



# A guide for leaseholders



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## Introduction

This booklet gives information for people who own a leasehold flat which used to be owned by Barnsley Council. You should use it for general guidance only and it does not replace legal advice or the conditions contained within the actual sale contract. We hope that it will be a useful guide and will provide answers to many questions that you may have.

If you have any questions or concerns, please check your lease. The wording of the lease is usually in legal language and can vary from property to property. If you have difficulty in understanding your lease, please get advice from a solicitor, law centre or citizens advice bureau.

You can also get advice from:

The Leasehold Advisory Service (LEASE),  
70-74 City Road,  
London,  
EC1Y 2BJ.  
Phone: 020 7490 9580  
E-mail: [info@lease-advice.org](mailto:info@lease-advice.org)

We, Berneslai Homes, manage homes on behalf of Barnsley Council. The next section of this booklet explains in more detail who we are.

We are proud of the services we provide and are always trying to improve our services and performance wherever possible. If you have any comments on this guide or any of the services we provide, please phone the customer services team on 01226 772720.

## Information in other languages

If you have difficulty understanding written or spoken English, we can arrange a translation of written information about leaseholder services. Please contact the customer services team, or you could take this to one of the 'Barnsley Connects' offices and show it to a member of staff and they will make the necessary arrangements.

The main ethnic languages in the Barnsley area are as follows.

Albanian  
Arabic  
Farsi  
French  
Gujarati  
Hindi  
Romanian  
Spanish  
Urdu

## Information on audio tape

If you or someone you know would like a tape of any section of this handbook, please ask at a Barnsley Connects office or contact the customer services team on 01226 772720.

## Information in Braille or large print

If you or someone you know would like any section of this handbook in Braille or large print, please ask at a Barnsley Connects office or contact the customer services team on 01226 772720.

## Equal opportunities

We are fully committed to providing equal opportunities for everyone and treating all our communities fairly.

## Berneslai Homes - who we are

We are an arm's length management organisation (ALMO) which manages the houses on behalf of Barnsley Metropolitan Borough Council.

We were set up in December 2002. We are an independent company that works with Barnsley Council and local communities to deliver high quality housing services to local people.

Our work is monitored by a board of directors. The strategic board has 15 members made up of five councillors, five tenants or leaseholders and five independent members. As well as the strategic board, there are two area boards, one representing the north of the borough and one representing the south of the borough. Each of the area boards has 12 members made up of five tenants, four councillors and three independent representatives.

Members of the public are welcome to come to our strategic and area board meetings. For more details of meetings, see local newspapers and our website at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk). Or, ring the board support officer on 01226 772739.

## What is leasehold?

Leasehold flats can be in purpose-built blocks, in converted houses or above business or retail premises. All council-owned flats in the Barnsley borough are in purpose-built blocks, so all the leaseholders who live in the flats we manage live in purpose-built flats.

Leasehold ownership of a flat is simply a long tenancy - the right to live in and use the flat for a long period. This will usually be for 99 or 125 years, and the flat can be bought and sold during that term.

The ownership of the flat usually relates to everything within the four walls of the flat, including floorboards and plaster to walls and ceilings, but does not usually include the outside or structural walls. The structure of the building and the land it stands on are owned by the landlord, who is responsible for maintaining and repairing the building.

The landlord in this case is Barnsley Council. However, if you have any enquiries about the repair or maintenance of the building, please contact us. There are contact details on page 9.



## What are your rights?

Your lease is a contract between you, as the leaseholder, and your landlord, the council. It sets out what you have to do and what your landlord must do.

Your responsibilities include paying the ground rent and contributing to the costs of maintaining and managing the building (service charges). The lease will also place certain conditions on the using and living in the flat. The landlord must:

- manage and maintain the structure, outside and shared areas of the property;
- collect rent from all leaseholders; and
- keep the accounts.

The important thing is to understand your rights and responsibilities contained within the lease.

You have the right to live in your home peacefully for the term of the lease. If you are experiencing problems with antisocial behaviour, for example, noise nuisance or harassment, you need to report this to a Barnsley Connects Office.

There are details of where the offices are on page 15 of this booklet.

