



North Devon Homes

Leasehold Management Policy

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1. Purpose

North Devon Homes will seek to provide a high quality service to its leaseholders which is

- accessible
- fair and consistent
- provided by well-trained and knowledgeable staff
- flexible and open to change through consultation
- compliant with current statute and regulation
- timely
- informative
- non-discriminatory

The service will also seek to function in the best interests of the Company and its tenants by:

- ensuring that all service charges and other payments due from leaseholders under the terms of their leases are collected promptly and efficiently
- ensuring that all statutory and regulatory notices are correctly served – in particular those relating to planned maintenance works
- ensuring that leaseholders comply fully with the terms of their leases in terms of making payments; the treatment of their properties; providing due notifications and their behaviour, as it affects other residents
- ensuring that the service provides value for money.

2. Principles

This policy sets out North Devon Homes' principles for managing all flats and maisonettes sold on 125 year leases under the Right to Buy, Preserved Right to Buy and Right to Acquire schemes.

These principles relate to the obligations of leaseholders and those of North Devon Homes, as landlord, under the respective leases and all associated legal and regulatory requirements.

The following principles will apply to this policy:

- It will be open, fair and transparent
- It will reflect the current standards of operation and will be reviewed whenever industry standards, legislation or guidelines change
- It will promote consistency in the approach to the interpretation and application of lease terms and associated law and regulation in all leasehold management issues
- It will reflect the Company's staff, customer and Board members' views
- It will be realistic, achievable and provide value for money
- It will be periodically reviewed as set out in section 5
- It will support all corporate customer care standards.

3. Review

We will review this policy, procedures and staff training needs at least once every three years to ensure that it continues to operate within best practice, achieve measurable results, and achieve continuous service improvement.

Alternatively, the policy and all associated procedures will be reviewed immediately following any relevant change to government policy, regulation or legislation.

The Commercial Services Officer will be responsible for ensuring that policy reviews are undertaken, that appropriate consultation takes place and that revisions are reported to the Board for its approval.

4. Responsibilities

This policy sets out the responsibilities and obligations placed upon North Devon Homes and leaseholders under the terms of the respective 125 year leases of flats and maisonettes, of which the Company is the freehold owner.

It also covers the obligations of the Company under The Housing Act 1985, The Landlord and Tenant Acts 1985 and 1987, The Leasehold Reform, Housing and Urban Development Act 1993, The Housing Act 1996, The Housing (Right to Acquire) Regulations 1997 and the Commonhold and Leasehold Reform Act 2002 and associated regulations.

Other associated legislation also governing aspects of leasehold management include The Property Misdescriptions Act 1991, The Consumer Protection Act 1987, The Law of Property Act 1925, The Unfair Terms in Contracts Regulations 1999 and The Housing (Service Charge Loans) Regulations 1992.

North Devon Homes' Board will delegate responsibility to the Asset Manager for ensuring that this policy is communicated and implemented.

Detailed procedures will be developed and maintained by the Commercial Services Officer in line with this policy to provide further guidance during delivery of the leasehold management service.

We will provide training for staff to ensure that they fully understand the wider issues surrounding this policy and the procedure.

5. Scope

6. Policy Statement

In establishing a clear policy position, we have identified each area of leasehold management as a procedure relating to the main policy.

These procedures reflect the approach and consistency, required by the service to meet the policy aims and are summarized in the table below:

1 Lease terms and compliance	We are committed to understanding and meeting all out landlord's obligations under the lease and to ensuring that leaseholders understand and meet all their obligations.
2 Consultation	We are committed to consult with leaseholders on all matters that affect them as required by statute and beyond this requirement as a matter of good practice and to establish good working relations.
3 The collection of service charges	We are committed to ensuring that all service charges are rigorously and efficiently collected, but also recognise that flexible payment options should be available to leaseholders who have difficulty in paying service charge bills.
4 Leaseholder improvements	We will be reasonable in dealing with applications by leaseholders to improve their homes and will also act consistently by setting out clearly the criteria under which we will grant or withhold consent.
5 Breaches of the lease	For the benefit of other leaseholders and tenants, we are committed to taking action to prevent and remedy breaches of the lease by leaseholders.

6 Leaseholders' rights to enfranchise, manage and lease extension.	We recognise leaseholders' statutory rights to enfranchise, manage and to a leasehold extension. We will comply with our statutory duties as landlord and will provide assistance and advice to leaseholders, where it is appropriate for us to do so.
7 Leaseholder complaints	We are committed to resolving problems with leaseholders through consultation and face to face meetings but have processes in place to deal with situations where leaseholders are not satisfied with the service provided.
8 Equal opportunities	We will apply legislation relating to leasehold matters fairly and consistently to all leaseholders but will also be flexible in agreeing specifications and charging for major works.

7. Consultation

Be clear about who has been consulted in developing the policy. It would be expected that this would include audiences listed in the policy scope. It may include:

- Staff (normally through the staff forum)
- Customers (normally through C-90 and/or Scrutiny Panel)

A summary of consultation should be provided using the table below:

The following have been consulted in developing the policy:

Date	Consultation methodology	Challenge / impact / result

8. Equality Impact Assessment

An equality impact assessment should be undertaken and reported in the table below by using ticks against each assessment strand. If this is not relevant for this policy then this should be stated.

1.1 Potential impact on each of the diversity “groups”.

Strand	No impact	Negative impact	Positive impact	Comments / evidence (if negative impact, how does the policy address this)?
Race				
Disability				
Gender				
Gender Reassignment				
Sexual orientation				
Religion or belief				
Age				
Rural issues				
Social Inclusion issues				
Pregnancy and maternity				
Marriage and civil partnership				

OR:

A full EIA is not required for this policy.

1.2 Does the Policy promote equality of opportunity?
Yes / No / Not applicable

Next review date:	Responsible Officer
March 2023	??
Author	Related Documents
Martyn Gimber Chief Executive Martyn.gimber@ndh-ltd.co.uk 01271 312505	Sources of reference and related docs must be listed here

From original policy:

We seek to embrace equality and diversity in all aspects of our business.

We aim to ensure that all of our customers regardless of race, colour, gender, religious beliefs, age, disability, sexual orientation, marital status or appearance have the right at all times to:

- be treated fairly and equally
- enjoy their homes quietly.

We undertake to produce this document or parts of it on request in other languages or formats such as large print to ensure that everyone is able to access the policy.

Language Line provides all corporate translation services and can be contacted on 0800 169 2879

We are committed to the principles of fairness and respect at North Devon Homes and, therefore, seek to embed statutory guidance and policy relating to Equality and Diversity in to all activities.

We will seek to ensure that it does everything reasonably within its power to combat any form of harassment.