

NEWS ON THE BLOCK



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As the Law Commission considers reforms for
enfranchisement, it's time to make your voice heard

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The wait is over and the winners for the **Property Management Awards 2018** were announced on Friday 23rd November at our awards ceremony.

Our 'Christmas in New York' themed awards were held at Finsbury Square in London, and it was truly a night to remember! With 900 people from across the industry in attendance, it has once again overtaken the previous year and become our biggest PMAs to date!



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Directories give top rankings for law firm

Legal firm Brethertons LLP has been recommended in two leading industry directories – with seven solicitors from the company named in a list of top lawyers.

Chambers & Partners UK 2019 ranked Brethertons in the practice areas of family, personal injury, employment, personal tax, trusts and probate, corporate and commercial, commercial litigation, commercial property, real estate, real estate litigation, debt recovery, property litigation, IT and telecoms and intellectual property.

Seven lawyers have also been ranked by The Legal 500 – Linda Jones, Simon Craddock, Tom Lawrence, Roger Hardwick, Jon Rees, Gemma Kelsey and Rachel Adams.

Shaun Jardine, chief executive of Brethertons, explained how important the guides are for clients and staff.

He said: "The legal directories are independent publications which reflect the state of the legal industry today. Law firms are peer reviewed and recommended and therefore provide clients with an unbiased overview of the market. It is really helpful for clients to see how we are benchmarked against competitors and take an informed decision on which solicitor to use."



ARMA overhauls training programme

A trade association for residential leasehold management has given its professional training programme a radical overhaul.

The Association of Residential Managing Agents (ARMA) said the new scheme had been changed in light of government proposals for

property professionals to hold recognised qualifications.

The training covers all areas of residential leasehold management including legal, health and safety and fire management.

ARMA Courses are offered at various levels and locations to help ensure there are learning opportunities for all levels of ability, from beginners to advanced.

As part of the redesigned programme, the association has created a Residential Leasehold Management Career Pathway, which recommends particular training courses to those building a career in the sector.

In addition to classroom-based training, ARMA offers in-house training, bespoke courses and webinars.

All courses provide continuing professional development (CPD) and are designed and delivered by industry experts. Training is open to members and non-members.

Men arrested over Grenfell video

Six men were arrested after a video of a model of Grenfell Tower being burned at a bonfire party was shared via social media.

Widespread condemnation was levelled at the men and others who were at the party, where a cardboard model of the block

was burnt. Their comments about people within the flats were also attacked by the public.

The men were held on suspicion of the public order offence of causing another person harassment, alarm or distress, and were released while police carry out further investigations.

Natasha Elcock, the chairwoman of Grenfell United, said she feared the video reflected "judgment and misperceptions" among some parts of society that the community group had been "fighting since day one", citing the view expressed in the clip that the tower's residents did not pay rent.

More landlords use social media to screen tenants



Savvy landlords are turning to social media to screen tenants before letting them rent their property.

New data from Foundation Home Loans has found that sites such as Facebook, LinkedIn, Twitter and Instagram could reveal valuable insight into how people would be as tenants.

The research said that it is the first port of call for an estimated 11% of landlords.

Depending on the accounts available, information that could

be gathered from social media could include everything from job and career history right through to friends and lifestyle.

The study also discovered that one in seven landlords say they visit their properties once a month to meet with tenants and to make necessary repairs.

Jeff Knight, marketing director of Foundation Home Loans, said: "Buy to let is a business, so it's only natural that landlords would want to vet their potential tenants just as

an employer would a potential employee.

"While Facebook and social media accounts may not be the best source of information if used in isolation, they can offer valuable insight when set against other checks such as personal references and credit checks.

"After all, maintaining a good rental income is a priority and void periods can be particularly damaging, so it's important to ensure this is not a risk when new tenants move in."

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FP737-2018



Council faces £21m bill to replace fire doors

More than a thousands front doors in a London borough designed to protect residents from fire could be faulty after failing safety tests.

Hackney Council commissioned fire resistance testing on its door stock back in April, similar to the testing which revealed that Grenfell Tower's doors failed under test conditions after just 15 minutes.

The so-called FD30S door is meant to keep smoke and flames at bay for at least 30 minutes. After the tests, the council has revealed that 16,000 doors are to be replaced in a process which will take three years and cost

more than £21 million.

All of Hackney council's different types of FD30S front door currently in use failed fire resistance tests apart from one.

The discovery means that thousands of homes across London might not have the required level of fire protection.

Council officials are working urgently to replace the composite doors, as well as older doors that were installed before new regulations requiring the FD30S protection — around seven per cent of council stock.

Kim Wright, the council's director of neighbourhoods and housing, said: "We have been working very closely

with the London Fire Brigade on this issue. Their advice is that residents are at no immediate risk and the current doors provide protection and valuable escape time in the event of a fire."

It is understood the manufacturers claimed the doors had passed their own fire safety tests.

However, the Ministry of Housing, Communities & Local Government said the two door types which "conclusively" failed Hackney's tests, also failed the Government's own tests — and have now been removed from the market.

It has also ordered National Trading Standards to "oversee local investigations which are taking place".

Bodies found as blocks collapse

Six bodies were found in the rubble of two dilapidated apartment blocks that collapsed in the centre of Marseille last month.

Only one of the buildings was occupied. The others were so dilapidated they had been condemned and were boarded up, though locals said they were frequently used by squatters.

Angry local people accused Marseille officials of leaving the city's poorer residents living in dangerous housing.



Shipping containers to be turned into flats

A total of 140 shipping containers are being used to create a block of apartments in Johannesburg.

The block is designed by New York studio Lot-ek, who say their innovative apartments will contribute to the Maboneng area's rejuvenation.

