Cheshire West & Chester Council

Council Housing

Home Ownership and Leaseholder Policy

Issue date: June 2024

Review date: June 2027



Cheshire West and Chester

1. Management Information

Approval Date:	June 2024
Next Review Date:	June 2027
Policy Owner:	Janet Lawton, Head of Council Housing Management Service
Responsible Service Area:	Council Housing Management Service
Responsible Director:	Director of Economy and Housing

2. Introduction

This policy sets out how the Council will deliver leasehold services in line with statutory requirements, good practice and the Council's wider strategic aims. The Policy will explain the responsibilities of both the Council and leaseholders, how services will be managed and the standards expected in relation to service charges, repairs and management.

3. Aim of Policy

The Council will deliver leasehold services that provide equal standards of service and customer care to leaseholders and will meet responsibilities to leaseholders under the terms of each property's lease agreement. The Council will also provide excellent quality management and relevant maintenance of leaseholders' homes, administration of service charges and compliance with all relevant legislation, regulation and good practice.

4. Strategic context

This policy helps the Council to meet the following national and local strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Transparency, Influence and Accountability Standard
- Tenancy Standard

CWAC Borough Plan 2024 – 2028 - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough`s children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.

- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

Together with Tenants Charter | Cheshire West and Chester Council
Tenant Engagement Strategy 2025-30
Council Housing Asset Management Strategy

5. Definition and legislation

Lease

The lease is a private contract between The Council and the leaseholder. It will include the following information:

- Details of both the Council, and the leaseholders, rights and responsibilities for the property, including the structure and the common/communal parts.
- Information included in the service charge, how it is calculated and when payment is due,
- Responsibility for insuring the property,
- Procedures for assigning the lease; and
- How the lease can be ended and/or extended.

A welcome pack is also provided to all new leaseholders in their preferred format which provides general information on service charges, building insurance and general information about being a leaseholder.

6. How the Policy will be delivered

Leasehold covers the range of services provided by The Council to those who occupy property on a leasehold arrangement. Leases granted under the Right to Buy or Preserved Right to Buy.

The delivery of this policy and associated procedures will be the responsibility of The Council. This Policy will be available to all employees through the intranet and regular training will be provided to relevant employees on all policies and procedures.

If staff become aware that there are problems with effective operation of the policy or the associated procedures, they should report this to the policy owner. This feedback will be incorporated into the policy / procedural review process.

Building Insurance

The Council have a responsibility as landlord to provide buildings insurance. It

provides cover for the structure of the building, the full details of which will be explained in the policy documents provided with the annual estimated charges.

Ground Rent

The Council will observe the statutory requirements in respect of ground rent as provided within the Commonhold and Leasehold Reform Act 2002. A lease for a residential property may specify that a leaseholder is required to pay ground rent to the freeholder. The amount of ground rent payable, the date(s) it is due and any provisions to review the amount will be set out in the lease. This will usually be £10 payable in advance on the 1 April each year. If the lease does not specify the ground rent is payable, then the Council will not charge a leaseholder.

For all properties where ground rent is to be collected, ground rent demands will be sent annually in line with the lease agreement. Ground rent statements will comply with the requirements of the Commonhold & Leasehold Reform Act 2002.

Consultation

The Council will consult leaseholders on any proposed changes to arrangements such as management or service provision which could have an effect on them. The Council will provide information leaseholders to interact with the Home Ownership Team.

Breach of Lease

The Council will take appropriate action whenever it becomes aware that a leaseholder is acting in breach of the terms of their lease, which may include:

- Non-payment of ground rent, repairs, major works or service charges
- Unapproved works to the home or building
- Improper use of the home or building
- Failure to maintain, or damage to the premises
- Refusal of access to Council staff and/or their agents
- Anti-social behaviour including harassment, or neighbour nuisance

In all such cases staff will work with the leaseholder to resolve the issue. However, if the breach continues legal action may be taken which could include seeking an injunction, or action for the forfeiture of their lease.

