Leaseholder Service Charge Calculation Policy

# Introduction

* 1. Medway Council’s Landlord Services has a duty to charge its’ leaseholders for services carried out to the building, communal areas and Estate where they live. The service must ensure that income from tenants’ rent payments does not subsidise services provided to its’ leaseholders. Service charges must be accurate and reflect the services that the Council provides.

# Purpose

* 1. The purpose of this policy is to set out:
     1. how Medway Council Landlord Services will bill for services provided
     2. how often bills will be sent out
     3. what will be charged for
     4. how to pay
     5. the allowed payment periods
     6. how disputes will be handled

# Scope

* 1. This policy applies to all Medway Council Leaseholders and Landlord Services employees.

# Legislation and Guidance

* 1. Internal
     1. Leaseholder Handbook
  2. External
     1. Landlord and Tenant Acts 1985 and 1987,
     2. the Leasehold Reform Act
     3. Housing and Urban Development Act 1993
     4. The Commonhold and Leasehold Reform Act 2002,
     5. Audit Commission

# Policy

**Service Charges**

* 1. All leaseholders are required to pay ground rent (Ground Rent no longer applies to new leases granted from 30 June 2022) and day to day service charges for their property. The day-to-day service charges are raised to cover the actual cost of services provided by Medway Council Landlord Services, such as costs for repairs to communal areas, communal lighting, major works to the building and an insurance premium. These costs can vary from year to year.

**Ground Rent**

* 1. From 30 June 2022, new legislation requires ground rent to be charged at Peppercorn which essentially means - nil

**Service Charges for Major Works**

* 1. Medway Council Landlord Services conducts regular inspections in accordance with it obligations under the lease, the relevant statutes, guidance, and notes of good practice to maintain all of its housing stock in good condition.
  2. Where major works are identified, for example replacement roofing, fire regulation compliance etc., the occupancy list for any flats in blocks will be checked to identify if any of the units are leasehold.
  3. In cases where a leasehold property is identified, Medway Council Asset Management Team will comply with the requirements to consult leaseholders prior to carrying out any major works for which the leaseholder/s will be recharged the cost in accordance with the Section 20 consultation process. For more information, please refer to Section 20 Consultation policy.

**Service Charges Billing and Payments**

* 1. Leaseholders will receive two service charge bills in any given financial year.
  2. In April each year, an estimated service charges bill will be issued providing a clear breakdown of the charges estimated to be accrued during the financial year[[1]](#footnote-2) for which the estimate is issued.
  3. In September, leaseholders will receive a reconciliation of balances to reflect the actual charges from the previous financial year.
  4. Terms of payment for estimated and actual service charges require them both to be paid in full within 30 days of the date of the invoice.
  5. In some instances, the “actual service charge bill” may be less than the estimated bill for the previous financial year. Where this happens Medway Council Landlord Services will refund any money owed to the leaseholder’s account within 30 days on request, or, at the request of the leaseholder, hold the money to be used against the following year’s bill.
  6. A full breakdown of the charges will be made available for leaseholders.

**Ground Rent Billing and Payments**

* 1. The formal demand for ground rent will be made no less than 30 days, and no greater than 60 days before the ground rent is due for payment.
  2. The due date for ground rent is from the 1 April every year.
  3. Ground rent must be paid in accordance with the terms contained within the demand.
  4. If ground rent is not paid under the above terms Medway Council Landlord Services can take legal action to recover this money from the leaseholder.

**Payment Methods**

* 1. Medway Council’s Landlord Services currently accepts payments for service charges by the following methods:
     1. Telephone Payment- Debit / Credit Card
     2. Standing Order
     3. Cheque
     4. Bank Transfer

**Loans**

* 1. Leaseholders may be eligible for a loan to pay for service charges for repairs that have been carried out to their block. For more information, please refer to the Service Charge Loans Policy.

**Leaseholder Arrears**

* 1. Full details of how service charge arrears are dealt with can be found in the Service Charge Arrears Policy.
  2. If agreement regarding the level of charges still cannot be met, the leaseholder has the right to approach the First-tier Tribunal (Property Chamber) to ask for a ruling. They are an independent body that will look at the charges for services provided and decide whether or not they are fair. The FTT will charge the leaseholder for using their service.
  3. Medway Council’s Landlord Services may also contact the First-tier Tribunal (Property Chamber) (FTT) to resolve disputes with leaseholders.

**Complaints**

* 1. Leaseholders who are not satisfied with the way in which their queries have been dealt with are free to use Medway Council’s Complaints Procedure as detailed on the Medway Council website - https://www.medway.gov.uk/info/200422/complaints/1383/housing\_complaints.

# Role, responsibilities and authority

* 1. The Assistant Director RCET retains the overall responsibility for the implementation of this policy.
  2. The Income and Leasehold Manager is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review and evaluation

* 1. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.
  2. Medway Council’s Landlord Services has developed this policy in full consultation with customers.
  3. Landlord Services will monitor trends in service charge collection to check that levels are maintained and make adjustments to the policy, where necessary, to ensure that this happens.

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1. Medway Council will make every endeavour to calculate the estimated service charges at the start of the financial year from historic information so that the estimated charges are as accurate as possible. As soon as all accounts are received and settled, they will be compared to the estimated service charge bills issued in the previous financial year. At this time, any discrepancies will be adjusted to make sure leaseholders are only charged for the services they actually received in any financial year. [↑](#footnote-ref-2)