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- 30% Airbnbs, Anti-social Behaviour, Affordable Housing
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## Window pane from London penthouse kills coach driver

A window pane which fell 27 floors from a penthouse apartment of a luxury London development has killed coach driver Mick Ferris who was walking past.

The pane of glass is believed to have fallen from the The Corniche Development penthouse apartment on the South Bank of the Thames, where apartments cost up to £6 million.

A witness of the tragedy, said: "He came out of the Riverbank Plaza Hotel and was hit by the falling pane of glass - he had been using the toilet. It is a big shock, nobody expects this to happen, especially not around here."

A builder who works near the scene, said: "I came back from lunch and I saw glass everywhere. Police were all over the road, he wasn't moving, it was such a mess." He added: "They say it was a faulty panel, but that place has only just been done."

Colleagues of Mr Ferris called him a 'lovely guy, really warm and a popular bloke', they also said he was shortly due to go on holiday to the Maldives with his wife; a holiday he was very much looking forward to.

Comedian, James Corden, has led the tributes to Mr Ferris, who was also a keen West Ham United



fan, on Twitter saying: "I'm so saddened by the passing of Mick Ferris. He was a huge West Ham fan and has passed away in the most sudden of circumstance. My thoughts are with his family and everyone who knew him. None of us are promised tomorrow. Tell your loved ones you love them today."

The police are currently investigating the incident and a HSE spokesperson said: "HSE is aware of the incident at Albert Embankment and making initial enquiries alongside the Met Police."



## Pet-friendly blocks 'shape of things to come'

A brand-new pet-friendly apartment complex in Southampton could become a template for residential block design across the region.

Bow Square is a purpose-built apartment scheme catering for tenants with cats and dogs - and even offers a dog walking service.

Andrew Simmonds, Managing Director McIlroy Smith, new property consultancy in Weston-super-Mare says the scheme could catch on.

He said: "Tenants with pets - particularly larger animals such as dogs - don't normally expect to be received with open arms by the managers and landlords of residential blocks."

"While the Bow Square scheme is a fairly unique idea for now, I think it could work within the social housing sector and maybe for specific blocks on larger complexes where a pet-friendly

building could be included.

As a basic rule of thumb, present leases prevent the lessee from keeping any animals in a flat in order to guarantee protection from barking dogs etc, but times are changing.

He went on: "These days, many people have smaller, more manageable dogs so apartments used as holiday or commuter pads might benefit from the idea. I have a small dog which goes everywhere with me - and people as likely to have lapdogs as Alsations or Labradors."

"It's often hard to turn away a potential tenant because of their pet of their pets, so it's great to see the designers of the Bow Square scheme thinking outside the box. "In my view, pet-friendly sites such as the development at Bow Square in Southampton should and will become a way of life."

## OAP's £2,000 penalty over CCTV cameras

The tenant of a flat who put up CCTV cameras outside his London home to protect him against crime has been prosecuted by a council.

Len James was told by Wandsworth council he had breached his tenancy agreement when he installed two cameras at his flat in Dungeness House, Battersea.

Despite the cameras catching a burglar and car vandals, as well as discouraging drug dealers, he was ordered to pay £2,000 costs after a county court hearing.

The 77-year-old said: "I am

worried because I don't know where I'm going to get this £2,000 from. I can't afford to live on the pension I get as it is."

Mr James said several residents who had bicycles stolen had got them back after watching footage and confronting the culprits.

"If anything went wrong, my neighbours would ring me up to see my CCTV and I never said no. The police have been here too - they go through it."

Wandsworth council said Mr James could have avoided the costs by removing the cameras earlier.





## New HMO licence rules come in force

New rules have come into force that require properties housing five or more people from two or more households to be have special licenses.

Until October 1, only properties with three or more floors needed a Houses in Multiple Occupation (HMO) licence.

But new legislation, first announced last December, has changed the laws and also updated minimum space requirements.

Minimum bedroom space is now 6.51 square metres for a single bedroom and 10.22 square metres for rooms occupied by two adults. Rooms housing children aged ten or below will need to be a minimum size of 4.64 square metres.

As part of the new rules, landlords will also be required to provide an adequate number of bins for their properties.

The cost of HMO licences varies depending on the local authority, with some charging a few hundred pounds and others charging in excess of £1,000.

An HMO licence is valid for five years and landlords need a separate licence for each HMO they let.

The Ministry of Housing, Communities and Local Government said that the new rules are being introduced "to minimise rogue landlords taking advantage of increased demand for HMOs".

Fines for non-compliance with HMO licensing rules are unlimited, while failure to comply with minimum bedroom sizes could see a landlord fined up to £30,000.

## Woman hit with extra court costs after botched flat revamp

An interior designer who failed to pay up when a basement extension of her apartment damaged her neighbour's flat has been hit with another £6,000 in costs by a judge.

Olivia Walton, 28, was ordered to pay nearly £120,000 to her upstairs neighbour Michele Napp after the building work left floors and walls cracked, a window subsided and caused her tenant to leave her Chelsea home.

The award was made in April by a

surveyor under the Party Wall Act, but Miss Walton – whose property is worth £3.1million – failed to pay up and she was ordered before Westminster Magistrates' Court today to settle the matter.

Miss Walton had offered to pay back the sum at £1,500 per month but it was rejected because it would have taken six years to settle.

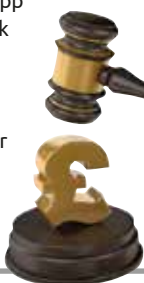
Westminster Magistrates' Court was told business consultant Mrs Napp was now losing

£4,000 a month in rent from the property, which is worth £1.5 million.

Miss Walton claimed she cannot afford the payout, despite earning up to £8,000 a month in rent from the luxury townhouse.

A district judge ruled that the money is repayable in full as a civil debt and sent it back to the county court to be enforced.

Judge Mike Snow also awarded Mrs Napp, 57, another £6,000 in costs after her barrister said bringing the matter to the magistrates' court was a "final resort".



## Planned leasehold reforms unveiled

Plans by the Law Commission to make the process of buying or extending leaseholds easier, quicker and cheaper have been welcomed.

The proposals have been made as part of a government-commissioned review to strengthen the rights of leaseholders seeking to buy their freehold or extend their lease.

Leaseholds have made the headlines recently following anger over the leases for new-build homes being sold off by developers – which has left some householders with ground rents doubling every ten years.

Nick Hopkins, law commissioner and a professor of law at Reading University, said: "The current system is complex, slow and expensive and it's failing homeowners. Many feel that they are having to pay twice to own their home."

Leaseholders, who are currently able to extend their lease just once, will be able to do so multiple times under the new proposals.

Procedures for dealing with missing landlords would also be brought in, and limits imposed on the objections landlords can make to the validity of leaseholders' claims.



There are an estimated 4.2million leasehold properties in England – 18 per cent of the housing stock. Nearly all flats are owned as leaseholds, since the arrangement eases the management of blocks of flats.

### The proposals will

- Make the process (known as "enfranchisement") easier, cheaper and quicker
- Improve and enhance the rights of leaseholders to buy their freehold or extend their lease
- Introduce a simpler unified procedure for houses and flats
- Remove limitations on the right to enfranchise, including the requirement that leaseholders

must have owned their property for two years before making a claim

Mark Chick, director of the Association of Leasehold Enfranchisement Practitioners (ALEP), welcomed the opportunity for sector-wide reform and clarification as set out in the Law Commission's paper.

He said: "Leasehold enfranchisement has been in the spotlight now for many months, and with the furor surrounding this issue it is crucial that leaseholders are well informed and educated."

The Law Commission is inviting views on its proposals until November 20.

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## Bid to attract young talent to property industry launched

**B**est-practice guides to encourage more talented young people to consider working in the property industry have been launched.

The British Property Federation (BPF) hopes they will help the industry increase its "brand recognition" and be considered as a viable career choice by those who have

recently graduated or enjoyed exam success.

The first of the series of BPF guides was published last month, with a focus on socio-economic diversity. It identifies the most-effective ways property companies can promote the industry to those who would never traditionally consider it an option.

BPF chief executive, Melanie

Leech, said: "These young people, who have often not yet begun their working lives, are bursting with creative energy. The world is very much their oyster!

"The questions we need to ask ourselves are: how many of them know about what the property industry can offer, and how can we attract their skills?"

She continued that it was up to the industry to ensure that young people from a wide range of backgrounds knew that the door of opportunity was open to them.

Ms Leech added: "Businesses in our sector are making great efforts to reach out to a wider range of young people and to provide new entry points and ways of building a career in property. There is more to be done, though, and the British Property Federation has every intention of rising to the challenge."

## Landlord secretly videoed tenants having sex

**A** landlord has been fined £5,000 after installing secret cameras in a flat he rented to make videos of his tenants showering and having sex.

Paul Dunster, 59, was caught with 183 videos of naked women made over a ten-year period.

Dunster, from Portsmouth, initially denied two charges of voyeurism but later admitted making the secret videos.

Police raided former security worker Dunster's home in Portsmouth and found two memory cards containing the voyeuristic videos.

Dunster was ordered to pay a £5,000 fine plus £500 in costs, and was given 100 hours of unpaid work with 20 rehabilitation days at Portsmouth Crown Court.



## JPC Law makes acquisition

**A** law firm has celebrated its tenth anniversary by acquiring another legal company.

JPC Law has bought central London practice Terence St J Millett to expand its residential and commercial real estate services.

Head of conveyancing Derek Payne said: "We are extremely pleased to announce that the team at Terence St J Millett are joining us. This addition will enable us to improve our real estate services and provide full legal services for all our clients, both existing and new, from our South Kensington office."

The partners of Terence St J Millett and their staff will continue to practice as part of the JPC Law residential real estate team.



## Flats plan rejected over terrorism fears

**P**lans for a new block of flats have been turned down over fears that terrorists could use them to attack cruise liners and Royal Navy ships.