The unusual blocks will feature diagonal cuts, which makes space for windows, partitions within apartments and balconies.

Mum died after being pulled into garage door

A mother was pulled into the mechanism of an automatic garage door minutes after asking a friend if she'd ever held onto metal shutters, an inquest heard.

Heidi Chalkley, 40, was dragged into the rollers and died in an underground car park in Ruth Bagnall Court, Cambridge, in 2016.

The inquest was told Ms Chalkley had visited her friend Susan Gilmore parked her vehicle in a car park underneath Ms Gilmore's home on the day of her death.

She told her inquest today: "As it [the door] went up Heidi said to me, 'Have you ever held on to it as it goes up?'"

"Heidi grabbed hold of the shutters. I

thought she was going to let go. She started to panic as her hands got caught on the barrier."

Ms Gilmore watched in horror as Ms Chalkley rose three feet from the floor, before blood started coming from her mouth.

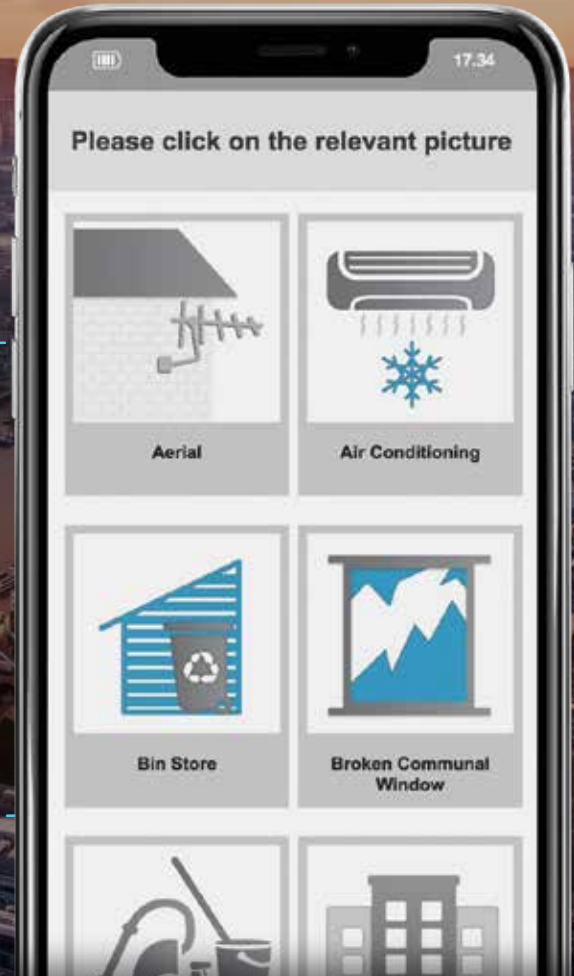
Assistant coroner Sean Horstead recorded a verdict of misadventure.

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Shreya Shah,
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Knotweed wipes £20bn from property market



Japanese knotweed has wiped £20bn off the current value of the property market in the UK, new research claims. The study showed that around 5% of homes in Britain are affected by the pesky

plant, which can lead to a reduction of house values by around 10%.

Environet UK, which is one of the leading Japanese knotweed removal firms, carried out the survey with YouGov.

First homes for sale at old Irons ground

The first phase of housing on the former home of West Ham United have been launched.

Upton Gardens will become a mixed development of 842 homes at the site of the former Upton Park ground.

The scheme is part of a wider regeneration of the Newham borough of London and includes private homes, affordable housing and shared ownership.

Affordable rent homes will be prioritised for key workers who live or work in the borough, with prices for private purchase starting at £325,000 for one-bedroom apartments.

Each home will have access to a range of onsite amenities including landscaped gardens, a concierge service and a fitness studio.

Eloise Robins, of SiteSales Property Group said: "Upton Gardens is an exceptional development with excellent amenities in an area that continues to undergo rejuvenation."

Social housing tenants banned from complex's leisure club

Social housing residents who live in a development of plush apartments have been banned from using an onsite luxury swimming pool and gym.

Those whose rents are subsidised by the taxpayer at Royal Wharf, in the borough of Newham, say they are being discriminated against because they can't access the state-of-the-art clubhouse.

Only private owners and tenants who live in the development of 3,400 homes can enjoy the facilities at the complex on the north bank of the Thames.

Homes there sell for up to £1.2m, but 243 apartments have been made available to people on lower incomes at 60% of market rent as part of the Mayor of London's bid to fix the capital's housing crisis.

And up to 500 residents in those flats say they are being discriminated against because of the decision to outlaw them from the leisure facilities.

Ade Eros, 37, a father of two who moved into a three-bedroom flat this summer, said: "We don't know why we are being segregated. Whatever the reason for the policy, it is not fair. They should be motivated to include everyone."

Help to Buy changes will 'rule out 38% of current users'

More than a third of people who used the government's Help to Buy scheme in 2018 would no longer be eligible to use it under new rules.

During November's Budget it was announced that the revised scheme, which will run for two years from April 2021 to 2023, will only be able available to first time buyers and for homes priced up to new regional caps.

The chief executive of house moving price comparison

firm reallymoving.com, Rob Houghton, welcomed the new rules announced by Chancellor Philip Hammond.

He said scaling back the scheme would be an improvement because Help to Buy had helped fuel higher prices.

"Our data shows that around 38% of people who have used Help to Buy Equity Loans so far this year would no longer qualify after the changes in 2021, indicating that the revised



scheme is quite rightly much more targeted towards first time buyers who need help onto the first rung of the property ladder," Mr Houghton added. Research released by

reallymoving.com earlier this month revealed that first time buyers using Help to Buy are paying on average 8% more than those buying new homes without the scheme.