You also have the right to expect the landlord to maintain and repair the building and manage the shared areas. Shared areas are parts of the building or grounds not specifically granted to you in the lease, but which you have access to, for example, the entrance hall and staircases.

## What are your responsibilities?

You must keep the inside of the flat in good condition and pay your share of the costs of maintaining and running the building on time (see the section on service charges). You must also behave in a neighbourly way, and get the landlord's permission for any changes, for example, to make structural alterations or sublet. If you do sublet, you should also give us details of the person you are subletting to. The landlord must make sure that the leaseholder meets these responsibilities.



## Service charges - what are they and how do we work them out?

Under the conditions of your lease, you must contribute towards a service charge. This service charge is the money you pay towards the day-to-day running costs of your block of flats, as well as your share of any major repairs. The charge represents your share of the expenses for maintaining, repairing, insuring and managing the building and the estate.

### You pay your service charge for the following.

#### Building maintenance

This charge is for the cost of the day-to-day repairs and maintenance work carried out to the structure and shared areas of your building. It includes maintenance work to:

- drains and gutters;
- shared areas, the roof, window frames (but not the glass - that is your responsibility), storage areas and outside shared areas;
- door-entry systems;
- shared heating and lighting systems; and
- estate pathways.

#### Costs for shared areas

The costs of cleaning and lighting the shared areas may also be included in the service charge.

#### Ground rent

This is the money you pay to the council (which is the freehold owner of the site) for your right to use the land as the freeholder of the building.

#### Insurance

When you buy your property on a lease, building insurance is automatically provided by the council. Only the cost of damage to the building is covered. All leaseholders are charged a fixed amount for this service, and this is included in your yearly service charge. You must, of course, take out your own insurance for house contents (that is, your own belongings). It would also be wise to take out 'part building insurance' yourself to cover items such as damage to inside walls, ceilings, the bath and the toilet.

#### Major repairs to the structure

To keep the building in good condition, we will have to carry out major repairs. Your responsibility to contribute to the costs of major repair is covered on page 8 of this booklet.

## How do we work out service charges?

All management and maintenance expenses are shared between each individual block of flats. Expenses for the structure of the building are identified separately. A leaseholder contributes a share of these costs depending on the number of flats in the particular block.

## When do you pay?

Every March we will send you a breakdown showing an estimate of the amount that you will have to pay for services in the new financial year - 1 April to 31 March. You can pay this by equal instalments throughout the year or in one full payment.

This estimate will be based on the previous year's costs, and will be adjusted to take account of the actual costs at the end of the year. If you sell your flat part way through the year, your liability for any unpaid charges will pass from you to the new leaseholder. People who buy leasehold flats often ask for this to be taken into account when finalising the sale.

If you have any problems paying your service charge or bill for work, please get in touch with us straight away and we will try and look at options to help you.

If you do not make payments, it could lead to legal action which may put your home at risk.

## Challenging service charges

We will always try to work out your charges properly and fairly, but if you think we have miscalculated or charged you for something you haven't had, please do the following.

- First of all tell our senior rents and leaseholder officer straight away – they will look at your account and make sure it is correct. You can contact them on 01226 772710.
- If you still think you are being charged unfairly, you can apply to an independent Leasehold Valuation Tribunal. For more details about this, contact the Leasehold Advisory Service. Details are on page 3 under the introduction.

## Repairs and maintenance

As the manager of council properties, we are responsible for repairing and maintaining the structure, the outside and the shared areas of the block where your flat is based.

### Examples

#### This includes:

- structural walls;
- guttering and roofs;
- foundations;
- decorating the outside of your flat;
- window frames;
- chimneys;
- shared areas;
- drying areas;
- outside doors; and
- drains within the boundary of the property.

Please note that this list may not cover everything.

We also have a responsibility to maintain the shared parts of the block, which include:

- shared doors (inside and outside);
- shared stairways;
- door-entry system, if fitted;
- waste and soil pipes that are outside the individual flat;
- shared rubbish areas;
- water storage tanks;
- shared lighting;
- fire alarms and firefighting equipment;
- lifts; and
- decorating shared areas.