The proposal for the development at North Shields Marina, which is near the Port of Tyne, were rejected after council chiefs heard about the concerns.

Andy Khan, head of estates at Port of Tyne, told councillors that the developer's proposals for windows which are sealed shut would not

thwart a terrorist planning an attack from the flat block.

He said: "This scheme would bring increased risk to cruise passengers and navy vessels. Although the windows would be locked I'm sure if a robust terrorist wanted to they could remove the glazing."

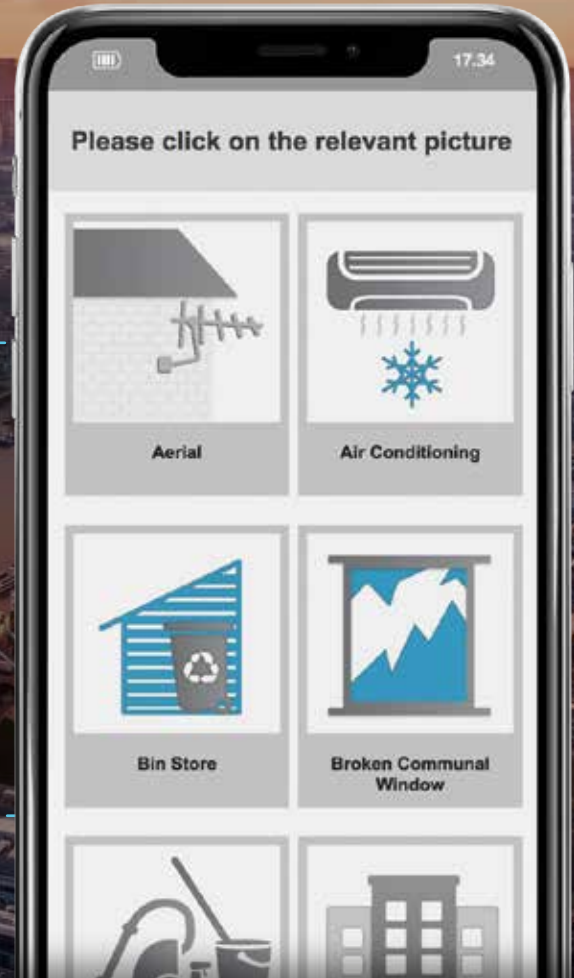
Councillors at the meeting were also concerned about the lack of parking at the proposed development, the "bland" design and lack of section 106 money.

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## Tenants can quiz landlords live

A website that matches people with flatmates has launched a new platform to help tenants get advice about rental living.

Ideal Flatmate has launched Ask The Landlord, which are monthly sessions where the company's top landlords answer questions live online on the firm's social media sites.

Tom Gatzen, co-founder of Ideal Flatmate, said: "We wanted to provide a platform for renters to take advantage of some of these great landlords and ask for any help or advice. It's important we do as much as we can to help the rising number of renters."



## Name change for property management firm

Property management firm Braemar Estates will change its name this autumn after it was bought by rivals Rendall & Rittner.

The Manchester-based firm was taken over last December to create a 60,000 property portfolio across the UK. The companies had continued to operate under both names, but the decision to create one brand from September is part of plans to allow the company to grow nationally.

## Quarter of Brits worry about new-build quality

Almost a quarter of people in the UK consider poor quality as a major problem when choosing a new-build flat compared to an older property, a survey has found. The study by BLP Insurance discovered

that 24% of those questioned were concerned about the quality of newly built homes.

More people in the north of England (29%) were worried about quality than those living in London and the south east (21%).

The survey also revealed that 29% of people do not believe there were any benefits in purchasing a new-build home.

Kim Vernau, chief executive of BLP Insurance, said: "Poor build quality is an increasing issue in the UK housing market."

## Flats arsonist jailed

An arsonist has been jailed for life for putting the lives of 140 residents of a tower block at risk.

Matthew Taylor, 32, set fire to rubbish bags he placed at the bottom of the 11-storey Poplar Mount in Leeds, where he lived on the top floor.

Leeds Crown Court heard he continued to stoke the blaze by putting more bags in the lift. Luckily, the fire brigade managed to extinguish the fire.

After his arrest and release, he started fires in other buildings, including another at Poplar Mount, the court was told.

## Leaseholder loses flat in redecorating row

A leaseholder has called for a change in the law after his flat was seized in a row about redecorating his home.

Charles McCadden, who says he has been left with nothing, bought the £600,000 apartment in Brent, north west London, with inheritance money.

He redecorated the flat soon after moving in and fitted a new kitchen and bathroom. But he failed to consult the freeholder about his plans, which is a requirement of the lease.

As a result the freeholder, Dr Afshan Malik, who lives in a downstairs flat in the Victorian terrace building, took Mr McCadden to a first tier-tribunal for breach of covenant and refusal to pay maintenance costs.



The tribunal had visited the apartment but could not gain access; however, it was satisfied that a new kitchen, bathroom and central heating had been

installed.

The court ruled the breaches to be serious and ordered Mr McCadden to pay Dr Malik £216.62 in outstanding charges

and to reimburse her for the £300 tribunal fee.

Mr McCadden refused to pay the costs, so Dr Malik took him to Willesden County Court, which last month issued a forfeiture and possession order to transfer the lease into her name.

Mr McCadden, who suffers from chronic illness, says has been left feeling suicidal and has called for a change in the law.

He told The Times: "The whole episode has made me feel very anxious, stressed out and at times suicidal. I am living a nightmare."

Sebastian O'Kelly, from the charity Leasehold Knowledge Partnership said: "Mr McCadden has been found to be an inconsiderate neighbour. But the loss of £600,000 asset is out of proportion to the dispute."



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## Busy summer for property consultant

**P**roperty consultant Pennycuick Collins had a busy summer after appointing a new property manager and promoting two people in its team.

The Birmingham-based company welcomed Annie Egan as Property Manager, which has bolstered its residential service charge and block management team to 15.

Annie, who had previously worked for the estate management team at SDL, said: "This is an exciting opportunity to join a vibrant team which enjoys an outstanding reputation for property management in the Midlands."

As well as Annie's appointment, Pennycuick Collins announced two promotions in its team. Laura Lock has been promoted to the position of senior property manager in the residential block management team, while David Baker is promoted to senior building surveyor. The pair has worked at the company for a combined total of 23 years.

Partner Adrian Roddick said: "These promotions are recognition of the significant contribution made by Laura and David to achieving excellence at the sites managed by Pennycuick Collins. It is vitally important for firms like ours to retain key people and commit to helping staff to progress their careers within the business."



## Law firm boosts enfranchisement team

**A** law firm has boosted its leasehold enfranchisement team after promoting two staff members to the department.

Bircham Dyson Bell appointed Gabrielle Roberts as senior associate and Rachel Crapnell as solicitor



to the team, a move which will strengthen the department. Gabrielle, a solicitor with over 20 years of experience, advises on all aspects of residential landlord and tenant matters including right to manage, right of

first refusal and residential block management.

Rachel is a solicitor and advises on all types of residential leasehold enfranchisement matters, such as informal lease extensions, right of first refusal and residential block management.



## Insurance company targets south east

**A** property management company has appointed a new director as it starts to grow – just months after the firm was launched. Chartered surveyor and management expert Joe Jobson has joined Principle Estate Management.

The Birmingham-based company was launched in April by founder Brett Williams. It recently announced its first contract win in the city – Burne Jones House, a seven-storey luxury apartment and leisure development.

Joe said: "I have worked closely with Brett Williams over a number of years and we are likeminded as far as business goes. We both seek to build sustainable, long term relationships with clients and respect each other's professionalism and commitment."

"These are exciting times to be based within the Birmingham market place. Town and city centres are seeing a sea change in how people are living and working, and we believe that Principle Estate Management is well suited to meet the demands of residents and clients alike."

Managing director Brett added: "It is great to have Joe Jobson joining Principle Estate Management as my business partner."

## New head of operations at growing legal firm



**P**roperty law specialists PM Legal Services has promoted senior associate and founder member Liz Rowen as head of operations.

Liz, who was named as one of News on the Block's Hot 100 this year, advises clients on County Court and Tribunal related matters. The promotion is part of a year of major growth for the 18-month-old Yorkshire firm, which has

expanded by almost 300% in 12 months.

PM Legal Services, which is a division of Keebles LLP, is led by Cassandra Zanelli, who said: "Liz is highly respected in our sector and is a valuable member of our team. Her expertise and dedication have been instrumental to our achievements and her promotion will further accelerate our growth drive."

Keebles LLP partner Paul Trudgill added: "Liz's promotion is well deserved. Her invaluable contribution is reflected in the impact that PM Legal Services has made on the national property management landscape in a short space of time. We wish the team continued success."

## New head of litigation for Brady Solicitors

**P**roperty management law firm Brady Solicitors has recruited a property dispute resolution specialist as its head of litigation.

Catherine Gritt, who brings a decade of specialist property and commercial litigation expertise to the company, will be responsible for overseeing the quick and effective resolution of leasehold and service charge disputes across the firm's residential property management sector.

Catherine, who has worked for Fraser Brown solicitors and as part of the national litigation team at Squire Patton Boggs, has expertise in complex construction claims, which will bring an increased level of support to Brady Solicitors' leasehold block management client base.

"I am delighted to join Brady Solicitors and to be able to pursue my passion for property litigation in a law firm that is building its own model of success," she said.



# REGULATION IN WHY WE WELCOME THE MOVE TOWARDS REGULATION

**T**he government's move towards regulation of the residential block management sector has been heartily welcomed by ARMA - it's something that we have campaigned in favour of for many years.

Why? Because we feel that standards need to be raised in the industry and although ARMA's self-regulatory regime is a significant step in that direction, it ironically puts those firms that abide by ARMA's strict code at a business disadvantage against firms that do things on the cheap. And regrettably when price seems to be the leading factor to leaseholders when selecting a managing agent rather than value for money that means business can be lost by those firms that perhaps most deserve to get it.