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Double promotion for law firm



Central London law firm Bishop & Sewell has announced that it has made two appointments to its equity partnership team. Chris Macartney and David Little were promoted to the team in October, which now

stands at seven members. Chris, who is a partner in the landlord and tenant team, is a specialist with extensive experience in leasehold enfranchisement.

David – a partner in the corporate and commercial team, is also head of sports law for Bishop & Sewell.

Michael Gillman, Senior Partner at Bishop & Sewell, said: "It is great to see the

talent within our firm flourishing and supporting our continued growth. We are very pleased to have such a wealth of internal talent providing legal expertise to our client base."



Solicitors welcome latest addition



Solicitors Brethertons has welcomed Bejul Lakhani-Lever as the latest addition to their commercial property team.

Bejul, who has worked for a number of organisations, has expertise in a range of areas, including landlord and tenant matters, acquisition and corporate transactions in property.

Alison McCormack, director of legal services, said: "Bejul brings with her a wealth of experience within the Commercial Property sector. We look forward to working with, and supporting her in her new role."

Bejul said she was looking forward to building strong relationships with customers at Brethertons.

Two directors appointed at FirstPort

Residential property management company FirstPort has made two senior appointments, which it says will help boost service to both clients and tenants.

Heidi Stephenson, who spent 15 years at Harrods in the senior management team of Harrods Estates Asset Management/PL Management, has become director of FirstPort's Luxury portfolio.

Heidi said: "Customers living in a luxury development quite rightly

demand a truly luxury service, and I am looking forward to using my experience of dealing with the most prestigious customers to define and deliver an exceptional level of service."

Meanwhile, Lucinda Walker

has been appointed director of the Build to Rent department to provide focus on the company's plans for the emerging market.

Lucinda, who has worked in management services at major sports events, said she would use her experience of delivering such events to ensure the build to rent operation would be slick, efficient and focused on the needs of customers.



New head of property management at urbanbubble

Manchester-based property manager urbanbubble has a new head of property management.

Gemma Price joins the company with more than 20 years of experience in a range of business sectors including property, leisure and hospitality.

Gemma will focus on leading the property teams at urbanbubble in delivering customer service across the company's block management portfolio. She will also develop the service delivery teams across several customer groups.

Gemma said: "Choosing urbanbubble was an easy

choice for me. Not only is the company at a very exciting point in terms of business growth, it also has a very strong values culture and a customer centric business where the customer is at the very heart of it. Customer service is what I am passionate about, so there is a genuine fit between my own personal aspirations and those of the business."

Michael Howard, founder and managing director of urbanbubble, said: "Gemma brings with her a veritable wealth of experience in the property sector and we're excited by what she can bring to her new role."



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What to consider about the fire risk of cladding



Aluminium composite material (ACM) cladding – which covered Grenfell – is just one of many high-risk concerns that residents, freeholders and managing agents should be aware of. But the narrow focus on this type of cladding has distracted the size of the issue.

As consultants specialising in the area of façade combustibility, the industry often finds a lack of information available to help people understand their buildings' external fire risk or its compliance with legislation.

How do I know if my façade is flammable?

Meeting legislation is not the same as being risk free when it comes to fire. The combustibility of cladding is rated on the Euro Class scale; where 'Class B' is now becoming restricted. Euro Class B rated materials, such as ACM, were previously described as having "limited" combustibility.

More combustible Euro Class C-E materials, such as High Pressure Laminate cladding, are extremely common, especially on high-rise buildings throughout the UK, and hold an even greater fire safety risk in many cases. Yet for the most part, they have not been addressed as the main area of focus has been on ACM.

Other products often fly under the radar

The events of Grenfell highlighted the extent of fire risks in high-rise buildings, but by focusing on the type of cladding used there has distracted the industry to the size of the issue, says Dorian Lawrence

as they look visually different to cladding. Such an example is expanded polystyrene render (EPS), which is an extremely common material due to its high insulation rating and relatively inexpensive cost.

However, polystyrene is extremely flammable and even fire-retardant EPS render is still only rated at Euro Class E: i.e. very combustible.

It is important to understand the risks associated with your cladding and what the ratings of material mean. Thousands of UK residents are still at the mercy of combustible façade elements, often resulting in an inability to sell their properties.

Is it just about cladding?

The level of this risk depends on, and could be exacerbated by, a number of factors. For example, the type and combustibility of insulation used and the compartmentation of areas behind the cladding.

Large cavities behind the cladding and ineffective fire barriers can allow for trapped fire to spread quickly and increase the scale of the incident.

In buildings with effective fire barriers, the 'stay-put' fire evacuation method works as the fire is contained to the immediate area for a longer time to protect other areas while the fire service tackles the blaze.

Why are nearly 500 buildings left unsafe?

The new government legislation will not cover current buildings, only new-builds. We are struggling to understand why the safety of existing residents has not been made of paramount importance.

What isn't covered in the new legislation?

The new legislation will be enforced for certain new buildings over 18 metres in height. Hotels and offices are exempt on the basis that they have a different evacuation strategy.

We do not feel that safety should be compromised due to a building's height. Five storey blocks of flats are an example, these are likely to be just below 18 metres. Considering the speed at which the Grenfell blaze spread, a fire could reach the top of the building in less than four minutes.

What actions should leaseholders, freeholders and managing agents take?

For freeholders and managing agents, it is crucial to understand the risks and act upon them. Lack of knowledge does not negate liability.

For leaseholders, the cost to replace the cladding could directly affect you. Residents such as those in Sesame Apartments, Battersea, are facing remedial costs of £40,000 per flat. Not replacing combustible cladding also invites additional difficulties relating to insurance and property sales.

Moving forward, there must be transparency in the cost of any remedial works and assurance that such work will be carried out to the correct and safe standard.

