim, the claimant should send a formal letter or email to Regenter Ltd. Information contained within a letter of claim is defined by law but should contain enough information for Regenter Ltd insurers to begin investigations.

Letters of claims should contain the following:

- Claimants name and address
- Date of birth
- National insurance number
- Details of the incident, including place and date of incident
- Details of any injuries or damage to property
- Details of how or why the claimant feels that Regenter Ltd have acted negligently
- Name and address of any witnesses

Letter of claims should be sent to: Regenter Ltd, Pinnacle Housing Office, 111 Endwell Road, Brockley, London SE4 2PE

or [brockley.customerservice@pinnaclegroup.co.uk](mailto:brockley.customerservice@pinnaclegroup.co.uk)

On receipt of a letter of claim Regenter Ltd will forward details to its insurance company. We will respond to you within 21 days of receipt of the letter of claim advising of our insurance details.

If the letter of claim does not contain sufficient information Regenter B3 Ltd will respond within 21 days acknowledging the letter of claim but requesting further information. Until we receive this information the three months response time limit will not have started.

A public liability claim is a legal claim and can be complicated. You may wish to seek legal advice either before making a claim or if you disagree about the decision reached.

The Citizens Advice Bureau can give guidance on making a public liability claim.



# Anti-social Behaviour



We believe that everyone who lives, works or visits the Brockley neighbourhood has the basic right to enjoy peace and quiet in their own home, feel safe and secure and not have to suffer or tolerate the anti-social activities of others.

As a leaseholder of London Borough of Lewisham you are responsible under the terms of the lease for the behaviour of your household and visitors. The term 'anti-social behaviour' includes all behaviour that causes annoyance, nuisance, or disturbance to people's quality of life.

Examples of anti-social behaviour include;

- Excessive noise
- Verbal abuse / harassment
- Hate related incidents (based upon race, sexual orientation, gender, disability, religion or age)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs / substance misuse
- Litter / rubbish / fly tipping
- Garden nuisance
- Misuse of communal areas / public space

## Complaints

If we receive complaints that a sub tenant of a leaseholder is behaving in an anti-social manner we will contact the leaseholder in writing advising them of the nature of the complaint. It will then be expected that the leaseholder will take the necessary action to resolve the issue with their tenant.

## Reporting anti-social behaviour

You can report anti-social behaviour to us:

By visiting us at the Brockley office at:  
111 Endwell Road, Brockley SE4 2PE

By telephone:  
020 4518 1447

By email:  
brockley.customerservice@pinnaclegroup.co.uk

## When you report anti-social behaviour

For the most serious cases - for example for hate crime, threats of or actual physical violence, and domestic violence - we will:

- Record details of your issues at the time and confirm this in writing within one working day;
- Contact the person(s) causing anti-social behaviour within three working days if you agree to this;
- At your request, visit/interview you within three working days of your report; and
- Assess what services and support you require, and confirm this in writing, within five working days of your report.

While for non urgent cases we will:

- Record details of your issues at the time and confirm this in writing within three working days;
- Contact the person(s) causing anti-social behaviour within five working days if you agree to this;
- At your request, visit/interview you within five working days of your report; and
- Assess what services and support you require, and confirm this in writing, within ten working days of your report.

# Leasehold consultation

We are committed to the consultation and involvement of our residents.

We want you to be involved in decisions that affect your home and your community. We need residents to give their views to us direct or to leaseholders and tenants' representatives. We will tell you about our plans that could affect your home and the services we provide for you.

We will ask you for your opinions about important housing and community issues such as:

- Changes in levels of service
- New services
- Major works, improvements, and planned maintenance
- Annual service charge setting

## Leaseholder forum

This group meets three times a year to discuss the services we provide for leaseholders and possible improvements to these services.

## Getting involved

There are many ways for leaseholders to get involved and at different levels of involvement. Some of the ways that you can get involved are:

- Individual consultation (surveys /comments /complaints)
- Focus groups for specific feedback
- Tenant and Resident Panels (TRA's) and Leaseholder Panel
- 'Online' feedback via our website

If you would like more information on how to get involved please contact us on 020 4518 1447.

## Customer feedback

If you have a complaint about your service charges, or about the service you are receiving from us, please contact us. If we have got things wrong and you are unhappy with the service, then please let us know. It will help us put things right and improve the service.

## Compliments

We would also like to hear from you if you are happy with the service you receive.

We always welcome compliments. If you think we have done something well, please let us know in any way you like.

Telephone:

0204 518 1447

In person:

To a member of our staff

Email:

brockley.customerservice@pinnaclegroup.co.uk

## Complaints

We take all complaints seriously and ensure that learning lessons arise via our 'you said we did' ethos. There are three stages to the Council's internal complaints system as follows:

### Stage 1

We will investigate and respond to an initial complaint within our target of ten working days. On occasions we will request that you provide some additional information.