Regulation is there to protect the consumer, in this case the leaseholder. It therefore follows that all leaseholders need to be protected and hence anyone who manages a block, whether they be professional managing agents or self-managing landlords, RTMs and RMCs all need to be regulated. This is the only way to ensure no loopholes and to protect all leaseholders. This can be a tiered system such that if you directly manage a block you need to be regulated, or alternatively you can employ someone regulated to manage on your behalf.

How should regulation look? The current direction is that anyone involved in management should hold some form of recognised qualification. This has holes in it though - for example who gives out the qualification, how much will it cost and how do you periodically check that the individual is up to scratch? Does everyone involved in a company need a qualification? The receptionist? The accounts department



administrator? It seems likely there will need to be a range of qualifications based upon the role. There is a lot of detail to work out.

I do find it slightly odd that regulation is to be aimed at the individual and not the company as the latter would be easier to implement and administer in the first instance and can always be followed by the individual regulation at a later date. It would be far easier for a company to have to apply for a licence to operate, and the cost of the licence can help offset the cost to the taxpayer of the regulator. Professional bodies could apply to be accredited and by requiring firms to be a member of at least one professional body various administration tasks, such as ensuring applicable Professional Indemnity, Client Money Protection and so forth, can be dealt with by those bodies as a condition

of membership. You could always add a phased requirement that X% of staff at senior level need to be either MRICS or MIRPM to further raise standards in order to join the professional body.

Another aspect of regulation that would help leaseholders is the training and CPD of those individuals instructing the managing agent. It need not be onerous (and most probably would be online) but it is vital that the people giving instructions fully understand the legal environment that they are operating in, whether they be landlords, RTMs or RMCs. In Australia, under the strata system operating there, 74% of block directors felt that training was necessary. In recognition of this need, ARMA has established a membership class for RMCs and RTMs that gives them access to online training and ARMA members can also give this out to their clients should they so wish.

So, it's an interesting time ahead and I really look forward to seeing the next stages in regulation.

*Dr Nigel Glen is CEO at ARMA (The Association of Residential Managing Agents Ltd)*

*“We feel standards need to be raised”*





# THE INDUSTRY

## CURRENT REGULATIONS DON'T GO FAR ENOUGH

In today's day and age most people either rent or lease a property. The Department for Communities and Local Government estimates there are around four million leasehold homes in England. The growth of the leasehold sector has resulted in a multi-billion pound property agent market and with it a demand to ensure all agents are committed to providing a professional standard of service.

### Current regulatory landscape

Many property agents submit to a system of self-regulation by belonging to trade associations, such as ARLA or ARMA. There is, however, a significant minority of rogue or incompetent property agents who do not submit to any voluntary regulation.

Since October 1 2014, the Enterprise and Regulatory Reform Act 2013 made membership of a government-approved redress scheme a legal requirement for both letting and managing agents. At present, consumers can complain to the Property Ombudsman or the Property Redress Scheme.

In the following year, the Consumer Rights Act 2015 came into force. Sections 83–89 and Schedule 9 impose a duty on letting agents to publish their fees.

The Housing and Planning Act 2016 introduced measures to discourage bad practice among property agents. It gives local authorities the power to apply to the first-tier tribunal (property chamber) for a banning order against letting and managing agents who commit certain offences. It also: (i) requires the Secretary of State to establish and operate a database of rogue property agents; and (ii) enables the Secretary of State to introduce regulations to make membership of a client money protection scheme ("CMP") mandatory.

### So, is there a need to introduce a different regulatory model?

The short answer is: yes. The above reforms do not go far enough. The whole focus is on introducing measures to provide redress to consumers after the harm has occurred, rather than seeking to promote professionalism within

the sector and drive up standards.

Letting and managing agents are: (i) providing services in respect of people's most valuable asset: their property; and (ii) holding significant sums of money on behalf of landlords and tenants.

Despite this huge responsibility anyone can enter the market, regardless of their qualifications or experience, because there are no minimum standard requirements to practise as a letting or managing agent. The position is not improved by the piecemeal approach that has been adopted in regulating the sector. There are a vast number of laws which consumers and property agents find difficult to navigate and research indicates that enforcement of these laws is inconsistent throughout the country.

The upshot of all of this is an overwhelming lack of confidence in parts of the market. Consumers feel dissatisfied with, inter alia, property agents' unexpected fees and poor standard of service. In April 2018, the Government committed to introducing overarching statutory regulation for both letting and managing agents and expressed an intention to set up a working group with key stakeholders to establish the new regulatory model.

*Ayesha Omar,  
Barrister at 4-5  
Gray's Inn Square*



## RULES IMPACT PROFITS OF ENTIRE INDUSTRY

Regulation is hitting the property industry hard and it is safe to say the barrage of new draconian rules and regulations will have an impact on profitability of everyone connected with property.

The Minimum Energy Efficiency Standards, commonly known as MEES, is well known in commercial property, but the same cannot be said for owners of residential property. There are a lot of heads buried in the sand, hoping that Brexit will change everything and MEES will go away.

The irony of the deadline of April Fool's Day 2018 for the implementation was not lost on

### LEE BARON

the Lee Baron team, and the message is clear: no new leases or lease renewals can be granted on buildings with an energy rating of "F" or "G".

By April 2020 all owners of let residential properties will have to have an EPC rating of "E" or above.

To make matters worse, in five years' time "F" or "G" rated buildings cannot continue to be let on existing leases or new tenancies.

The tragic fire in West London is destined to have an impact with a price in insurance

premiums and concern of tenants living in towers. This will have an impact on building costs, which are already sky-high and eat into builders profit margins when building towers.

A raft of new legislation will be hitting the letting agents and the Tenants' Fee Bill has reached the House of Lords. Proposed legislation to ban the levying of letting agent's fees on tenants in England will probably get Royal Assent in 2019. Already hit by the slowdown in the property market, we can see consolidation in this market.

The last word has to go to GDPR! It has been a costly exercise, with firms now creating new positions of GDPR officers in order to protect themselves from the threat heavy fines. And our prediction is that fines for noncompliance in 2019 will hit the headlines.

*Ian Jones is chief operating officer at Lee Baron*

# WHAT YOU NEED TO KNOW ABOUT FLAT FIRES

**M**odern day life means residential fires are not as often as they used to be. The demise of fossil fuels being used to heat homes, less gas being used and people choosing alternatives to chip pans mean risks have fallen.

Whether that means there is a blasé attitude towards fires in the home is open to question, but one thing is for sure, everyone should be aware of the risk of fire. The Grenfell Tower inferno proved that a set of totally unexpected circumstances can lead to a catastrophe.

The inquiry will answer what needs to be done in future to ensure that the risk of tragedy is reduced as much as possible. But what if you're a

tenant or a landlord?

## Fire safety in rented homes

If you rent you have rights! Your landlord should make sure that your accommodation meets fire safety standards. They also need to keep you informed of what to do in an emergency, and make evacuation plans available.

## What landlords and managers should do

All flat front doors and doors on shared corridors and staircases must be 'self-closing' fire doors

These doors must be free to 'self-close' properly – not be held or wedged open. They are designed to stop the spread of fire.

There shouldn't be things stored in corridors or staircases – this can block escape routes and stop firefighters doing their job. If there is a fire, clutter in shared areas can feed it and see it spread faster, so it's much safer to keep these areas clear.

Everyone who lives or works in the building needs to know the evacuation plan.

## What you need to be aware of

It sounds simple, but there are many things that tenants can do to reduce the risk of fire. The onus isn't just on your landlord. If they provide what is necessary, such as fire doors, it's up to every tenant to use them properly. Here are some other areas to consider:

If you live in a block of flats, don't use your balcony as an extra storage space – though it can be handy to have the extra space indoors, balconies packed with flammable items can cause a fire to spread much more quickly.

If you live above a shop, restaurant or other business, take a look at our living above business premises fire safety guide.

Know your escape plan – if there is a fire that isn't inside your flat, it can be much safer to stay put.

Be fire safety aware – there's lots of helpful advice over in our home fire safety section.

Consider a free home fire safety visit from your local brigade as these give you lots of helpful advice on fire safety, and even fit free smoke alarms if you need them.

## What do landlords need to know about fire safety?

If you are a landlord you – and your letting or managing agents – have a legal duty to keep the people who rent your property safe from fire through the provisions of the Regulatory Reform (Fire Safety) Order 2005.

## Fire risk assessment

You have to ensure there is a comprehensive fire risk assessment that details the fire safety provisions that are in the property. This is usually carried out by a professional fire risk assessor and might identify additional measures that should be carried out as appropriate.

## Alarms and safe structure

You must also maintain fire detection and the structural protection provided within the building (for example fire resisting and self closing doors) to protect residents and allow them to safely escape from fire or smoke using the corridors and staircases.

## The emergency plan

You should also develop an emergency evacuation plan for residents and make sure they know the actions they need to take in the event of an alarm or fire occurring.





# OFFICER BEGGED FIRE CHIEFS TO DITCH GRENFELL ‘STAY-PUT’ ADVICE

A watch manager begged his superiors to abandon the ‘stay-put’ advice given to Grenfell Tower residents within minutes of arriving at the burning block, the official inquiry was told.

Norman Harrison, who was watch manager from Wembley, was called to the scene at 1:15am – 20 minutes after London Fire Brigade received its first call – and quickly realised something was wrong.

Mr Harrison, who has 25 years’ experience, told the inquiry in a written statement that he had “never seen a fire like it” and the intensity was like “the surface of the sun”.

He also told the hearing that he tried to get the stay-put strategy abandoned much earlier and concluded the strategy was redundant by around 1.50am

Mr Harrison said: “I was truly shocked at such a severe fire over so many floors.