Lease Extension

Any lease extensions can be requested via the Home Ownership Team.

Rechargeable Repairs

The Council will meet its contractual requirements as set out in the lease for repairs and maintenance to leasehold properties. This is usually limited to repair the external fabric such as external walls, roofing and guttering for flats. This would also include communal areas in blocks of flats. No such obligation would arise if the leasehold property is a house.

Where a repair has been identified that is the responsibility of the Council, this will be charged back to the leaseholder through the annual service charges and leaseholders will receive a statement. The cost will be apportioned in line with the definition of the development as per the lease, as an example if the development covers a block of 4 flats, the leaseholder will be charged a quarter of the total cost of the repair.

Where Damp and Mould are found by the leaseholder and reported to the Council an inspection of the building will be carried out to check the cause of the Damp and Mould to ensure it is not caused by any failings in the structure of the building. Such as the roof, gutters or damp-proof course. If it is found to be a result of the structure of the building the Council will organise for the repairs to be carried out to rectify the fault and recharge back to the leaseholder as per the lease.

Any Damp and Mould issues not caused by the structure of the building such as defective ventilation/heating etc is the responsibility of the Leaseholder to rectify.

The Council will take appropriate action where a reported defect or housing hazard falls within its statutory responsibilities as landlord. Any decision regarding responsibility for costs will be considered separately from any actions required to protect the health and safety of occupants.

Where works are planned that will cost the Leaseholder over £250 the Council will follow section 20 legal guidance and process.

Home Improvements

The Council understand leaseholders may want to carry out home improvements to their home from time to time. Leaseholders are required under the terms on their lease to obtain consent from the Council, staff will request that a Home Improvement Application Form is completed by the leaseholder to explain the proposals for improvement. The Council will where possible allow permission unless there is a good reason to refuse this. The Council will provide a full explanation where consent has not been granted.

Service Charges

The Council will make a charge for a range of services provided to a block. These charges may include caretaking, communal cleaning, grounds maintenance, communal lighting, maintenance of lift, door entry phone, wherever such services are provided to the block, as well as the day-to-day repair and maintenance of the fabric of the building and common areas.

The Council will provide leaseholders with an estimate of charges before the 30 April of each financial year, so that leaseholders are aware of any proposed changes in service or service charge levels. Leaseholders should plan their finances accordingly.

Leaseholders pay an appropriate proportion, as determined by the lease of the overall amount for services provided to the ’Development’ The Development is described in each lease and may cover an area larger than a single block of flats. Leaseholders

have the right to appeal to the First-Tier Tribunal (Property Chamber) if they believe that the services or the cost of these services are not relevant or reasonable. Leaseholders are required to pay the annual charge upon demand.

The Council will send leaseholders details of their service charge accounts annually. Which will be sent out before 30th September each year. The Council will provide all leaseholders with a breakdown of how the annual service charge is calculated. Any under-spend on the previous year is refunded and any overspend is added to the following years' charges.

Any leaseholder who falls behind with payments will be contacted promptly by the Council and appropriate action for arrears recovery will be taken in accordance with the Councils Leaseholder Service Charge Collection and Arrears Procedure.

The Council will use discretion to leaseholders in genuine financial difficulties. If leaseholders are unable to pay the cost of the services charges in full within the 28 days, the Council will explore alternative payment options available to the leaseholder.

The Council will assess each case individually and, depending on the circumstances, may consider a repayment agreement. Where the Council are satisfied that appropriate courses of recovery action have been taken by staff and service charges remain unpaid, legal proceedings will be considered. Several legal measures would be considered for persistent failure to pay service charges including forfeiture (possession) in accordance with the lease.

Management Fees

The Council reserve the right to recover the costs for managing leasehold properties. Management fees will cover costs for providing general administration and the day to day running of the leasehold services.