### Stage 2

If you remain unhappy with the outcome of the complaint you can ask for it to be reviewed at stage two of the Council's complaints procedure. To do this, you should write to the Head of Complaints at either of the following addresses:

Email:  
CorporateComplaints@lewisham.gov.uk

## The Housing Ombudsman

If you are not satisfied at the completion of the Council's complaints system you may refer your complaint to the Ombudsman. The Ombudsman service will not consider enquiries that have not been through the Council's own complaints process.

The Ombudsman can be contacted at:  
Housing Ombudsman Service

## First Tier Tribunal (FTT)

You also have the right to raise various types of dispute with the First Tier Tribunal (previously LVT). The FTT resolve disputes about service charges between the leaseholder and the landlord and can include the following:

- Legal responsibility to pay annual service charges or major works charges
- Reasonableness of service charges
- Reasonable standard of services or repairs
- Level of specification for proposed works
- Adequate consultation on proposed or completed works

Post:  
Complaints & Casework Team  
London Borough of Lewisham  
4th Floor, Laurence House,  
Catford, London SE6 4RU

We will respond to your stage two complaint within 15 days.

### Stage 3

If you are still not satisfied with the outcome of your complaint, you can request that the Independent Adjudicator reviews your complaint. The independent adjudicator can be contacted by writing to:  
Independent Adjudication  
London Borough of Lewisham  
Laurence House, 1 Catford Road  
London SE6 4RU

Exchange Tower  
Harbour Exchange Square  
London E14 9GE

Email:  
info@housing-ombudsman.org.uk

We will respond to your stage three within 30 days.

Both landlords and leaseholders can apply to the FTT for help in dealing with an issue. There is a charge of up to £500 for applying to the FTT. The tribunal is independent and impartial and can comprise of up to three members; a lawyer, a valuer and a layperson.

The FTT which is semi-formal in nature will listen to both sides of the argument prior to making a decision, which is normally binding on all leaseholders in the block.

For contact details see useful contacts at the end of this handbook.

# Service Standards



To ensure we provide an effective and accountable service to Brockley leaseholders we have a number of service standards. These standards set out the level of service that every leaseholder can expect to receive from us:

We will:

- Provide new leaseholders with a welcome letter and a copy of this handbook
- Provide an estimated annual service charge statement and invoice in April each year
- Provide an actual service charge invoice in October for your share of costs for the previous financial year or serve the relevant S20b document to advise of a delay
- Offer a range of flexible payment options for service charges and major works
- Provide a resale (assignment) information pack within 10 working days
- Provide an annual statement of proposed major works on request
- Provide three leaseholder focus groups per year.

# Notes

# Notes

# Useful Contacts

## First Tier Tribunal

0207 7446 7700

[www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber](http://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber)

## Lewisham Council (24 hours) Abandoned Vehicles

020 8314 6000

[lewisham.gov.uk](http://lewisham.gov.uk)

## Anti-social Behaviour Team

020 8314 7171

020 8314 6233

## Fly tipping and Garden waste

020 8314 7171

[lewisham.gov.uk](http://lewisham.gov.uk)

## Blue Badge Applications

020 8314 9844

[lewisham.gov.uk](http://lewisham.gov.uk)

## Ladywell Safer Neighbourhoods Team

020 8721 2484

[Ladywell.snt@met.police.uk](mailto:Ladywell.snt@met.police.uk)

## Leasehold Advisory Service

0845 345 1993

[www.lease-advice.org](http://www.lease-advice.org)

## Brockley Safer Neighbourhoods Team

020 8649 3599

[Brockley.SNT@met.police.uk](mailto:Brockley.SNT@met.police.uk)

## Citizens Advice Bureau (Catford)

0844 826 9691

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## Lewisham Council Property Services

020 8314 6000

[Lewisham.gov.uk](http://Lewisham.gov.uk)

## Parking

020 8787 5397

[Lewisham.gov.uk](http://Lewisham.gov.uk)

[lewishamparkingpermits@nslservices.co.uk](mailto:lewishamparkingpermits@nslservices.co.uk)

## Conservation Area

020 8314 7400

[lewisham.gov.uk](http://lewisham.gov.uk)

## Councillors

020 8314 9844

## Pest Control

020 8314 7171

[lewisham.gov.uk](http://lewisham.gov.uk)

## Planning Department

020 8314 7400

[lewisham.gov.uk](http://lewisham.gov.uk)

## Energy advice

020 8314 6339

[lewisham.gov.uk](http://lewisham.gov.uk)

## Refuse Collection

020 8314 7171

[lewisham.gov.uk](http://lewisham.gov.uk)



Transforming Communities,  
Changing Lives