“Immediately I knew that stay-put policy should no longer apply in this building, because the stay-put policy is predicated upon the assumption that someone can stay in their flat, safe, from the one compartment that is alight somewhere in the building and they’re not going to be affected by the fire, either flames, heat or smoke.

“I could see that just didn’t apply here any more.”

Mr Harrison said he knew from previous



experience that each flat would be designed to withstand flames for 60 minutes – but he estimated it would take six hours to reach the top floor.

“I knew that our telephone operators at Merton HQ would be telling people to stay put in their flat and that the fire brigade

would come and rescue them,” he explained.

“In reality I didn’t think that there would be an opportunity to rescue people on the upper floors and I strongly felt that the advice needed to be changed from the stay-put policy to almost a simultaneous decision to evacuate.”

## “I WOULDN’T CHANGE ANYTHING”, FIRE BOSS TELLS INQUIRY

The head of the London Fire Brigade (LFB) has told the Grenfell inquiry that she “would not change anything” the service did on the night of the tragedy.

Commissioner Dany Cotton likened the tragedy to “a space shuttle landing in front of the Shard” and “9/11”.

Questioned on the potential failings of the LFB, including the decision to order residents to stay in their flats rather than

evacuate, she said she had learned no lessons from the night which would have enabled the policy to be reversed sooner.

Asked what she would do if she could go back to June 14 last year and change one thing she said: “I would not change anything we did on the night.”

Survivors shook their heads as Ms Cotton defended the “fantastic” actions of her fire service, recalling the heavy burden of committing crews “to their potential death”.

Asked why she did not ask officers upon arriving to the scene why the “stay-put” advice to residents had not been changed earlier, she said: “At that moment in time it was far more important to collect the information with the ongoing situation. The priority at that point was to save life.”

When questioned about why the policy was not revoked earlier, Ms Cotton said it was due to the “very narrow” single staircase evacuation route.

The whole  
8.2296 metres.



Exactly.  
[jbleitch.co.uk](http://jbleitch.co.uk)



# THE ROLE OF FIRE WARDENS

**T**he role of a fire warden has become more widely known in the media due to the tragic events at Grenfell Tower. However, what has not been explained is the important role these wardens play in the safety of a building. There is also a lack of education within the industry on what is required under the law to have a fire warden on site.

***The role of a fire warden involves both proactive day to day duties and reactive emergency tasks which usually involves the following:***

- Checking all fire exits and routes to ensure that they remain free from obstruction and are accessible
  - Ensuring break glass call points have not been tampered with and there is appropriate signage
  - Ensuring the fire alarm or other life safety systems are fully functional and there are no visible faults
  - Undertaking routine exit sign surveys and fire door checks
  - Checking general house-keeping is in good order i.e. controlled waste and appropriate storage of flammable liquids
  - Undertaking external security patrols, taking note of any items that have been left on balconies and may be a hazard
  - Carrying out routine patrols of each floor, checking for any signs of smoke, fire or heat
  - Raising the alarm in the event of an incident and calling the emergency services
  - Prioritising evacuation of the building, directing everyone to safe available exit routes
  - Assisting vulnerable people
  - Guiding individuals to the assembly area
  - Taking part in the roll call at the assembly point
  - Reporting to the fire service on their arrival
- When agents deem there is a requirement for fire wardens, frequently the first question



## How important is it to have a fire warden in your block, asks Azeem Rashid

asked by clients is whether there is a legal requirement for them. Whilst it is often the case that the requirement emanates from guidance given under The Regulatory Reform (Fire Safety) Order 2005, it should be noted there is a legal duty to ensure there is a strategy in place to evacuate all occupants within a building safely, which is based upon a risk-based approach to fire safety.

As such where fire wardens are deemed a requirement, the importance of having trained personnel who are familiar with the building is critical to ensuring owners can meet their health and safety obligations in relation to emergency plans and procedures.

***As the role of the fire warden extends beyond a concierge, officers on duty need to be trained effectively in the following:***

1. Basic Fire Awareness Training, i.e., the principles and classification of fires
2. Basic Health and Safety Training
3. Fire Evacuation Training
4. Roll Call Procedures
5. Site Specific Instructions
6. Full Job Responsibility
7. Emergency Procedures
8. Incident Handling and Report Writing

Those who are supervisors should receive additional training on customer liaison and officer performance. (As this is a licensable activity under the Private Security Act 2001, it should be noted it is not deemed appropriate for Stewards to undertake this role.)

Once the requirement for fire wardens has been confirmed, the next question tends to be how many wardens are required. This is largely dependent on the size and make-up of the building, along with what other life safety systems have been installed, i.e. sprinklers and fire alarms, along with staffing levels. Each building should be accessed based upon a thorough fire risk assessment, reviewed in conjunction with the local fire brigade to determine how many fire wardens should be appointed.

In order to ensure the fire wardens employed fulfil their role, it is recommended for regular meetings to be held with the service provider to discuss performance and their senior personnel routinely visit the site to ensure staff are not becoming complacent.

Should you have any specific questions about the provision of Fire Wardens, please do not hesitate to get in contact with us on 0203 620 0770 or at [info@prosenry.co.uk](mailto:info@prosenry.co.uk).

**Azeem Rashid,**  
Director  
at Pro Sentry Ltd

**IS**  
**ProSentry**  
CONCIERGE - SECURITY - CLEANING

# Debate looks at property management issues

**T**he South Place Hotel might currently be enjoying its moment in the spotlight as one of the key locations in the hit BBC1 drama Bodyguard.

But at the beginning of September it was the setting for a dinner and discussion event attended by played some of the biggest names in block management, co-hosted by News on the Block and Fixflo.

David Goldberg, of Pod Management, skilfully moderated a lively discussion that was supposed to pause for dinner but carried right the way through to post-dessert coffees. The result of this was that instead of the planned 90-minute discussion there was a three-hour debate that took in a huge range of topics, including those listed below.

## **Regulation and the perception of simplicity**

One of the general topics of discussion revolved around the challenges currently facing the industry, and an early talking point brought up the idea that from outside the industry, there is a perception that block and property management in general is easy. This, then, frustratingly leads to

unqualified operators flooding the market whose lack of knowledge (or care) serves to drag the overall reputation of the industry down.

It was suggested that the only way to resolve this issue was via regulation of the industry, which has been high on ARMA's agenda for several years now, though it was acknowledged during the discussion that it might not come in until 2021 or 2022. Additionally, there was speculation that regulation would also see consolidation of the bottom end of the market with smaller players, who are likely to be those unregulated operators, dropping out because they cannot continue in a more regulated marketplace.

## **Customer expectations**

The point was made that in the past ten or 15 years, the expectations of the customer have changed significantly and, while some people at the debate now saw transparency as a key selling point, others did not, citing customers' demands for fast responses to their problems or communications as a block in terms of

allowing for full transparency.

However, the need for a speedy answer or action presents its own problems in terms of crafting the right response and actually resolving an issue in the correct way. In this way, the need to respond quickly can mean that the result is ineffective and the result can be far more damaging than if the property manager takes their time and ensures it is sorted out properly.

## **The use of technology**

The evolution of technology was also a talking point. From phones and emails to live chats, there was a general consensus that while technology had undoubtedly improved many aspects of the industry, it had also complicated things in terms of different customers wanting and expecting problems resolved in different ways, some of which has been mentioned above.

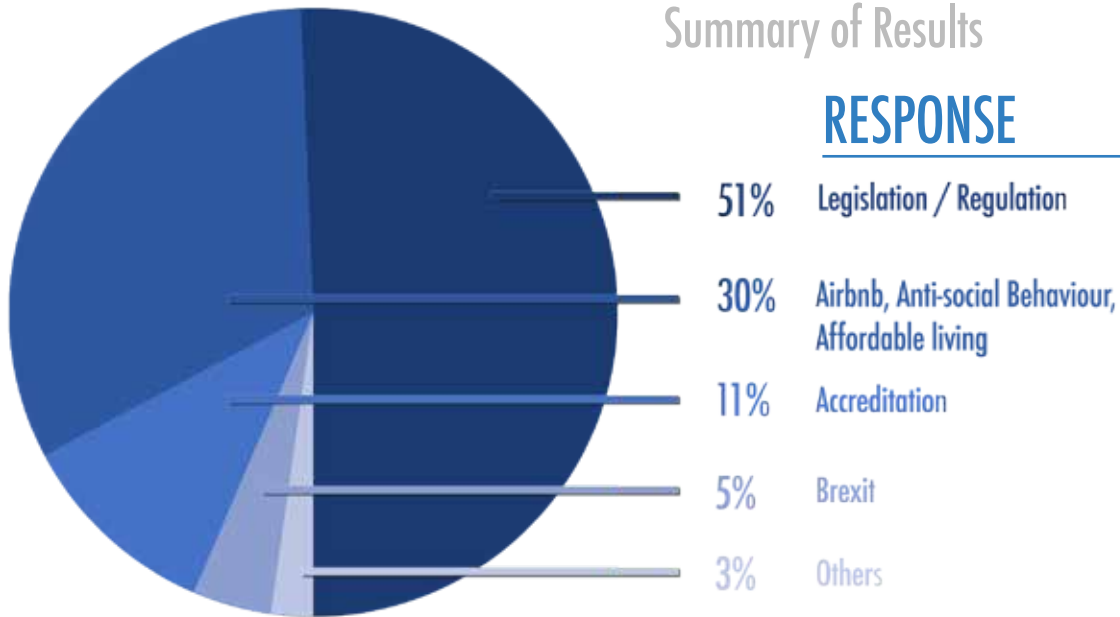
As far as the future is concerned, though, there was speculation that aspects like self-service and repairs performed via apps would become more prevalent and that this new usage of technology along with regulation might drive real change.

