

Translation? Tick this box and take to any council office.

ترجمة؟ ضع علامة في المربع وخذها إلى مكتب البلدية. Arabic

অনুবাদ? বক্সে টিক চিহ্ন দিয়ে কাউন্সিল অফিসে নিয়ে যান। Bengali

需要翻譯? 請在這方格內加別, 並送回任何市議會的辦事處。Cantonese

ترجمه؟ لطفاً این مربع را علامتگذاری نموده و آن را به هر یک از دفاتر شهرداری ارائه نمایید. Farsi

Traduction? Veuillez cocher la case et apporter au council. French

需要翻譯? 請在這方格內划勾, 并送回任何市议会的办事处。Mandarin

Tłumaczenie? Zaznacz to okienko i zwróć do któregośkolwiek biura samorządu lokalnego (council office). Polish

Tradução? Coloque um visto na quadrícula e leve a uma qualquer repartição de poder local (council office). Portuguese

Tercümesi için kareyi işaretleyiniz ve bir semt belediye bürosuna veriniz Turkish

other (please state)

If you would like this translated, please tick the box (or state language required) and return to any council office.

This leaflet can be made available in large print, Braille, or on CD or audio tape.

5700 Graphic Design Team, Brighton & Hove City Council



Disputes, disagreements and complaints

Council Leaseholders



Brighton & Hove
City Council

The Service Charge

We are always keen to improve our services to reduce the need for complaints. We also welcome suggestions from you on how we can achieve this. However, we know there will be times when there are things you are not happy about that you will want to raise with us.

Under the terms of your lease you commit to paying the service charge. The service charge is your flat's share of the council's costs in keeping the building in repair, in providing any services and in managing the building.

You are protected as a leaseholder in that your lease must provide for the charge to be made, that the costs are reasonably incurred, that the works or services are carried out to a reasonable standard, and that you have been properly consulted where required by the regulations.

A breakdown of the interim charge you pay is provided to you at the beginning of each financial year (1 April) – usually sent out in March.

A Certificate of Expenditure is then sent to you at the end of September each year. This shows the actual costs incurred by the council at your building for the previous financial year, along with your share of these costs. Depending on the level of your interim charge, there will either be an excess to pay or a credit to your account.

Any dispute you may have about your service charge should be set out fully in writing. Please provide any evidence you have to support your case. We can always meet you and help with this if you ask us. Our aim is to make sure everyone is dealt with fairly and equally and that you are treated with courtesy and professionalism at all times.

Leaseholders' disputes procedure

Stage 1

If you think your service charge is wrong, or do not believe the cost to be reasonable, or the service or works are not of a reasonable standard – you should write to the Leasehold Team with your complaint.

If you would like advice or help in setting out your complaint in writing – a Leasehold Officer will be able to assist you with this.

If your dispute is not upheld you will be expected to pay your Service Charge.

Stage 2

If you do not agree with the answer you get, you should write to the Partnering Business Manager

The address is printed at the back of this leaflet.

S/he will decide whether your dispute is valid, and whether further investigation is needed.

If following further investigation your dispute is not upheld you will be expected to pay your Service Charge.

Stage 3

If you do not agree with the Stage 2 response, you should write to the Head of Housing. You will find the address at the back of this leaflet. S/he will decide whether your dispute is valid, and whether further investigation is needed.

Any outstanding issues at this stage will again be investigated fully.

The council's full response will be issued when everything has been looked into.

If your dispute has not been sustained, you will be expected to pay your service charge. However, you always have the right to make an application to the First-tier Tribunal (Property Chamber) (FTT) to make a determination on the matter. See below for information on how to apply to the FTT.

If at this stage you feel you would prefer to pursue alternative dispute resolution, such as mediation, rather than make an application to the FTT, the council will consider the circumstances and facts of any disagreement and judge whether this would be appropriate.

The Leasehold Advisory Service (LEASE) publish a number of detailed booklets about leaseholders' rights, including applying to the FTT. Information about their services is on their website – the details are printed at the back of this leaflet.

Applying to a The First-tier Tribunal (FTT)

FTTs can determine all aspects of the duty to pay the service charge. They can decide whether the costs are reasonable or not, whether the works are of a reasonable standard and if consultation has been carried out properly. They will say how much – if any – service charge is payable.

FTTs have been set up by the Government to determine service charge disputes instead of the courts. They are independent and impartial. Hearings are semi-formal and normally consist of three members – a lawyer, a valuer and a lay person.

Any application to the FTT will require the preparation of a proper case. The FTT has to consider the argument and evidence from both sides and it is essential that applicants present their case properly.

The FTT considers the evidence put before it. Where there is a hearing, members of the FTT may ask questions, however, their function is to make a decision on what is before them – not to find the evidence for themselves.

The application must be made on the correct form where one is required. Application forms are available from the Southern Region Magistrates Court and Tribunal Centre (Please see contact details at the back of this leaflet)

There is a variable application fee of between £65 and £440 (depending on the amount in dispute). If you or your partner are in receipt of certain benefits you can apply for a waiver of the fees. The fee for a full hearing is £190.

Delays

The council aims to respond to correspondence within 10 working days. However, some service charge disputes are complex and will take longer than that to investigate. If that is the case you will be sent a letter telling you how the council intends to deal with it and when a reply may be expected.

If for any reason we have been unable to respond to a Stage 1 or Stage 2 dispute within three months, the dispute will be escalated to the next stage – unless there are exceptional reasons for the delay. If, for instance, there are continuing access difficulties, or legal advice is pending, then a further month may be allowed. In these cases, if no response has been issued within four months, they too will be escalated to the next stage.

In any of the above circumstances you will be written to with a full explanation of how your dispute is being dealt with.

Brighton & Hove City Council contacts:

Stage 1

(and for any service charge or lease issues)

**Leasehold Team
Housing Centre,
Eastergate Road
Brighton BN2 4QL**

Tel **01273 293074**

e-mail **rtleasehold@brighton-hove.gov.uk**

Stage 2

**Partnering Business Manager
Housing Centre,
Eastergate Road
Brighton BN2 4QL**

Stage 3

**Head of Housing
Housing Centre,
Eastergate Road
Brighton BN2 4QL**

Repairs & maintenance:

Repairs Helpdesk

Tel **0800 052 6140**

Tel **01273 294409**

e-mail **BHCC.repairs@mearsgroup.co.uk**

Housing Customer Services:

(For any issues about the management
of the building)

Tel **01273 293030**

e-mail

housing.customerservices@brighton-hove.gov.uk

Other Contacts

First-tier Tribunal (Property Chamber)

Information and application forms can be found at

www.gov.uk/housing-tribunals

The local tribunal can be contacted at

**South Region First-tier Tribunal,
Magistrates Court and Tribunal Centre,
Ground Floor, Midland House,
6 Market Avenue, Chichester, PO19 1YE**

Email rtsouthern@hmcts.gsi.gov.uk

Tel **01243 779394**

The Leasehold Advisory Service (LEASE)

publishes a large number of advice guides about your rights including applying to the First-tier tribunal which can also be downloaded from their website

www.lease-advice.org.

**Leasehold Advisory Service
Fleetbank House, 2-6 Salisbury Square
London EC4Y 8JX**

e-mail info@lease-advice.org

Tel **020 7823 2500**