If you are unsure of your building's compliance or safety, we are always happy to discuss and provide impartial, expert advice.

Dorian Lawrence is managing director at Façade Remedial Consultants

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New device helps block managers monitor fire safety via app

alert them to problems.

This isn't good enough! Faulty systems can put the lives and property of residents at risk. So in response, Future Fire Systems has launched NOD – an auto-notification device that retro-fits into existing fire alarm panels, monitoring systems in real-time and sending signals to a cloud-based app or web portal via a 4G SIM.

Once installed and connected to an existing system, NOD advises users that all their systems are fully operational or “healthy” until they receive a “fire” or “fault” signal.

A monitoring community can be set up so that the signal is sent to any user or group of users (i.e. block managers) linked to the device and/or property. NOD will also monitor when contractors attend site to carry out planned maintenance, as they will be producing “fires” and “faults” and additional monitored switching can be introduced, i.e. touch in and out systems for other trades such as cleaning teams and gardeners, etc.

The system can be installed at a very low cost and use of the app is then charged monthly, over a yearly subscription.

Future Fire Systems is now an approved partner with the alarm transmission service provider. The use of 4G wireless technology means no wiring needs to be installed in the building and the 4G network is on a roaming SIM, which means it connects to the strongest area network provider, eradicating any downtime associated with using a single provider.

But what makes this kit unique is that the end user has full visibility of the status of their equipment via the NOD App, as well as the capabilities of signalling an Alarm Receiving Centre (ARC) where this is required. The software platform that supports NOD was originally produced for the security sector and Future Fire Systems will be working to further develop the system, ensuring it meets the needs of the fire protection sector.

Bradley Parker, Managing Director at Future Fire Systems

Giving the NOD to rewriting fire safety rules!

Do you want total peace of mind that your residents are safe from fire risks? NOD is a new proptech solution to life safety aimed at block managers from Future Fire Systems.

The topic that got everyone talking at the 2018 ARMA conference was proptech. Tech solutions to everyday problems are really starting to impact block management, making all our lives easier and better connected, and James Dearsley's presentation showcased the

ways in which technology is now changing the way we work. A great example of how proptech can be used to tackle everyday tasks is a new device launched by Future Fire Systems that aims to completely change the way block managers deal with faulty life safety systems.

Fire safety is at the forefront of all our minds these days, but when they are not on-site, block managers don't know when systems are in fault, often relying on maintenance teams and even residents to



Warning to landlords after court ruling



Landlords who have to consider whether to grant consent to works despite there being an absolute prohibition against alterations in a tenant's lease, must take care in future.

The Court of Appeal has held that a landlord of a block of flats was not entitled to grant a licence to a lessee to carry out work which would breach an absolute covenant against alterations, where the lessees of other flats could require the landlord to enforce covenants upon request.

Facts

In *Duval v 11-13 Randolph Crescent Ltd* [2018] EWCA Civ 2298, 11-13 Randolph Crescent was converted into nine flats, each of which was held under a long lease. The landlord was 11-13 Randolph Crescent Ltd, a company owned by all the tenants.

The leases of the flats contained:

- An absolute covenant by the

A recent case highlights the problems that can arise when drafting lease terms, and is likely to be welcomed by tenants, argues Emma Gosling

tenant against cutting into any walls or ceilings.

- A landlord covenant that any lease granted of a residential unit at the building would contain similar covenants and that at the request of a flat tenant (and subject to security for costs), the landlord would enforce the covenants given by another flat tenant.

Mrs Winfield was the lessee of Flat 13, and Dr Duval the lessee of Flats 11G and 11H. In 2015, Mrs Winfield approached the landlord asking for permission to carry out improvement works to Flat 13. The landlord was willing to grant consent but Dr Duval said that the terms of the lease prevented it from doing so.

The argument

Dr Duval argued that the landlord had covenanted to enforce the absolute prohibition against certain works if requested to do so by another flat tenant. If the landlord could licence or waive compliance with what would otherwise be a breach of the alterations covenant, it would no longer be possible to comply with the landlord's enforcement covenant. It was therefore implicit in the enforcement covenant that the landlord would not put it out of its power to comply with it when the time came.

In contrast, the landlord submitted that in the normal course of events a landlord is free to consent to what

might otherwise be a breach of a tenant's covenant, and in some circumstances he might be in the unfortunate position of having inadvertently waived a breach or being estopped from relying on a breach. It could not have been intended that in such circumstances the landlord himself would be in breach of covenant.

The decision

Lord Justice Lewison delivering the judgment held that the landlord could be compelled to enforce the covenant against alterations and it was implied that the landlord will not put it outside of his power to comply with the enforcement covenant by granting a licence for prohibited works because it would not give practical or commercial coherence to the contract.

The impact of this decision will be wide reaching and appears to give tenants the ability to veto a landlord's decision to grant a licence to do something otherwise prohibited by the lease.

Lord Justice Lewison went some way to answering concerns over such a veto being exercised capriciously in residential blocks by warring neighbours, by confirming that landlords will retain their ability to licence what would otherwise be a breach of covenant; it was just that doing so would potentially expose them to a claim.

The case will be welcomed by tenants as an authority which goes some way to improving their often weaker bargaining position. Landlords concerned that their freedom to grant consents is to be fettered will, however, be keen to stress that good reason must still be given by objecting tenants if any claim against them is to succeed.

Emma Gosling is senior associate at Forsters LLP

FORSTERS



Forsters wishes the readers of News on the Block
a very Merry Christmas and Happy 2019.

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NEWS IN THE BLOCK | PROPERTY[®] MANAGEMENT AWARDS 2018

The wait is over and the winners for the Property Management Awards 2018 were announced on Friday 23rd November at our awards ceremony.