**Fixflo and News on the Block recently hosted a dinner and discussion for block managers**





## Summary of Results

**RESPONSE**

# Managers reveal their biggest challenges of the future

**An increase in legislation and issues with Airbnb were just some problems property managers say they will face in the future during a recent survey**

**W**hat do you think is the biggest challenge in residential property management over the next six months?

That was the question asked by property recruitment specialist PropRec when they recently conducted a survey property and regional managers around the UK

Over half of the respondents said their biggest challenge would be increased legislation/regulation as the biggest challenge.

Since the tragic events of Grenfell, the consensus in the market is that over the coming months adapting to legislative changes will require a different approach to property management. For example, there was the recent decision by HMRC to change the extra statutory concession. From November 1, managing agents will have to charge VAT for the provision of site staff where previously it was exempt.

This poses its own issues for budgeting and most property managers believe this is going to be the largest challenge they will face in the next six months.

Affordable living schemes, anti-social behaviour and Airbnb were next, with almost a third of respondents stating this as the biggest challenge.

Almost all of the property managers surveyed had seen an increase in both anti-social behaviour and the use of Airbnb in the blocks and developments they managed. This has led to an increase in complaints from other tenants as well as security issues around developments.

The next major challenge (14% of respondents) was about accreditations. While some responses have been negative, this was seen as a positive by those who took part in the survey. The need to increase standards both across individuals and the organisations which employ them can only be a good thing in

the marketplace.

Finally, the most talked about topic in the news of late: Brexit. Only 5% of those surveyed quoted Brexit as a challenge over the next six months, which was a surprise. From a demand viewpoint, a weaker pound means investment in the UK property market from overseas is more attractive. But the fundamental point remains that come highs and lows, the need for structured property management remains the same.

Overall it is no surprise that events and announcements over the last year have shaped people's perception of what lies ahead. It is not all negative though, there is a feel-good feeling in the industry that regulation, legislation and accreditation can will only raise standards both at individual at corporate level.

*Chris Pardoe, Principal Consultant at PropRec*

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# Is there no going back?

**Two court cases have shown that where a landlord opposes a new lease on 'ground G' it is very difficult for a tenant to acquire a new lease, writes Steven Ross**

**T**rials in respect of what is known as "ground G" under s 30(1) of the Landlord and Tenant Act 1954 are extremely rare. Ground G permits a landlord to oppose the grant of a new lease of commercial premises when they intend to occupy the premises as their home and for the purposes of a business.

Steven Ross has, however, recently acted in two cases where the landlords of commercial premises have successfully obtained orders refusing their tenants a new lease under ground G.

Curiously, both cases had similar facts: both involved elderly landlords of shop premises where they had previously traded from before they sold their businesses and granted leases, and to which they wanted to return.

Both cases went all the way to trial with Steven's clients succeeding.

Where a lease of commercial premises has been granted, provided that lease benefits from what is known as "security of tenure", the tenant is automatically entitled to a new lease at the end of the contractual term, unless the landlord can satisfy one or more statutory grounds set out in the Landlord and Tenant Act 1954. The most commonly known ground of opposition is where a landlord intends to redevelop the premises.

However, in these cases, the landlords sought to rely on what is known as 'ground G' which provides that at the end of the lease term the landlord

intends to occupy the premises for, or partly for, the purposes of a business carried on by him or as his residence.

In the first of these cases (*Sanjay Patel v Patel* 2016 Westlaw), the landlords were husband and wife. They had operated a news agency and general store in Essex together from the late 1970s until 2000, by which time the wife had become so ill that she required a kidney transplant. The husband was to be the donor of the kidney and so they both decided to sell the business and grant a lease for 15 years. By the time the lease came to an end the landlords had returned to good health; the kidney transplant being a complete success and they wanted to go back to the shop and run it together. They also wanted to live in the flat above the shop despite having a home elsewhere.

By the time the case came to trial, the landlords were both well into their 60s. The court found that the landlords were genuine in their wish to go back to the premises despite being elderly and not needing to run the business in order to live. The court therefore refused to grant the tenant a new lease.

In the second case, the landlord was 85 years old by the time the case came to trial in July 2018. She had previously run a newsagents in Hertfordshire from the

1980s, together with her late husband. She had, however, sold the business following his death in 2007, granting a 10-year lease to the tenant. Following the wishes of her family, she then moved to Cambridgeshire to live with her son.

When the lease came to an end in 2017 the landlord opposed a new lease to the tenant on the grounds that she wished to go back to live in the premises and run a business from there.

She said that she actually never wanted to retire, that she missed living in the village and wanted to improve her quality of life by working in the shop and interacting with customers. She felt isolated living with her son far away from other family members. She accepted that she was elderly and had a number of medical conditions which meant that she could only play a minor role in the business. Her son would do most of the work and they would trade together as a partnership.

The tenant disputed the landlord's intentions. It was his case that the landlord had retired back in 2007 and it was simply impractical for the landlord to move back and run the business particularly as the premises had a very steep and narrow staircase and the only toilet was situated on the first floor. It was asserted at trial that this would make it impossible for an elderly lady to work at the premises.

After a two-day trial, the judge accepted that the landlord had a genuine intention to re-occupy the premises and run the business despite being elderly and relatively frail. Whether or not she had intended to retire in 2007 was irrelevant – she was entitled to change her mind.

The trial judge remarked that the landlord was best placed to decide whether she was able to work in the shop and manage the stairs and so refused to grant the tenant a new lease.

These cases demonstrate that where a landlord opposes a new lease on ground G it is very difficult for a tenant to acquire a new lease. In both cases, the tenant did all they could to discredit the landlord and cast doubt on their intention, but once the court had heard the landlord's evidence and decided that the intention was genuine it was obliged to refuse to grant a new lease and award the landlord possession.



*Steven Ross is a partner at JPC Law*





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# What are your options for eviction?

If you rent your flat and find yourself in the unfortunate position of needing to get a tenant out, it's generally an unpleasant situation for both sides.

The two routes to evicting a tenant are either serving a Section 21 Notice of Possession or a Section 8 Eviction Notice under the Housing Act 1988. Both notices produce the same outcome: you get your property back.

However, it's essential you've followed the correct procedure or your claim as a landlord may fail. If you're not comfortable doing everything yourself it can be worth taking on the services of a paralegal. They can offer the same advice as a solicitor but generally charge considerably less. Check they belong to a recognised membership body such as NALP and have a licence to practice, with the proper indemnity insurance in place.

Whether you're doing it yourself or engaging a paralegal, you need first to decide which method suits your needs most.

A Section 21 Notice informs the tenant that you wish to recover possession of your property.

The first step in this process is to give the tenant no less than two months' notice telling them you need

**It's essential to follow the correct procedure or your claim as a landlord may fail, warns Amanda Hamilton**

them to vacate the premises. If the tenant doesn't comply with the notice, the landlord will need to prove to the court that a notice was served. To do this, it's important to serve the notice by hand, with a witness and to keep a copy.

If you have a tenant who's in breach of a term in the agreement, such as non-payment of rent, then you can use a Section 8 Notice. This will then give the tenant two months to leave the property.

The first step is to write a letter to the tenant giving notice that the rent hasn't been paid and letting them know that if it is not paid immediately you will take action to remove them from the property.

To serve a Section 8 or a Section 21 yourself, be sure you have followed the correct procedure and have all your tenancy paperwork up to date.

It's worth remembering

that, even if you have good grounds for eviction, it might still be worth serving a Section 21, instead of Section 8 if the tenancy is coming to an end or a break anyway.

Once the correct forms have been served your tenant is legally obliged to leave on the specified date. If they don't, the landlord can apply to the court for a possession order.

A landlord can either keep the tenant on and sue in the county court for the arrears of rent, or can opt for the possession order straight away to terminate the agreement. If it's not worth going to court for the arrears of rent because the tenant may not have any money, it's advisable to go for possession straight away.

In all cases, it's worth remembering that it's a criminal offence to evict a tenant by any means other than obtaining a court order for possession.

If the tenant fails to vacate, the next option is to use county court bailiffs and this is where following the correct procedure will be open to scrutiny. Depriving someone of their home is a serious matter and judges expect landlords to follow the proper procedure and have perfect paperwork.

If a tenant is looking to be re-housed by a local authority, they won't usually start this procedure until a possession order has been made.

So, remember to give at least two month's notice in writing and specify the required date of possession and try to be accommodating and reasonable.

And if the Section 21 Notice has been properly served, the good news is, the landlord is entitled to possession by default.

More information to enable you to do this for yourself can be attained online at: <https://www.gov.uk/evicting-tenants/section-21-and-section-8-notices>

*Amanda Hamilton is chief executive of the National Association of Licensed Paralegals (NALP)*

## EVICTION NOTICE

Please note that you are required to vacate the premises within 1 (one) month as the new tenant is expected to move in soon.

Sincerely,  
Tom and Dad



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# Do you care about your building?

**Planned Preventative Maintenance is a property owner's most important management tools, writes David Toogood**

**B**uildings are far more than just the elevations and internal spaces that people see and use each day. Each building, estate, client and occupier will have their own individual requirements. We would advocate that Planned Preventative Maintenance, when properly directed, is one of the property owner's most important management tools with each building receiving its own dedicated survey, review and important maintenance programme.

Mechanical, electrical and out of sight "no glory" elements are too often ignored until something breaks down. When this happens there will be the consequence of the loss of use of the service given. Thus, a room, a floor or a building may be out of use as a result. That loss will have its own cost but it is a cost generated by not looking after the "no glory" items that contribute to a building working.

Planned Preventative Maintenance allows all parties to appreciate that there is an educated direction to the building management of their property. In our experience, we have found that the cancellation or postponement of repairs and maintenance management is often trumpeted as good accountancy to balance the books for today. The reality is that pennies saved now become uncontrolled additional pounds that must be spent tomorrow. Short cuts invariably fail in the medium and long run. By then the function, appearance and value of the property has fallen and the "catch up" required becomes a financial and functional burden.

Our expertise covers the full gambit of residential properties from listed converted houses to purpose-built flats, as well as the equivalent management of commercial and institutional properties. We can extend these professional aids to refurbishments, being an upgrade, redesign or change of use of existing buildings. Harding Chartered Surveyors will supply all of these services.