7. Equality and reasonable adjustment statement

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

8. Related Documents

This Policy should be read in conjunction with Group member policies and procedures in the following areas:

- Anti-Social Behaviour Policy
- Leasehold Major Works Policy
- Leaseholder Service Charge collection and arrears procedure
- Section 20 procedure
- Neighbourhood Management Policy

9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	Inform that this policy can be provided in alternative formats. Inform about the ongoing equality and diversity training for staff in the delivery of this policy.

See appendix 1 for full Equality and Diversity Impact Assessment.

10. Consultation and Business Intelligence

The policy was created in consultation with the Council`s tenants leaseholders and staff.

11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council`s Executive Cabinet.

Version	Approved by	Date
Approval V1.2	Cabinet Member for Homes and Planning	28/07/2022
Approval V2	Cabinet Member for Homes and Planning	28/06/2024
Approval V2.1	Cabinet Member for Homes and Planning	18/09/2025
Approval V2.3	Cabinet Member for Homes and Planning	28/05/2026
Approval V2.4	Cabinet Member for Homes and Planning	29/10/2026

13. Document Revision History

Date amended	Version	Key Changes
	1	Original Version
20/04/2022	1.2	Revised version following tenant feedback: • Neighbourhood Management Policy added as a related document.
06/05/2024	V2	• Removal of Civic Way office address due to closure • Information about damp and mould, inspection and action undertaken.
04/10/2024	V2.1	Revised version following tenant feedback: • Improved layout of policy document. • Made clear timeframe for service charges. • Information provided about Section 20. • Information provided about non-digital methods of communication and consultation. • Made clear that this policy document can be provided in alternative formats. • Informed about the ongoing equality and diversity training being provided to staff in the delivery of this policy.
17/09/2025	V2.2	Revised version to take into account the insourcing of the housing management service from ForHousing to the Council.
22/05/2026	V2.3	Policy revised following insourcing of housing management services, updates to revised service structure and contact information. No substantive changes have been made to the policy.
29/10/2026	V2.4	Policy updated to include reference to Awaab law Phase 2, minor amendment only.

Appendix 1 – Equality and Diversity Impact Assessment

Area of activity or change	**Home Ownership and Leasehold Policy**
IMDF Approval	**Allan Batty, Senior Housing Policy Officer**

STAGE ONE - SCOPING	**Outlines the decision that is being made any why**
STAGE TWO - RESEARCH	**Outlines the collaboration and research that will inform this decision**
STAGE THREE - FINDINGS AND NEXT STEPS	**Considers how learnings from research and engagement are being embedded, the potential impact of the decision on different people and how these can best be managed.**

STAGE ONE – SCOPING	
Consider points such as: • Where has the proposed activity or change come from and why is it needed? • Why is it important to the Council? • How will this affect the tenant / customer journey or colleague experience?	**What activity or change is being proposed and why?** • Review policy to ensure it meets the requirements of staff, the Council and its tenants and leaseholders • Review policy to ensure that it complies with best practice guidance including Regulator of Social Housing Tenancy Standard • Consult with tenants and leaseholders
	What benefits are you trying to achieve? • Policy to consider all requirements • Policy to be clear about being developed by best practice guidance • Policy to be informative, to be clear and in plain English • Meet the needs of staff, tenants and leaseholders
STAGE TWO – RESEARCH	
Consider points such as: • What groups or individuals will you approach to discuss this? • How will you ensure that these people are diverse and representative? (See Equity and Diversity table in stage three) • Is there any data you can look at to support you?	**Who will help develop your thinking so that different experiences and perspectives are included?** • Consultation with tenants and leaseholders using closed facebook page. • Undertake an equality impact assessment to identify any positive and/or negative impacts on protected characteristics.
	What research will you do to inform your understanding? • Housing Act 1985 to cover legislation • CRM case management system to establish tenant additional needs • Benchmarking regarding common procedures used. • Best practice guidance by Ministry of Housing, Communities and Local Government