Our 'Christmas in New York' themed awards were held at Finsbury Square in London, and it was truly a night to remember! With 900 people from across the industry in attendance, it has once again overtaken the previous year and become our biggest PMAs to date!

We would like to thank our wonderful judges: Mike Basquill, Richard Berridge, Andrew Bulmer, Ruth Campbell, Ian Fletcher, Noella Lee and Bob Smytherman.

Of course, we would also like to thank all of our sponsors and supporters; without them this event would not be possible.

Congratulations to all of our winners and highly commended award winners!

Our plans for the 2019 PMAs are already in motion so watch this space for more information!
Thank you once again, and we look forward to seeing you next year!





Award Categories

Concierge of the Year
New Build Property Management Company of the Year
Insurance Services Provider of the Year
London Property Manager of the Year
Best Managing Agent of an RMC/RTM Block
Professional Services Provider of the Year
Regional Property Manager of the Year
Regional Property Management Company of the Year
Build-to-Rent Company of the Year
Legal Services Provider of the Year
Specialist Service Contractor of the Year - Block Services
Customer Service Award
New Property Manager of the Year
Recruitment Company of the Year
PropTech Company of the Year
Employer of the Year



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PROPERTY MANAGEMENT RECRUITMENT

Concierge of the Year

Winner: Mustakim Momin – Firstport



Highly Commended: Dean Huit, PMM / Abbatt Dual Management & Roma Jurkians, Firstport

Finalists:

- Dean Huit – PMM / Abbatt Dual Management
- Garry Gannon – Trinity Estates
- Mark Stiles – JAR
- Mateusz Gorczyca – JAR
- Mustakim Momin – Firstport
- Roma Jurkians – Firstport



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PROPERTY RECRUITMENT

New Build Property Management Company of the Year

Winner: SDL Property Management



Highly Commended: Encore Estate Management & Zenith Management

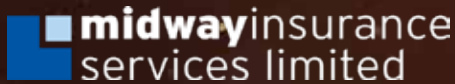
Finalists:

- Encore Estate Management
- FirstPort
- Millstream Management Services

- Rendall and Rittner
- SDL Property Management
- Zenith Management

Insurance Services Provider of the Year

Winner: Midway Insurance Services Ltd & 1st Sure Flats



Highly Commended: St Giles Insurance & Lansdown Insurance Brokers

Finalists:

- Deacon
- Lansdown Insurance Brokers
- Midway Insurance Services Ltd &
- 1st Sure Flats
- Stackhouse Poland
- St Giles Insurance
- Towergate Insurance Brokers



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London Property Manager of the Year

Winner: Simon Edwards, JFM Block & Estate Management LLP



Highly Commended: Kelly Dowling, Firstport & Natalie Rubinstein, Kay & Co

Finalists:

- Dean Clarke – Lee Baron
- Kelly Dowling – Firstport
- Natalie Rubinstein – Kay & Co

- Simon Edwards – JFM Block & Estate Management LLP
- Simon J. Owen – Anchor

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FACILITY SERVICES

Best Managing Agent of an RMC/RTM Block

Winner: Premier Estates



Highly Commended: Clear Building Management & Realty Management Ltd

Finalists:

- Clear Building Management
- Encore Estate Management
- JFM Block & Estate Management

LLP

- Michael Laurie Magar Ltd
- Premier Estates
- Realty Management Limited

Professional Service Provider of the Year

Winner: Ingleton Wood

Ingleton
Wood

Highly Commended: Data Energy Management Services Ltd & Harris Associates

Finalists:

- Barrett Corp & Harrington
- BDO LLP
- Data Energy Management Services Ltd
- Harris Associates
- Ingleton Wood
- SHCE Limited t/a The Sheriffs Office



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Regional Property Manager of the Year



Winner: Benjamin Hume,
Evolve Block
& Estate Management Ltd

Highly Commended: Ashley Davies, Blocsphere Property Management Limited & Dale Jones, Pennycuik Collins

Finalists:

- Ashley Davies – Blocsphere Property Management Limited
- Benjamin Hume – Evolve Block & Estate Management Ltd

- Dale Jones – Pennycuik Collins
- Joy Davies – Blocsphere Property Management Limited
- Lyndsey Cannon-Leach – Pennycuik Collins
- Matthew Snelling – Firstport



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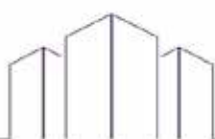
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Regional Property Management Company of the Year

Winner: Encore Estate Management

ENCORE

Highly Commended: Premier Estates & Zenith Management Ltd

Finalists:

- Encore Estate Management
- Homestead
- Millstream Management Services

- Pennyquick Collins
- Premier Estates
- Zenith Management Ltd

Build to Rent Company of the Year

Winner: Grainger plc

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Highly Commended: LIV Group



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Legal Services Provider Award

Winner: Leasehold Debt Recovery

LEASEHOLD DEBT RECOVERY

Highly Commended: Brethertons LLP & PM Legal Services

Finalists:

- Brady Solicitors
- Brethertons LLP
- Leasehold Debt Recovery

- PM Legal Services
- RadcliffesLeBrasseur
- SHCE Limited t/a The Sheriffs Office

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Fielding



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Specialist Service Contractor of the Year - Block Services

Winner: Abbatt Dual Management



Highly Commended: Adiuvo & CIAR Property Services Ltd

Finalists:

- Abbatt Dual Management
- Adiuvo
- Beaver House Services Ltd
- CIAR Property Services Ltd
- LaundryRepublic
- Nirvana Maintenance

Customer Service Award

Winner: Strettons




Highly Commended: Encore Estate Management & Homestead

Finalists:

- Encore Estate Management
- Evolve Block & Estate Management Ltd
- Homestead
- Nirvana Maintenance
- Strettons
- Trinity Estates



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New Property Manager of the Year

Winner: Christopher Pass, Firstport



Highly Commended: Mohammed Islam, Firstport & James Lawrence, Principia Estate and Asset Management

Finalists:

- Christopher Pass – Firstport
- Edward Knight – Principia Estate and Asset Management
- Gary Prendergast – Trinity Estates
- James Lawrence – Principia Estate and Asset Management
- Joanne Palmer – Trinity Estates
- Mohammed Islam – Firstport



For more photos visit www.propertymanagementawards.co.uk



Recruitment Company of the Year

Winner: Abbatt Property Recruitment



Highly Commended: Block Recruit & Rayner Personnel

Finalists:

- Abbatt Property Recruitment
- Block Recruit
- BBL Property Ltd
- Cobalt Recruitment
- Deverell Smith
- Rayner Personnel

PropTech Company of the Year

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Winner: Arthur Online Ltd



Highly Commended: Dwellant & MRI Software

Finalists:

- Arthur Online Ltd
- Dwellant
- Fixflo
- Hyperoptic
- MRI Software
- Student Swipe



Employer of the Year

Winner: Deacon

DEACON

Blocks of Flats Insurance

Highly Commended: Michael Laurie Magar Ltd & Pennycuik Collins

Finalists:

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- Encore Estate Management
- Keegans
- Michael Laurie Magar Ltd
- Pennycuik Collins
- Rendall and Rittner



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QUESTION

I would appreciate some guidance on how to tackle being threatened with legal action by a contractor for non-settlement of an invoice when the work was not done correctly.

I'm one of four directors of a MCL for a residential estate consisting of 122 leasehold one bedroom flats and maisonettes who own the freehold. Directors are elected leaseholders who voluntarily manage the non-profit management company assisted by a managing agent. In September 2017, we sought quotes to replace an ageing intercom system. We issued a works instruction to our chosen contractor as per the fixed price quotation.

After a catalogue of issues and excuses over nine months, we lost all confidence in the contractor's ability to complete the job. We finally decided not to continue using him after he said he had completed the work he quoted for and then asked for more money to give us a fully working system – none of which was outlined in the original quote as additional costs. He then submitted his invoice which included one of the additional payments we had already agreed.

Within days of receiving the invoice the system in every block was sabotaged/

vandalised. As we were not satisfied with the quality and scope of the work, we paid 50% of the invoice and obtained a detailed report from a professional contractor about the damage caused. The report highlighted that there were numerous problems with the installation.

As the initial contractor's nine month's work was unsatisfactory we had to appoint another contractor to rectify the faulty works and complete the job.

The initial contractor is seeking payment in full as he says he had completed what he quoted for, a working trade button, but not including the handsets. Even though we have raised the issues in the professional report he will not accept any evidence that it was incorrectly installed. The contractor paid an electrician to do the wiring for him.

After threats of legal action if full payment is not settled immediately and heavy penalties for daily delays, the contractor has suggested we settle out of court and offered a 10% reduction on his invoice. We would welcome to settle this matter out of court but would have to accept the offer of only a 10% reduction. The total cost of 50% and the cost we paid to rectify will still be about 30% above what another company quoted initially for a fully

working system completed in two weeks.

Generally, the advice is that it is mutually beneficial for both parties to settle out of court due to high costs. As the £5,600 amount disputed is under £10,000 we assume it would be a small claims court. However our main issue is that this is not one business against another. The service charge is paid by the leaseholders so they will have had to directly pay for the cost to rectify a system that was not fit for purpose. For a non-profit organisations do we have access to free legal services, is there an organisation that we can go to for advice? Are we considered consumers covered by consumer law?

As Directors we wish to act in the best interest of leaseholders, but when dealing with such a threatening unreasonable contractor we are also conscious of potential legal costs making matters worse. We are currently checking the lease to see if there is any provision for legal costs. Any advice you can offer would be very much appreciated.

ANSWER

Thank you for your enquiry. I am sorry to hear about your situation and can fully understand why

continued on page 34 >>



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continued from page 32 >>

you do not wish to pay the full sum being demanded by the initial contractor.

Unfortunately, the terms of the leases (relating to the properties in the estate) are unlikely to render the initial contractor liable for legal costs of defending any claim which the contractor issues against you, as I assume that the contractor was not party to any of the leases.

I note that the amount in dispute is £5,600. As such, any claim which the contractor issues is likely to be allocated to the small claims track.

Other than in exceptional circumstances, on the small claims track the winning party can

recover no more than its "fixed costs" from the losing party. Fixed costs include any court fees and travelling expenses incurred by the winning party together with further nominal sums. Given that any claim would be issued by the initial contractor, the contractor would have to pay such court fees (in the first instance at least). It is distinctly possible that the building insurance policy covers the costs of defending the claim (especially if the policy includes legal expenses cover). You/the managing agent should check all insurance policies carefully and liaise with the insurer. If an insurance policy does not cover your legal costs, your costs (to the extent that they are not recoverable from the contractor) may be recoverable via the general

service charge account (and I note that you are checking the lease in this regard). Unfortunately, this would ultimately result in the tenants footing the irrecoverable costs (via their service charge contributions).

Mediation could be an option here. If the contractor issues proceedings and you file a defence, the court will most likely issue "Directions Questionnaires". The questionnaire will probably ask whether you wish to use the court's small claims mediation service. If both you and the contractor indicate that you are prepared to mediate, the court will (if it deems the case suitable for mediation) arrange a mediation appointment. If the contractor issues a claim against you in respect of the disputed amount, you may well

have a defence based on the Sale of Goods Act 1979 and/or the Supply of Goods and Services Act 1982. Such defence may be on the grounds that the goods/services are not of satisfactory quality. In addition, it may be that the goods do not correspond with the description given to the goods by the contractor or that they are not fit for purpose.