---

*David Toogood is director of Harding Chartered Surveyors*

# Home truths about

In the UK we are used to the debate over ownership v rental, with rental usually coming out as negative and ownership positive. Different generations have different views over many things, and, as generational evolution will have it, what was good for mum and dad, might not be so good for the kids. But for the last 90 years or so, there has been one constant: that ownership of your home is the ultimate aspiration; a place to call home, to hang your hat, to marry have kids and be secure in later life.

'Home' is such a simple word isn't it – and yet it hangs heavy with a depth of meaning that has for years slowly eroded the status of renters by becoming associated with ownership. But we'll look at that a bit later.

## Are we really a nation of homeowners?

It's a good question! Looking back towards the end of the First World War there are various assumptions made about the level of home ownership in the UK. The most often quoted number is 10%. E.J. Cleary's calculations in "The Building Society Movement" (1965) were based upon data from the Departmental Committee on Valuation for Rates 1939. From which he concluded that ownership was less than 15% and could easily be less than 10%. But Swenarton and Taylor (1985) argue that his approach was flawed and omitted a significant number of households. So, given the lack of empirical data we can't be certain. Whilst a figure of 20% can't be fully endorsed, it would seem to be a fair assumption.

But 20% ownership following the First World War doesn't historically make us a nation of homeowners. Given that the level of social housing at this time was virtually nil, that supposes that 80% or so were reliant on the private rented sector. So what changed all that?

## Homes fit for heroes

Following the war, popular Liberal Lloyd-George promised the returning soldiers a 'land fit for heroes' and he charged Christopher Addison with delivering the

Housing & Town Planning Act 1919 which introduced subsidies for local authorities to build new homes. However, despite delivering a substantial number of good quality homes, this was not aimed at home ownership. Around the same time, there were serious concerns that the rise of Bolshevism could spread to the UK, and so it was felt imperative to imbue the middle and working classes with a stake in the country. What better way to do that than to promote the idea of home ownership? Initially, this was not as simple or as attractive as we would think today. 'Ownership' at that time was also seen as

something of a millstone.

However, at the same time, private landlords were also seen as something of a scourge and there was a distinct impression that they were profiteering from the misery of war. And so we arrived at an interesting and unusual position where both politicians on the right and on the left, saw ownership as a positive outcome: the right, because it gave those who could own a financial stake in the country and created 'mini-capitalists' (and presumably Conservative voting); and the left, because it removed workers from the clutches of rogue landlords.



The history of housing in the UK is, in general, a rather dry topic. But in recent times, during what could fairly be described as turmoil in the housing market, the whole debate about tenure has become rather pertinent, writes Richard Berridge

# ownership

## 'Home' – the ownership message

The UK in the 1920s was essentially a conservative society with what we would today describe as 'traditional' values. Women's magazines of that time – Women's Weekly, Good Housekeeping etc – were full of content that gave advice on homemaking, cooking, children, husbands, decorating, furnishings and appliances. Everything, in fact, that promoted the idea that 'home' meant 'ownership'. And by the late 1930s ownership and those paying for ownership (mortgagees) had doubled. Of course, by promoting ownership as desirable, aspirational and positive, it had

an inverse, negative effect on other tenure forms.

Politically, this was expedient and promoted a settled society. Not only was home ownership rising, but the huge push into building social housing had seen widespread slum clearance and a better quality of living.

But had we inadvertently created the rental stigma? Perhaps, but it's my view that this was much more a post Second World War phenomenon and one more associated with the 1960s, which became rather unfortunately associated with Brutalist estates.

## Today's language of tenure

You don't have to look far to find negative references to rental. Theresa May, at the Tory Conference, said: "For too many people the dream of homeownership has become all too distant."

Liz Hamson, in Property Week, commented: "While BTR (Build to Rent) advocates maintain rental is a positive lifestyle choice, the reality is that most people would rather not toss up to half their earnings into the rental black hole."

It doesn't matter what you read or where you read it – on the left, right or centre, Daily Mail or Morning Star – propaganda from the 1920s, driven home by past generations, colours our understanding of rental as a tenure. It's often a throw-away comment and is rarely challenged.

## Build-to-Rent: the challenge

To reach this point without mentioning BTR is something of a record for me since it's 'my' sector and it's all I (mostly) write about! The challenge we face is more than creating beautiful structures in brilliantly convenient and desirable locations, managed by wonderful, innovative operational management. It's about reversing 90 years of deeply ingrained thinking, and challenging the default position of 'owning good, renting bad'.

So how do we challenge this view? It's clear the sector doesn't have the same support from government or the media, as was the case in the 1920s. And when industry professionals also promulgate the status quo it's clear we have a tough job on our hands.

BTR has to be consistent in delivering messages of change. It must be true to its principles, it must focus on being a catalyst for creating a new renting paradigm and for that to be seen as a positive experience. It must represent and embody great service, convenience and security. It should enrich the lives of our residents and represent value.

But most of all, we must be both patient and persistent. We will change our bit of the rental world, but not in a day.

*Richard Berridge  
is director of MLH  
Investments*




# OWN

“In the UK we are used to the debate over ownership v rental, with rental usually coming out as negative and ownership positive”



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IF YOU WOULD ALSO BE INTERESTED IN CONTRIBUTING TO OUR Q&A BY ANSWERING OUR READERS QUESTIONS THEN PLEASE CONTACT US TO EXPRESS YOUR INTEREST AND STATING YOUR AREA OF EXPERTISE.

**NEWS  
ON THE  
BLOCK**

# Diversity at work:

## why inclusivity is good for business

**T**he research makes a compelling case: diversity and inclusion is good for business.

Countless studies demonstrate that a diverse approach leads to greater innovation, faster growth and businesses that outperform the competition.

### So why doesn't everyone have a diverse workforce?

From my experience, even when the will exists, many employers have found it challenging to achieve things such as gender parity, ethnic equality or full embracement of LGBTQ+ issues.

Not every business has access to data that can really drive insight and diagnose what they need to do differently to generate greater diversity and inclusion.

Equally, recruitment processes can become outdated and fail to afford opportunities to those people who are different. The talent is out there, but we don't all know where to look.

### In the first in a series on diversity and inclusion within the property management sector, Neil Jinks gives an insight into how employing a diverse workforce can benefit your business

Ultimately, we are all human. All of us have biases – it's inherent in how we operate – and being aware of those biases and how they get in the way can be hugely beneficial in changing the way we work.

Realty Law specialises in the complex area of debt recovery for management companies, managing agents and landlords.

Our clients are property management professionals, based in diverse communities, working with a variety of different people across the UK.

As a sector we cannot hope to deliver and maintain a first-class service to tenants, blocks or communities without investing in a diverse

workforce that reflects and celebrates difference and the communities that we serve.

We are proud of the fact that our team includes employees of different ages and genders, we speak different languages, we understand different cultural perspectives and we possess a wealth of personal and professional experience.

As a business we work hard to create an inclusive environment that goes beyond mere representation, giving people a voice and encouraging them to bring their whole self to work – it's how we feel we really get the most out of people.

The approach serves us well. Between a specialist lawyer with 30 years' experience in property litigation and a

young British Asian female with a law degree with a Masters in banking law and financial regulation, there are few cases we haven't already come across!

We also feel that sharing our experiences with other businesses and individuals is hugely important in helping us all to grow and develop the diversity agenda.

It's why we are active and visible supporters of local and national diversity and inclusion networks. They provide a highly effective way of gaining valuable insight into how people are thinking and feeling, whilst enabling us to create new relationships and identify new talent that will benefit our business and our clients.

We've found by that challenging ourselves to think and behave differently, we can really make diversity and inclusion 'work' for our business.

*Neil Jinks is a debt recovery expert and director of Realty Law Limited*





# InBox

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## QUESTION

I live in a purpose built apartment building comprising three floors and six apartments.

We employ a managing agent to deal with the day to day administration of the block and the collection and disbursement of funds to cover services via the monthly service charge.

We also have our management company. Things have generally rolled along quite well over the last 24 years, even with changes in owners and renters along the way.

Over the years we have all taken it in turns to fill the roles of director (we are required to have two) and company secretary is usually filled by one of the managers at our managing agent.

During the past, or rather up until very recently, the role of director has been operated on an 'in name only position' – that is to say they were there specifically for the reasons that Companies House required our management company to be set up in that way.

Usually, the property manager and managing agent dealt with issues, unless a decision had to be taken by all six owners, and this usually

happened at the AGM.

Over the past year or so, a change in operating procedure seems to have slipped quietly in, and now the managing agent appears to be intent on passing every decision to the directors and should any of us query something, we are 'brushed off' with something like "the directors are dealing with it". After 24 years of an open democracy this is boiling my blood.

I should also say that over the same period, we voted for a new director. The new director was new to the building, having recently purchased their flat, but in the brief conversations and interactions we had, they seemed an ideal choice to fill the director's role.

Unfortunately the new director is displaying a very autocratic style and is being supported by the managing agent, who now says they must carry out the director's instructions. My stance on this is absolutely not; they pay no more service charge than anyone else, in fact I pay most as I have three bedrooms and everyone else has two.

The other issue I would appreciate some advice/feedback on is some garden furniture. About three or so years ago I noticed that

some 'cheap' tubular steel garden furniture that had been purchased from our surplus funds was starting to show its age and was in need of replacement. At the same time, the AGM for our management company was due and also a neighbour in the street was getting rid of some decent garden furniture. I said I would buy it as long as the managing agent would get agreement from the majority at the pending AGM, which they did. I acquired this at my own expense for everyone's enjoyment. This is recorded in the minutes.