We are also responsible for:

- the pipes supplying the mains water, from the relevant meter company's stopcock outside the block, up to and including the main stopcock in individual flats;
- gas pipes within the block, up to but not including the gas meter;
- electrical wiring up to the meter; and
- wiring for any shared TV aerial within the block of flats, up to and including the aerial socket.

Please ring these numbers to order repairs that come into the above categories.

## Repairs hotline - telephone 01226 787878

If you are phoning to report a repair, please let them know that you have bought your home and are reporting a repair to a shared area.

8am to 8pm (Monday to Friday)

9am to 1pm (Saturdays)

## Out-of-hours emergencies – 01226 730798

Emergency repairs include:

- floods;
- burst pipes;
- main drains;
- serious fires;
- serious electrical faults; and
- any event that puts life or property at risk.

Please note that rules for service charges still apply.

## Your responsibilities as a leaseholder

Although the council owns the structure of the building in which you live, you as a leaseholder will be responsible for the parts of the property that are not classed as shared areas. These include:

- individual heating systems and appliances;
- ceilings inside your home;
- doors inside your home;
- all plaster and other surfaces to all floors, walls and ceilings in your home;
- all plumbing and electrical services in your home;
- inside decoration;
- individual gardens;
- door fixtures and fittings; and
- glass in windows.

This list does not cover everything, so please look at the conditions of your lease.

## Major repairs and improvements

Leaseholders and recognised tenants' associations have a right to be consulted when we are considering major repairs and improvements to properties. This work is generally carried out as part of a programme of improvements to blocks of flats.

For example:

- new roofs and roof improvements;
- decorating shared and outside areas;
- replacing and improving windows; and
- replacing shared doors and entry systems.

We will consult you when we want to carry out major repairs and improvements which you, as a leaseholder, will have to contribute to.

We will give you at least one month's notice in writing and tell each individual leaseholder about the quotes we have received from at least two contractors. If there is a recognised tenants' association in the area, the secretary of this association will receive the same information.

You will then have one month in which to make any written comments. In most cases we will arrange meetings to discuss the work and to hear your views. If you need more details about the work, the contract details are available at our office at Springfield House.



## Permission to carry out your own improvements

You can redecorate inside your flat without permission, but you must not carry out your own major work without our permission in writing.

Some examples of when you would need our permission would be:

- renewing front doors;
- removing walls;
- fitting new windows;
- putting up a satellite dish;
- changing the structure or layout inside your home;
- rewiring; and
- fitting any new plumbing where you need access to a service duct.

Please contact us (preferably in writing) for the permission you need to carry out any type of improvement. You need to include as much detail of the improvement as possible.

You should contact your local impact team leader first. You can do this through your local Barnsley Connects office. The phone numbers can be found on page 15 of this booklet. You may also need planning permission and permission from building control.

## Day-to-day management of your building and estate

We are responsible for the day-to-day management of your building and estate. This includes:

- caretaking and grounds maintenance;
- consulting residents about local services and work;
- neighbour nuisance and antisocial behaviour;
- estate parking;
- abandoned vehicles;
- dumped rubbish; and
- boundary issues.

You can report any concerns about these issues to any Barnsley Connects Office.



## Consultation arrangements

We are strongly committed to involving tenants and residents in the decision-making process. The borough-wide tenant participation compact was drawn up by officers, tenants, leaseholders, shared owners and owner-occupiers all working together. The compact explains how the formal consultation structure works and how we all can work together to improve services.

If you would like a copy of the borough-wide compact, please contact the community development team on 01226 774379.

We encourage all leaseholders to have a say in the quality of the services we offer.

## Why we want your views

As a leaseholder you receive a number of services from us and we want to work with you to make sure that these services are run efficiently. We also want you to be clear on how you can contribute to improving the services you receive from us, as well as making you aware of your rights to be consulted on certain service issues.

We will ask for your views:

- when we plan to make a change that affects leaseholders in the arrangements for management and maintenance;
- where we plan to make improvements to your home or the area around your home;
- about the extent and cost of services; and
- about planning major repairs and the timescale for repairs.

## More information

We will keep you informed of our activities and the services we offer through a number of sources, including:

- our newsletter 'Open House' which we publish every three months;
- articles in the local papers; and
- our website at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk).

The methods that we use to keep you informed will depend mainly on the type of information we need to tell you.