You/your managing agent should examine any contract which you entered into with the contractor prior to the commencement of the works. If the contractor gave a fixed price quote for the works, he cannot expect to be paid more than that quote (unless he renegotiated the price).

Richard Owen, Solicitor at JB Leitch Ltd



Call of the Month

It has been a pretty "normal" month in the context of property management, so in lieu of a new call we thought about, possibly, our most unusual call in all of our ten-plus years of operating. Some time ago, we spoke with a rather panicked person asking to confirm if they had reached the emergency line. When we advised "yes" the caller said they believed their flatmate's appendix had burst. We pointed out that the emergencies the notice in the common parts referred to were maintenance only and not medical in nature and that 999 should be contacted, which in this instance we did on behalf of the resident given their confusion.



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or call our team on 0203 538 8875

A better deal for leaseholders?



The Law Commission recently proposed a series of reforms designed to tackle certain issues in the leasehold market with the view of making the lease extension and freehold acquisition process, known as enfranchisement, more efficient.

In addition, the Law Commission were specifically asked to provide options to reduce the price payable by leaseholders to buy their freehold or extend their lease whilst also ensuring adequate compensation is paid to landlords in respect of their property interests.

Arguably, this task for the Law Commission was a double edged sword. There is, perhaps, no course of action that does not have some drawback. It was impossible for the project to be a neutral piece of work, otherwise it wouldn't achieve anything. It was acknowledged by the Law Commission that the proposals

As the Law Commission considers reforms for enfranchisement, it's time to make your voice heard, urges Iris-Ann Stapleton.

were intended to favour leaseholders but that those proposals should also benefit landlords to a large extent.

Since the Law Commission issued their consultation paper, either Brexit took over or the proposals were not radical enough, as there did not seem to be too much commotion from any side.

Whilst we wait to see what may lie ahead, it is important to note that all of the existing enfranchisement rights are retained in the proposed new regime and, therefore, leaseholders should not be concerned about their rights being lessened or limited in any way. The proposals are

for a streamlined system and to remove current difficulties; they therefore set out to enhance the existing rights of leaseholders.

The overriding objective seemed to be to give leaseholders more choice, based on simpler and less costly options. Such proposals included the two-year rule of ownership being abolished, limiting contribution to landlords' costs, longer lease terms and all disputes to be determined by one tribunal.

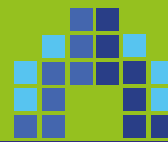
This project is an examination of leaseholder's enfranchisement rights. The Law Commission has given it

careful consideration and analysis but now require help from stakeholders in getting it right. There is no final recommendation for reform in the consultation paper as that will be a decision for the government. Legal reform can be a driver for reform of the economy and will have an impact on the market.

If you have something to say, now is your time. The consultation period ends on 7 January 2019. The Law Commission want to hear views and you can provide your opinion via the Law Commission website and use the online response form which can be found at <https://consult.justice.gov.uk/law-commission/leasehold-homeownership/consultation/>

Iris-Ann Stapleton is a partner in enfranchisement at Streathers LLP



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Are video interviews right for block managers?

Time is one of the most valuable things within a business and over the past decade an increasing number of employers in different sectors have been using video interviews as their initial approach to potential employees. It's a technique that can save employers time, money and any scheduling issues with their working day.

For an employer, it's an easy way to sift through candidates quickly and efficiently. Using first impressions and strategic questions can be a time saving activity. Scheduling for a video call is much easier than setting aside far more time for an interview, organising drinks, allowing for late arrivals, etc. A company can then decide to spend more valuable time with a face-to-face interview afterwards for the suitable applicants.

It's not just employers that benefit from this type of contact; potential candidates do too. This type of interview is easier to schedule into their day without having to take a day off from their current workplace. It can be incorporated into a lunch break or even after office hours, allowing a more personable and relaxed experience. It is also eliminating unnecessary travel costs to get to an interview. It makes sense that should a candidate be applying for a job within this industry, when there workload is naturally busy and with the added extras of evening AGMs, the



You could be missing out on fantastic candidates if you don't embrace a new way of finding employees, reckons Steve Grimsley

candidate can struggle to find time to get to an interview. Are you then missing some potentially fantastic candidates?

Here are the main points to know about video interview:

- Impressions: Even though you may be at home and the person on the other end can only see your head and shoulders, make sure

to dress the part. It will come across in your body language if you are not dressed correctly for the interview. Plus if you need to get up at any point then the game is up!

- Make sure your username, your details and profile photo for a video call are professional. Just like with social media accounts, a

potential employer will be taking note of these.

- Make sure you are in a quiet environment. Free from children, spouses, pets, televisions in the background and your mobile is off/on silent etc. These can all be very distracting and unprofessional. Make sure you will not be interrupted so you can keep focused.
- Whilst most of the country now has fibre optic broadband, internet lag can still occur. Make sure you do not speak too fast or make too many movements and be prepared for time lag or slow connections.
- Practice an online video call with a friend or partner and go through potential questions you may be asked.

As a niche recruiter working in the field of block management, it's surprising that we have not seen these types of interviews utilised more. Block managers can work over a large area, must attend AGMs in the evening and spend a lot of time travelling. Could the industry use the potential benefits of this technology or do property companies still prefer face-to-face contact?

We are not saying you should employ a person without meeting them, but it could reduce the time, something we are all chasing.