Arriving home a couple of weeks ago, I was approached by one of the other owners and asked if I had noticed the new director's 'note' about the garden furniture. It said that the furniture was damaged and therefore a health and safety risk, should not be used and they were speaking with the managing agents to arrange disposal of it all. I asked this neighbour if the new director knew it belonged to me and he assured me that they did as he had advised them of that. I inspected the furniture and found that one chair had become quite damaged over the winter with crumbling and another had minor damage to one of the seat panels, so I sent of an email to the managing

**continued on page 34 >>**





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agent informing them of all this and that I concurred that one chair was damaged and beyond repair and I agreed to it being removed but the other three chairs and table must remain. My email was ignored.

I would like to know if I can legally demand funds from the managing agent to replace the second chair that I said was only slightly damaged, as this now looks to be a battle of wills.

That is quite a lengthy question and I hope it may prove entertaining if nothing else but would appreciate any feedback or advice you may have on these issues.

## ANSWER

Many thanks for your question, there are a number of issues that have been raised and I am sorry to see that you are having trouble with the new director, especially after what appears to be a long run of satisfactory management and decision making.

In relation to the director's powers, it is common for the managing agent to only liaise with the board of a RTM company. The board is comprised of the directors and they should act as outlined in the memorandum and articles of association; it is not common for everyday decisions to be put to a vote for all of the members to make a decision on.

You should check the memorandum and articles of association for the RTM company as this will provide an outline of the director's powers. If you have any concerns regarding the director then you can obviously raise them at meeting. It should be noted, however, that a mere disagreement will not give rise for the need for the director to actually make any changes.

In regard to the garden furniture, there are a number of concerns here. It is very difficult to provide any firm advice as I have limited information.

In essence there is the potential for a claim to be made as it appears that the RTM company has removed your property without your permission and have then disposed of it.

The potential issues and arguments that I foresee relate to the permission that you obtained in order to place the chairs on the common areas, furthermore the RTM company may claim that there was a genuine health and safety concern.

You should also consider the potential legal costs you would incur for what I would assume is a relatively small amount as this matter would likely be heard as a small claim and you would, therefore, not be in a position to recover your costs. Also, have you asked for the chairs to be returned to you?

I would advise that before you take any further action you seek independent legal advice.

**Peter Cornell is a Director at LMP Law**

## QUESTION

I was resident director of a management company of a block of flats and retired two years ago but now assist the new directors with advice. One of the residents acquired her one-bedroom flat 20 years ago, which included a loft space inserted by the previous owner. There is no record of request for or of approval by the directors at that time to the extension and the use of the loft as a bedroom has been allowed to happen.

The tenant's contract has now expired and the lessee is putting the flat on the market. The estate agent, under direction from the lessee, is advertising the flat as 1/2 bedrooms. The directors are of the opinion that the loft space is uninhabitable for reasons of structural inadequacy as well as affording unacceptable means of escape.

She has consistently refused to take on board the realities and liabilities of the directors and, of course, herself as one of the eight shareholders of the company.

Does the stance taken by the directors look sound from a legal point of view and what actions can the directors pursue if the lessee refuses to instruct the estate agent correctly?

## ANSWER

Many thanks for your enquiry. It would be possible to give a much fuller and more accurate view of the position if you were able to send me copies of the original lease and the amended lease and, should you wish to do so, I will happily review these.

In the meantime, it appears that the directors have acted quite properly. I note that you mention that no formal approval was given to the use of the lofty space some 20 years ago. This suggests that informal permission may have been given and it would be very helpful if anyone could recall this. I mention this as, if the loft space has been used for a period in excess of 10 years without any permission, however informal, then there is a possibility that the leaseholder could claim adverse possession. If, however, there was any form of consent then such occupation cannot be adverse.

If we proceed on the basis that there was some form of consent at some stage of the occupation and that such consent has now been withdrawn then the leaseholder, in seeking to utilise a space which she quite clearly does not own, will be in breach of lease and such breach would be actionable.

I would suggest, here, that the directors write to the estate agent and notify it that no consent for use of the loft space will be forthcoming as the roof space is not part of the leaseholder's property and cannot be utilised as such. I would copy such letter to the leaseholder so that she is also aware that the fact must be sold as a one-bedroomed property only. No doubt you will also be approached to complete the

Leasehold Property Enquiries and this can also be made clear in that form.

It may also be wise, where there is a real fire risk and where there is no proper access, to take steps to prevent the roof space from being accessed from the property. This does not, of course, prevent you, at some future date, from granting consent if proper fire access can be achieved and the necessary consents and approvals have been given. However, the leaseholder should purchase the extra space rather than simply assuming that it can be utilised as part of the demise. I do hope this assists but please do not hesitate to ask any follow-up questions that may occur.

**Stuart Merrison is senior associate at Bishop and Sewell LLP**

## QUESTION

The directors of our Property Management Company refuse to let flat owners/shareholders see a copy of the fire risk assessment (private block). Is this correct?

## ANSWER

In the context of a private residential leasehold property, there is no statutory requirement that obliges the person responsible for carrying out a building's fire risk assessment to disclose it to a leaseholder/shareholder. Managing agents may have their own rules concerning disclosure of such reports and enquiries can always be made of them as appropriate. However a leaseholder should also check the terms of their lease for any provision (however unlikely that may be) that obliges their freeholder/management company to disclose such a report.

A shareholder should consider what rights may arise under the Articles of Association of the company, the size of their shareholding and potentially under the terms of any shareholders' agreement that may be in existence.

**Charlotte Collins is a solicitor and operations director of Realty Law.**

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**What is a leasehold interest in land and is there anything you can do to move off a leasehold agreement?**

### ANSWER

If you buy a leasehold property, as the leaseholder you will own and be able to enjoy use of the land, but only for a specific period of time; i.e. 99 years, 125 years or 999 years. Once the lease term comes to an end, you are required to return the land to the landlord. You pay a premium/price to the landlord upon the grant of the lease, and most leases further reserve an annual ground rent. There will be an additional obligation to pay service charge and the lease will contain covenants relating to use and enjoyment of the premises. Lease agreements differ and you should read your lease carefully to ensure you are not breaching any terms. When buying a leasehold property ensure that you ask your legal advisor to provide a report on the terms of the lease.

A lease once granted will carry on for the entirety of the lease term,

unless the lease is surrendered by the leaseholder to the landlord. If you extend your lease via the statutory process (under the Leasehold Reform, Housing and Urban Development Act 1993 which applies to flats), the ground rent reverts to a peppercorn; i.e. you pay no ground rent going forward. However, the statutory calculation of premium for a lease extension requires the Landlord to be compensated for the loss of ground rent, and the price you pay the landlord for a lease extension will reflect this element of compensation.

A group of leaseholders (who meet the statutory criteria) can apply to the Landlord to purchase the freehold of the building by making a collective enfranchisement application.

If you own a leasehold house, the Leasehold Reform Act 1967 gives leaseholders a statutory right to purchase the freehold of their leasehold house. If you purchase the freehold you will not have to pay ground rent going forward.

**Anushka Nicholas, Associate Solicitor in the Commercial Property Department at Blacks Solicitors LLP**

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## Call of the Month

Sometimes we have long and technical issues to deal with, such as plant, including biomass boilers and HIUs, pumping stations that serve multiple sites etc, but occasionally the problem can be a simple one.

Last week we had an emergency call reporting an internal lobby door was stuck shut; the caller was distressed at not being able to access their property at 2am.

We went through the usual triage including, as a last resort, activating the emergency release button as the immediate response as an engineer would take several hours to attend and the main entrance door was secure. The caller was adamant this did not work and was threatening to smash the glass door when he was overheard to say, before he hung up without any thanks, "Oh, you pull it open."



Thanks to Adiuvio – specialist out-of-hours and call-handling solutions for the property management industry





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# Upcoming events in the industry

## October 9 2018 ALEP Conference 2018

**Where:** 30 Euston Square, London, NW1 2FB  
**Price:** £187-£660  
**Booking:** <https://www.alep.org.uk/event/32/the-alep-conference>



## October 10 2018 IRPM Regional Seminars

**Where:** Mercure Bristol North, The Grange Hotel, Bristol, BS36 1RP  
**Price:** £75-£150  
**Booking:** <https://www.eventbrite.co.uk/e/2018-irpm-regional-seminar-bristol-tickets-48031078248>

## October 10 2018 Junior Landlord & Tenant Conference

**Where:** Chartered Accountants Hall, London, EC2R 6EA  
**Price:** £75-£150  
**Booking:** <https://www.eventbrite.co.uk/e/2018-irpm-regional-seminar-bristol-tickets-48031078248>

## October 11 2018 BPF Annual Dinner

**Where:** Royal Lancaster London, London, W2 2TY  
**Price:** £160  
**Booking:** [http://www.bpf.co.uk/events/BPF\\_Annual\\_Dinner.aspx](http://www.bpf.co.uk/events/BPF_Annual_Dinner.aspx)

## October 11 2018 Leasehold Management Professionals

**Where:** Chilworth Manor Hotel, Southampton, SO16 7PT  
**Price:** Free  
**Booking:** <http://the-lmp.org.uk/the-next-event>

## October 11 2018 Party Walls

**Where:** Landmark Chambers, London, EC4A 2HG  
**Price:** N/A  
**Booking:** [http://www.landmarkchambers.co.uk/forthcoming\\_events\\_and\\_seminars](http://www.landmarkchambers.co.uk/forthcoming_events_and_seminars)



## October 17 2018 Propertymark Qualifications Awards

**Where:** Cholmondeley Room, House of Lords  
**Price:** N/A  
**Booking:** <http://www.propertymarkqualifications.co.uk/awards-event/>

## October 17-18 2018 MIPIUM UK - The UK Property Marketplace

**Where:** Olympia, London  
**Price:** £199-499  
**Booking:** <http://www.mipimuk.co.uk/visit/>

## October 18 2018 ARMA Annual Conference & Dinner

**Where:** Park Plaza Westminster Bridge Hotel, London, SE1  
**Price:** N/A  
**Booking:** <https://arma.org.uk/training-events/arma-conference>