## What is in it for you?

### You may read this and think why should I get involved?

You will benefit from getting involved because you can:

- find out more about what is happening in your area;
- meet new people;
- share ideas with others;
- help to get problems sorted out; and
- influence and improve future services.

You can choose how to get involved, and one of the ways of doing so is to join your local tenants' and residents' association (TARA).

## Joining a tenants' and residents' association

Another way to influence how the housing service is run is to join or set up a tenants' and residents' association. By working together, we can share ideas and make better decisions about the housing service.

## What is a tenants' and residents' association?

A tenants' and residents' association is a group of people who come together to put forward the views of tenants and residents in an area. An association raises issues of concern and works with us and the council to try and sort out local problems. The sort of issues groups may get involved with include:

- estate management;
- cleaning streets and shared areas;
- environmental improvements;
- facilities for play and social activities;
- repairs;
- parking problems; and
- vandalism and preventing crime.

If you want to find out if there is a tenants' and residents' association in your area, please phone community development on 01226 774379, or phone Barnsley Federation of Tenants and Residents on 01226 201854. If you find out that your area does not have a recognised tenants' association and you would like to start one up, you can get help and advice from community development and the Federation. There are also more details on our website.

## What happens if you want to sell your home?

You must tell us about the change of ownership. At the time of the sale, responsibility for any outstanding service charges will pass to the new owner. You should try to make sure that these are cleared up to the date of the sale.

Solicitors acting for both sides should make sure that arrangements are in place for dealing with future payments of bills for work that has already been carried out. They must also make sure that the borough solicitor receives the appropriate 'notice of assignment' of the lease. The way to do this is to send the 'notice of assignment' to the senior rents and leaseholder officer who will, after noting the details, pass this on to the borough solicitor.

If you bought your home under the right-to-buy scheme and you are selling within the first three years of owning it, you will have to repay some of the discount you were allowed on the original sale.

The address for the senior rents and leaseholder officer is:  
Berneslai Homes  
Springfield House  
Springfield Street  
Barnsley  
S70 6HH.

## The right to manage

Under the Commonhold and Leasehold Reform Act 2002, leaseholders can transfer the landlord's management function to a special company set up by them – the right-to-manage company.

Even so, not all leaseholders have this right, for example, anyone who does not meet the eligibility conditions below does not have the right to manage.

- The right to manage is only available to leaseholders of flats, not houses.
- The building must be self-contained (or not part of another building that could be independently redeveloped).
- The leasehold property must contain more than two flats.
- More than two thirds of the leaseholders must be 'qualifying tenants' (that is, those on leases where the original term was more than 21 years).
- Less than 25% of the total floor area is in use for business purposes.

If you want more details of the right to manage, we can provide you with a booklet produced by the Office of The Deputy Prime Minister called 'Residential long leaseholders: a guide to your rights and responsibilities'. If you want a copy, please contact Community Development on 01226 774379 and we will be pleased to send you one.

If you were hoping to form a right-to-manage company but find that you do not meet the conditions, there may be other options open to you to gain more control over the management of your property. A booklet which explains these options in more detail is 'Leasehold flats – Your right to buy the freehold of your building or renew your lease'. Again, you can get copies from community development.

## The right to enfranchise

Enfranchisement means that a group of leaseholders has the right to buy the freehold of the block of flats they live in, as long as they and the building qualify. If leaseholders meet the requirements of the law, they can do this even if the landlord does not want to sell.

Under the law, the leaseholders who want to take up enfranchisement must set up a company to buy the freehold. As the new owners of the freehold, they take on all the landlord's responsibilities for managing and maintaining the building, serving legal notices, collecting service charges, accounting for payments and enforcing the terms of the leases.

We have tried to make this section easy to understand but obviously we have not covered every part of the law. There are a number of standards to fulfil to qualify for the right, and also certain exceptions from the right to enfranchise.

If you want to find out more, please get professional advice. There is more detailed information in the booklet 'Leasehold flats - your right to buy the freehold of your building or renew your lease' which is produced by the Office of the Deputy Prime Minister.

## If you want to make a complaint

We are committed to delivering excellent services to all our customers. Your comments, good or bad, can help us improve our services.

