

# Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985

Section 20ZA of the Landlord and Tenant Act 1985

**It is important that you read the notes below carefully before you complete this form.**

This is the correct form to use if you want to ask the Tribunal to dispense with all or any of the consultation requirements set out in section 20 of the Landlord and Tenant Act 1985 and in the Service Charges (Consultation Requirements)(England) Regulations 2003.

**A fee is payable for this application (see section 13 for Help with Fees).** Please note that fee changes were made on 25 July 2016 in respect of all applications made on or after that date. The new fees are set out in this form.

**Please send your completed application form and fee (if applicable), together with the documents listed in section 13 of this form to the appropriate regional Tribunal.** (See the Annex to this form for regional office addresses). **Please do not send any other documents.** If and when further evidence is needed, you will be asked to send it in separately.

**If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use, please call the appropriate regional office.**

**If you are completing this form by hand please use BLOCK CAPITAL LETTERS.**

## 1. DETAILS OF APPLICANT(S) (if there are multiple applicants please continue on a separate sheet)

Name:

Capacity:

Address (including postcode):

Address for correspondence (if different from above):

Telephone:

Day:  Evening:  Mobile:

Email address:  Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name:

Ashfords LLP

Reference no. (if any)

SG/3324032-621

Address (including postcode):

Ashford House, Exeter Business Park, Exeter, EX1 3LH

Telephone:

Day:

01392 334101

Mobile:

Email address:

s.gibbon@ashfords.co.uk

Fax:

## 2. ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)

13,9656 leaseholders are affected by the electricity contract; and  
668 leaseholders are affected by the gas contract.  
A list of the relevant addresses is attached.

## 3. BRIEF DESCRIPTION OF BUILDING (e.g.2 bedroom flat in purpose built block of 12 flats)

Various types of properties across the Borough including flats and maisonettes in tower blocks and low rise blocks and some houses. The properties range in size from studio flats to 5 bedroom units.

## 4. DETAILS OF RESPONDENT (S) the person against whom an applicant seeks determination from the tribunal – this will only be the landlord's managing agent if they are a party to the lease. If there are multiple respondents, please continue on a separate sheet.

Name:

Capacity:

Address (including postcode):

Reference no. for correspondence (if any)

Address for correspondence (if different from above):

Telephone:

Day:  Evening:  Mobile:

Email address:  Fax:

**Note:** If this is an application by a landlord, then usually all tenants liable to pay a service charge for the costs in question should be joined as respondents. If tenants are not joined in this way, the landlord should provide the Tribunal with a list of the names and addresses of service charge payers. If this is not possible or is impractical, then a written explanation must be provided with this application.

If you are the landlord/management company making the application please omit, if known, the telephone/fax numbers and email address of the respondent(s) when completing Box 4 and include them on a separate sheet. This is because the application form may be copied by the tribunal to other appropriate persons (e.g. other service charge paying leaseholders in the building or development).

## 5. DETAILS OF LANDLORD (if not already given)

Name:

Address (including postcode):

Reference no. for correspondence (if any)

Telephone:

Day:  Evening:  Mobile:

Email  
address:

Fax:

## 6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATION (if known)

Name of  
Secretary

There are no RTAs complying with Section 29 of the Landlord and Tenant Act 1985

Address (including postcode):

Telephone:

Day:

Evening:

Mobile:

Email  
address:

Fax:

## 7. DISPENSATION SOUGHT

Applicants may seek a dispensation of all or any of the consultation requirements in respect of either qualifying works or long-term agreements.

Does the application concern qualifying works?

Yes  No

If Yes, have the works started/been carried out?

Yes  No

Does the application concern a qualifying long-term agreement?

Yes  No

If Yes, has the agreement already been entered into?

Yes  No

For each set of qualifying works and/or qualifying long-term agreements please

complete one of the sheets of paper entitled '**GROUND FOR SEEKING DISPENSATION**'

## 8. OTHER APPLICATIONS

Do you know of any other cases involving either: (a) related or similar issues about the management of this property; or (b) the same landlord or tenant or property as in this application?

Yes  No

If Yes, please give details

In 2009/2010, 2012 and 2016 the Applicant made dispensation applications when they entered into the

Framework Agreement which is the subject of this application. Copies of the Tribunal's decisions relating to these applications - LON/00BJ/LOC/2009/0021, LON/00BJ/LDC/2010/0017, LON/00BJ/LDC/2012/0081 and LON/00BJ/LDC/2016/0051 - are exhibited to the Witness Statement of Ian Almedia filed with this application.