## October 23 2018 IRPM Regional Seminars - Manchester

**Where:** The Lowry Conference Centre, Manchester, M50 3AZ  
**Price:** £75-150  
**Booking:** <https://www.eventbrite.co.uk/e/2018-irpm-regional-seminar-manchester-tickets-48031447352>

## October 30 2018 Property Law Nuts & Bolts - Part 4 - Service Charges

**Where:** Landmark Chambers, London, EC4A 2HG  
**Price:** N/A  
**Booking:** [http://www.landmarkchambers.co.uk/forthcoming\\_events\\_and\\_seminars](http://www.landmarkchambers.co.uk/forthcoming_events_and_seminars)

## November 1 2018 IRPM Regional Seminars - London

**Where:** Carisbrooke Hall, London, W2 2HF  
**Price:** £75-150  
**Booking:** <https://www.eventbrite.co.uk/e/2018-irpm-regional-seminar-london-tickets-48032763288>

## November 7 2018 BPF Annual Dinner

**Where:** Guildhall, Gresham, London, EC2V 7HH  
**Price:** N/A

**Booking:** <https://www.bpf.org.uk/events/bpf-annual-dinner-2018>



## November 7 2018 Service Charges & Management Conference

**Where:** TBC (Birmingham)

## November 12 2018 Environmental Law in the Tribunals

**Where:** Landmark Chambers, London, EC4A 2HG  
**Price:** N/A

## November 23 2018 Property Management Awards 2018

**Where:** Finsbury Square, London, EC2A 1AD  
**Price:** £275  
**Booking:** <http://propertymanagementawards.co.uk/book-now/>

## December 4 2018 ALEP Christmas Drinks

**Where:** Victory Services Club, London, W2 2HF  
**Price:** N/A

## December 4 2018 Movers and Shakers Annual Dinner

**Where:** The Dorchester, Park Lane, London, W1K 1QA  
**Price:** £250-£366  
**Booking:** <https://www.moversandshakers.uk.com/events/detail/1065>

## December 4 2018 Property Law Nuts & Bolts - Part 5 - Forfeiture

**Where:** Landmark Chambers, London, EC4A 2HG  
**Price:** £275  
**Booking:** [http://www.landmarkchambers.co.uk/forthcoming\\_events\\_and\\_seminars](http://www.landmarkchambers.co.uk/forthcoming_events_and_seminars)

## January 25 2019 Insider North West Residential Property Awards

**Where:** EventCityUK, Manchester  
**Price:** N/A  
**Booking:** <https://www.insidermedia.com/event/north-west-residential-property-awards>

## February 28 2019 Build to Rent Forum London

**Where:** London (TBC)



# NEWS BLOCK | PROPERTY MANAGEMENT AWARDS 2018

## 5 new categories in PMAs 2018

It's that time of year again – when we celebrate the best of the industry in our fantastic Property Management Awards.

Taking place at the fabulous Finsbury Square on November 23 – and with a Christmas in New York theme – we are delighted to reveal that there are five new award categories!

These include: Insurance Services Provider of the Year; PropTech Company of the Year; Specialist Service Contractor of the Year – Block Services, Professional Services Provider of the Year and Built-to-Rent Company of the Year.

### Other categories are:

#### INDIVIDUAL AWARDS

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# Develop your career in block management

**R**egardless of your specialism, career development is important to everyone. Whether it's climbing the corporate ladder or achieving work/life balance, we all have goals and plans for the future. So, let's do some real planning to arm you with a few ideas on developing yourself at work. You'd be surprised how few people put thought into just that!

## Your career goals

It is surprising how few of us pay attention to where our career is taking us, so this feels like a good place to start. You wouldn't begin a major works project without in-depth planning, would you? Why should your work life be any different? Have a think about what you'd like to achieve, considering what you enjoy most in your current role and being realistic with what suits your lifestyle. I also find writing pros and cons lists useful, so jot it down and discuss your options with those closest to you. Whether you'd like to work towards managing a team or move into a slightly different role within leasehold property, you can then tailor your next steps towards these goals. Now you'll have a plan which you can outline to current, potential and future employers.

## Taking proactive steps

When tailoring your work towards developing your

**We all have future goals, but you need to do some real planning to make them happen, argues Jenny Dines**



career, there are so many proactive steps you can be taking in the right direction. We work in a very close-knit industry, where standing out from the crowd (for the right reasons) can make all the difference as you develop within a company or start applying for more challenging opportunities. In an increasingly regulated property sector, qualifications with the IRPM are now seen as essential by managing agents, so prioritising these accreditations should be

key for all block managers. Also, mentoring junior team members, gaining varied experience, making yourself known at industry events, being interesting on social media and getting to know the wider leasehold network are all activities worth dedicating time to. But remember to keep these efforts relevant to your long-term goals. You should pick and choose your studies/events/interests to keep yourself, and those supporting you, focused on

the end product. Throughout this process, make sure that you're highlighting your strengths to your current employer – wallflowers aren't often selected for a promotion, so don't let yourself be overlooked.

## Allowing time to reflect and adjust

At risk of sounding contradictory, our busy human brains can often get caught up in our many plans and priorities. It's therefore crucial to reflect on your career goals every so often and make sure you still want what you've got planned. Life can change at the drop of a hat so moving client side or completing your membership with RICS might not equal career satisfaction anymore; you might need to tweak your plans, what you're doing to achieve them and your mindset along the way. You can always come back to your original goals in a few years' time, but remember not to push yourself when the time is not right, it could lead to burn out and a loss of passion for something you once loved.

Keep an eye out online for Block Recruit's four-part series "Thinking Beyond Tomorrow in your Career Path", which will go into more detail on how to plan for the future and achieve your goals without losing sight of what really matters.

*Jenny Dines AIRP is a recruitment consultant at Block Recruit*

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# An agent of change

**T**he British Property Federation is the voice of the real estate investment sector and political lobbying remains central to our reason of being – but we are so much more these days.

The sector has changed, and so has its place in our modern economy. The BPF's role is not just to reflect the status quo, but to encourage change in the sector with new campaigns and initiatives.

This not only puts a buzz into our work but makes for smart politics. If we are to represent the sector effectively, we need to be able to show that it is adapting to change and relevant to government objectives.

Increasingly in a modern economy, the government's focus is on productivity and therefore the talent available to business, and technology at its disposal. So far as talent is concerned, we have been driving an initiative over the past 12 months called BPF Futures. This seeks to support anyone with less than 10 years' experience in the sector, with a programme of events and opportunities, including:

- Site visits to give you exclusive access and insight into major UK developments.
- Interactive workshops to learn about the real estate market and how government policies affect it, and discuss with peers and experts.
- Networking events designed to help you make new connections.
- Regular podcasts and interviews

## Ian Fletcher introduces the aims and objectives of the British Property Federation



We have been bowled over by the response to this. We had planned for 400 participants in the first year. In less than ten months, we have had more than 1,000 sign up. Your employer does not have to be a member of the BPF to join. For information, visit <https://www.bpf.org.uk/membership/bpf-futures>.

A second way in which we are seeking to ensure real estate makes the best use of talent is via promoting a more diverse and inclusive sector. We launched our statement of principles on diversity and inclusivity about 18 months ago and were acutely conscious there was a danger of reinventing the

wheel. We decided that to create our own initiative we would use our voice to support strategic partners, including:

- Freehold
- Pathways to Property
- Purple
- Real Estate Balance

Technology is at the forefront of our minds, not least because we have just launched our technology and real estate strategy on September 25. This was accompanied by a major piece of research we commissioned with the Future Cities Catapult, looking at how the sector could use technology to enable greater productivity.

Aligned with and responding to these

recommendations, the BPF is setting up a new Technology and Innovation Group to oversee its programme and drive closer collaboration across the real estate and technology sectors.

And so, to our policy work. It exposes us to both the opportunities and challenges the sector faces daily. The challenges have been numerous over the past year – building remediation, land value capture, leasehold reform, rental reform, and the impact of retail CVAs are all topical. Politicians of all colours are also in the market for new ways of raising revenue and it is important we stress this is not a zero-sum game, but has consequences for peoples' pension savings, or development projects that create social and economic value for the wider country.

On housing, a great opportunity and one that BPF has driven policy on, has been the development of the Build-to-Rent sector. Our Build-to-Rent map and quarterly statistics, produced with Savills, have become an important gauge of the BTR sector's growth, and provide welcome transparency to both the market and politicians.

Of course, we are only as good as our members, their expertise and willingness to participate.

If your organisation is interested in joining the BPF, see more details here: <https://www.bpf.org.uk/membership>, or call 020 7828 0111

*Ian Fletcher is director of Real Estate Policy at the BPF*





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## *What if you can't recover your fee?*

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## *Will I ever be asked to pay anything?*

It is rare, but in a very small number of cases you may be asked to pay Property Debt Collection or PDC Law's fees if:

- You receive payment directly without speaking with us.
- Cases where PDC Law are asked to cease action for whatever reason or you do not follow the advice they have given.

## *If legal action is necessary, what other charges am I liable for?*

None, we have ensured our solicitors PDC Law work on a **no win no fee** basis.

## *So what happens if the claim is defended and the Judge only awards part of PDC Law's costs or no costs at all?*

PDC Law will limit their costs to the sum recoverable under a judgment or order.

## *So if the case is defended and Counsel has been instructed/attended but counsels fees have not been awarded will I be expected to pay them?*

No, you will not be expected to pay counsels fee. PDC Law will be responsible for paying counsel their fees.

## *What happens if you obtain a Judgment but cannot obtain payment from the defendant or their mortgagee?*

We will notify you of potential enforcement options and upon your instruction commence enforcement. You will not be asked to make payment for any enforcement method.

## *Is there any eventuality where I will have to pay costs/fees?*

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## *Where's the catch?*

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Property Debt Collection Ltd



PDC LAW