	• Legal processes within this field have strict adherence to wording within letters and notices, however additional help can be provided and signposting to government websites to understand processes is given
STAGE THREE – FINDINGS AND NEXT STEPS	
Consider points such as: • What have people told you are some of the key issues? • What good practice is happening in other organisations? • What changes are you planning to make because of the things you've found out?	**What have you learnt from your research and engagement?** • Consultation with tenants and leaseholders informed on minor changes to the policy which is recorded in the final document. • The process is dictated largely by legislation, and the opportunities to make things clearer are not possible where legal forms and wording must be used. • This is also true of timescales. There are best practice and practical solutions to overcome the above which can be implemented • There have been no negative findings concerning the current policy and procedure; however the procedure was required to be updated to reflect new legislation and processes. • The policy had some ambiguity in the leasehold section which required clarifying
	How will you embed what you've learnt into your activity or change? • Make relevant minor changes to the policy • Inform within the document that this can be provided in alternative formats. • Inform about the ongoing equality and diversity training being provided to staff in the delivery of this policy.

Equity and Diversity - Not everyone has the same access to opportunities or services, and the things that make us different – such as the characteristics listed below – can affect our experiences and outcomes. Therefore, it is important to consider how different people could be impacted by any activity or change we want to bring about.

How could the proposed activity or change affect people with these characteristics (positively or negatively)?		-		+
Age (Younger or older people)	Information is posted out in large print if required, some information is now available to go out electronically when requested.			
Caring responsibilities (Parents and those looking after an older or disabled person)	This policy and procedure will not impact this sector specifically			
Digital inclusion (People without access to digital platforms or devices)	All information is posted out as a matter of course, so will not impact those without digital access			
Educational attainment (People who have experienced barriers to formal education)	All information can be obtained in digital or postal formats, and direct line telephone numbers and a contact name are given to ensure help is provided wherever possible			
Ethnicity, race and nationality	Alternate language printing can be requested			

(Including migrants, refugees and asylum seekers)		
Financial inclusion (People experiencing financial barriers or challenges)	This policy and procedure will not impact this sector specifically	
Marriage / civil partnership (Legal union between different-sex or same-sex couples)	This policy and procedure will not impact this sector specifically	
Mental health (People with a mental disability or ill-health)	All information can be obtained in digital or postal formats, and direct line telephone numbers and a contact name are given to ensure help is provided wherever possible It is possible to attend the office face to face to discuss cases and obtain help with filling in the required forms.	
Neurodiversity (Such as people with ADHD, Autism, Dyslexia, Dyspraxia)	All information can be obtained in digital or postal formats, and direct line telephone numbers and a contact name are given to ensure help is provided wherever possible It is possible to attend the office face to face to discuss cases and obtain help with filling in the required forms.	
Physical health (People with a physical disability or ill-health)	All information can be obtained in digital or postal formats, and direct line telephone numbers and a contact name are given to ensure help is provided wherever possible	
Pregnancy and maternity (Someone who is pregnant or has recently given birth)	This policy and procedure will not impact this sector specifically	
Religion, faith or belief (All religions and faiths, including people with no religion)	This policy and procedure will not impact this sector specifically	
Sex (Men and women)	This policy and procedure will not impact this sector specifically	
Gender identity (Including trans and non-binary people)	This policy and procedure will not impact this sector specifically	
Sexual orientation (Such as Lesbian, Gay and Bisexual people)	This policy and procedure will not impact this sector specifically	
Any other characteristic	This policy and procedure will not impact this sector specifically	

Managing positive and negative effects	
Consider points such as:	**If potential negative effects have been identified, how will any harm be reduced or avoided?** No potential negative effects identified

• Do you need to escalate any issues or seek legal advice? • Can you see any opportunities to promote or celebrate positive outcomes? • How will you build monitoring into the implementation of your activity or change and who will you report to?	**If potential positive effects have been identified, how can we ensure these are realised?** By implementing a policy and procedure that is available online, we can signpost to tenants who have less understanding of the legislative restrictions placed, and ensure awareness of the support that is offered in this area.
	How and when will the impacts of your activity or change be monitored moving forward. The satisfaction questionnaire will also be updated to include more elements concerning feedback on ease of using this service