Steve Grimsley is managing director at TemplePM

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Standard Rate tickets will be available thereafter at £325 (+VAT)
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For sponsorship opportunities, please contact Nik Trevillion – nikt@newsontheblock.com

Where:

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St. Pauls London
EC1A 4HD

Time:

08:45 to 18:00



Upcoming events in the industry

25th January 2019

Insider North West Residential Property Awards

Where: EventCityUK, Manchester

Time: 19:30 to 22:30

This event will showcase the key projects, people and businesses at a gala dinner. For more details, visit www.insidermedia.com/event/north-west-residential-property-awards

7th February 2019

UKAA Innovation Trade Show

Where: Business Design Centre, Islington, London

Time: 10:00 to 18:00

This is a one day event offering a comprehensive exhibition alongside educational opportunities to develop the messages around specific products.

Leading developers, agents, investors, owners, consultants and operators can be found within the audience and all companies will be represented by personnel from their teams who are there to make contacts and do business, under one

roof, on this day.

For details, visit www.ukaa.org.uk/event/ukaa-innovation-show-2019/

February

Build to Rent Forum

Where: London

Booking: via Movers and Shakers

8th May 2019

Professionalism in Property Conference

Where: etc. venues, County Hall, Riverside Building, Belvedere Road, London, SE1 7PB

Time: 10:00 to 18:00

Price: Early Bird Rate £285 (+VAT)

Booking: <https://www.pipconference.co.uk/>

This event brings together key speakers from across the sector to debate and discuss the latest on leasehold reform in what is likely to be the first major housing conference to take place after Brexit!

June 2019

The Enfranchisement & Right to Manage Awards 2019



Where: London

Price: TBC

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The Enfranchisement & Right to Manage Awards celebrate professional excellence in enfranchisement and right to manage. The date for our 2019 awards will be announced in due course. For more information or sponsorship opportunities please contact us.



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Who do you think you are?



Introducing psychometric profiling can help improve the performance of your business, explains Louise Newton

Increasingly, employers are studying the personalities and behaviours of individuals within the workplace to discover ways to maximise job performance and contribution to the organisation. Whether it is to increase personal effectiveness, team effectiveness or boost overall sales effectiveness, understanding how employees behave, react and engage with others plays a key role in the development of workplace dynamics, and the individual themselves.

"We know what we are but not what we may be." – Shakespeare

There are many psychometric test styles and formats, but the most common and most important areas are

aptitude tests and behavioural tests. Aptitude tests have the goal of assessing various cognitive abilities from numeracy and literacy skills to spatial awareness and more. Behavioural tests are intended to highlight specific personality traits that could indicate suitability for specific roles. These can come in the form of personality questionnaires, leadership tests, motivation tests, and situational judgement tests.

For the individual, understanding how their behaviours impact the way they interact and work with others, reinforces the idea that we all, no matter where we work or how we live our lives, see the world differently and as such, react to situations and communications

in different ways. Appreciating and harnessing this diversity is an opportunity for the individual to increase knowledge of themselves and of others based on proven analysis and frameworks that offer results for organisations.

There is no right or wrong time to introduce psychometric profiling into your organisation, but it is most often used in the recruitment and selection process. Improving business performance through better 'people decisions' for selection, recruitment and development, are the key drivers of psychometric testing in the commercial world. Psychometrics offer the possibility of assessing a person's underlying temperament – whether, for example, they are outgoing or shy, risk-taking or cautious, passionate or unemotional.

Such characteristics explain the consistencies in a person's behaviour and, ultimately, they determine their comfort zone and their suitability for particular kinds of employment. Assessments indicate to what extent an applicant's natural temperament matches the ideal profile for the job, and to what extent they might need to moderate, control, develop or compensate for their natural temperament in order to succeed in that role. It is important that assessment criteria are real factors in job performance and therefore selection of an appropriate test that assesses the key criteria for your position is critical.

A particular area of psychometric profiling which can help individuals in their personal and professional growth, and organisations in the management of workplace conflict is an MBTI® assessment. The results of an MBTI assessment help individuals understand their strengths, their preferred working styles, and ultimately helps them see their potential.

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Hamilton Darcey LLP are an RICS firm of Chartered Building Surveyors who specialise in the residential block and estate sector working with Property Managers, RMCs, Freeholders and Landlords. We provide a range of surveying services throughout London, Home Counties and Birmingham.

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Valuers of the Year 2018 – myleasehold are a firm of Chartered Surveyors specialising in lease extension & collective enfranchisement (freehold purchase) valuations for both Landlords & Tenants. We also undertake other "Red Book" valuations for a variety of purposes, including CGT, IHT, ATED, negligence, matrimonial disputes, and general portfolio valuations.

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Robsons Chartered Surveyors specialise in lease extension and freehold valuations in London and the South East, advising, negotiating and representing clients through the respective processes as necessary.

KNOWLEDGE BANK



Our Knowledge Banks are an excellent opportunity for Property Management Professionals to update their skills in an interactive and informal setting.

You have the option of attending individual sessions, meaning you only need to take half a day out of the office, but if you prefer you can stay all day and attend both morning and afternoon sessions.

'Knowledge Bank' covers various topics and our industry professional presenters bring a breadth of expertise, and are happy to answer your many and varied questions.

Please look out for our 2019 programme which we will be announcing in January.

For more information please visit:

www.newsontheblock.com/events-and-training





If your tenants default on their **Service Charge Arrears,** PDC has the answers...

When I instruct Property Debt Collection how much will I be asked to pay?

Unlike most solicitors we charge a fixed fee for our service. This amount is collected directly from the tenant. You will only be asked to pay a court fee if it's needed, that's it.

What if you can't recover your fee?

We won't charge you.

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?

Cases where we are asked to cease action for whatever reason or cases where you do not follow the advice we have given.

Where's the catch?

There isn't one.

You can't change the past, but you can affect the future

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Property Debt Collection Ltd



PDC LAW