If you want to make a complaint, phone the customer services team on 01226 772720 or collect the booklet 'Your comments count' from any Barnsley Connects or Berneslai Homes office. The booklet includes a form for you to fill in and return with your comments. Or, you can e-mail to [housingcustomerservices@barnsley.gov.uk](mailto:housingcustomerservices@barnsley.gov.uk), or go on-line at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk).

We hope that you have found this booklet to be a useful guide and that it has provided answers to questions that you may have. We have tried to present it in an easy format, with different sections covering various aspects of being a leaseholder. If there is any change in the law or the services we provide, we will make sure that we tell you.

## Barnsley Connects Offices

The phone number for all Barnsley Connects offices is 01226 775555.

Cudworth Barnsley Connects Office  
Council Offices  
Bow Street  
Cudworth  
Barnsley  
S72 8JL

St Edwins Barnsley Connects Office  
St Edwins Council Offices  
Off Wingfield Road  
Athersley South  
Barnsley  
S71 3SY

Darton Barnsley Connects Office  
Darton Council Offices  
Darton  
Huddersfield Road  
Barnsley  
S75 5NB

Wombwell Barnsley Connects Office  
Wombwell Town Hall  
High Street  
Wombwell  
Barnsley  
S73 0AW

County Way Barnsley Connects Office  
Phase 3 Building  
Countyway  
Barnsley  
S70 2TJ

Hoyland Barnsley Connects Office  
Hoyland Town Hall  
Hoyland  
Barnsley  
S74 9AD

Dearne Barnsley Connects Office  
8-10 Barnsley Road  
Goldthorpe  
Rotherham  
S63 9AU

## Our head office

Springfield House  
Springfield Street  
Barnsley  
S70 6HH  
Phone: 01226 773770



Ne qoftë se dëshironi një kopje të këtij dokumenti në gjuhët Hindi, Urdu, Punjabi, Kineze, Polake, Shqip, Rusisht ose variantin për të, ju lutem lajmëroni.

如閣下需要此份文件之其他文字翻譯版本，我們可提供的有：印地文、烏爾都文、旁遮普文、中文、波蘭文、埃塞俄比亞文、俄文、和盲人凸字版，請與我們接洽。

यदि आपको इस दस्तावेज़ की हिन्दी, उर्दू, पंजाबी, चीनी, पोलिश, अल्बेनियन, रूसी या बरेल में कॉपी चाहिए, तो कृपया संपर्क कीजिए।

Gdybyś chciał kopię tego dokumentu w języku Hinduskim, Urdu, Punjabi, Chińskim, Polskim, Albanskim, Rosyjskim lub wypukłym piśmie dla niewidomych, proszę się skontaktować z nami.

नेवठ इतठुं हिम उमठवेठन ठीं हिन्दी, उर्दू, पंजाबी, चीनी, पॉलिश, अलबेनियन, रूसी नॉ वरेल चिच कपी चाडिए, ठीं कृपया संपर्क कीजिए।

Если вам нужна копия этого документа на языках хинду, урду, пунажибаби, китайском, польском, албанском, русском языках, шрифте Брайля, пожалуйста свяжитесь с нами.

اگر آپ کو اس دستاویز کی کاپی، ہندی، اردو، پنجابی، چینی، پولش، ایلین، روسی یا بریل میں چاہئے تو براہ مہربانی ہم سے رابطہ قائم کریں:

إن إحتجت نسخة من هذه الوثيقة باللغة العربية أو بلغة بريل أو على كاسيت، من فضلك إتصل بنا على: यदि आपकी कम्पनी दलितलर इतिनिधि दाम बालार वा ब्रह्मण्डल वा सवसेठर टेल. संपर्क करे आमारेर योगायोग कसम अशीतः : اگر نسخه ای از این مدارک (نوشته) را به زبان فارسی، به خط بریل یا به صورت نوار صوتی نیاز دارید، لطفاً با شماره زیر با ما تماس بگیرید:



If you need a copy of this document in Hindi, Urdu, Punjabi, Chinese, Polish, Albanian, Russian, Arabic, Bengali, Farsi or Braille or on audio tape, please contact us on **01226 772720**.