## 9. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ('A paper determination').

Please let us know if you would be content with a paper determination if the Tribunal thinks it appropriate.  Yes  No

**Note:** Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

## 10. TRACK PREFERENCES

We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case.  Fast Track  Standard Track

Is there any special reason for urgency in this case?  Yes  No

If Yes, please explain how urgent it is and why:

The contracts, which are the subject of this Application, must be renewed by 1 October 2020. The Application must be determined as soon as possible to allow the Council to place the contracts in time.

In view of the number of leaseholders the Council requests a period of no less than 21 days between the date of the directions order and the date for publication of details of the application and the directions on its website to ensure that there is sufficient time for the Council's website providers to make the necessary arrangements and for all of the letters to be printed and posted.

### Note

The Tribunal will normally deal with a case in one of three ways: on paper (see section 10 above) or 'fast track' or 'standard track'. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

## 11. AVAILABILITY

If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any expert you may wish to call) please list them here.

Please list the dates on which you will NOT be available:

N/A

## 12. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

None.

Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

### 13. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done and it has the following documents together with the application fee (if applicable).

A copy of the lease(s).

A statement that service charge payers have been named as respondents or a list of names and addresses of service charge payers

A crossed cheque or postal order for the application fee of £100 (if applicable) is enclosed.

**DO NOT send cash under any circumstances. Cash payment will not be accepted.**

**Fees should be paid by a crossed cheque made payable to, or a postal order drawn in favour of, HM Courts and Tribunals Service.**

**Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.**

#### Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at [www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees](http://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees) or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

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If you have completed form EX160 "Apply for Help with Fees" it must be included with your application.

The 'Apply for help with fees' form will not be copied to other parties.

### 14. STATEMENT OF TRUTH

**The statement of truth must be signed and dated.**

**I believe that the facts stated in this application are true.**

Signed: Ashfords LLP Dated: 1 April 2020

## GROUNDS FOR SEEKING DISPENSATION

**Please use the space below to provide information mentioned in section 7 of this form.**

You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if necessary.

1. Describe the qualifying works or qualifying long-term agreement concerned, stating when the works were carried out or planned to be carried out or in the case of a long-term agreement, the date that agreement was entered into or the proposed date it is to be entered into.

The Applicant is seeking a rolling dispensation from the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 which apply to the procurement of energy contracts for gas and electricity. The Council is already part of a Framework Agreement to supply gas and electricity. The gas and electricity contracts are due to be renewed in October 2020 and the dispensations already given by the Tribunal in June 2009, June 2010, August 2012 and August 2016 need to be extended. The Council will continue to be a partner in the Framework Agreement which has been developed by Local Authority South East Region (LASER).

2. Describe the consultation that has been carried out or is proposed to be carried out.

No consultation has yet been carried out. In view of the current Covid 19 situation and the self isolation imposed by the Government and as very few leaseholders attended previous consultation meetings and the use of email has increased dramatically and as the Applicant no longer manages the library buildings where previous consultation meetings were held and may be charge for use of the same the Applicant proposes to send a letter to all leaseholders setting out details of the application and informing them that

1. a copy of the application with all the relevant documents is available on the Council's website; and
2. that copies of any of the documents (electronic or hard copies) will be provided on request; and
3. directions have been made by the Tribunal for its directions to be published on the Council's website; and
4. that any leaseholder may respond to the application with copies of their response also being sent to the Council.

Details of the consultation procedure proposed are set out in the witness statement of Ian Almeida filed with this application.

In the event that the Tribunal considers that the Council should hold consultation meetings, the Applicant proposes that these should be limited to 2 consultation meetings in the working day and 2 in the early evening with one of each taking place in two locations in the Borough where the documents will be available for inspection and Council staff will attend to answer any queries. These meetings would be advertised on the Council's website and the letter sent to all affected leaseholders to advise them of the meetings.

3. Explain why you seek dispensation of all or any of the consultation requirements.

The Applicant seeks a total dispensation of the consultation requirements imposed by Section 20 of the Landlord



and Tenant Act 1985 (as amended). Given that the fuel procurement process in an increasingly volatile market is such that suppliers submit prices on the basis that they can be withdrawn at short notice, offers may be available for a few hours only. In order to obtain the best electricity and gas prices the Applicant needs to be able to act within three hours. In the circumstances, it is impracticable and impossible for the Applicant to comply with the consultation requirements. Please see the attached Witness Statement of Ian Almeida filed herein.

## ANNEX: Addresses of Tribunal Regional Offices

### NORTHERN REGION

HM Courts & Tribunals Service

**Telephone:** 01612 379491

First-tier Tribunal (Property Chamber) Residential  
Property, 1<sup>st</sup> Floor, Piccadilly Exchange, Piccadilly  
Plaza, Manchester M1 4AH

**Fax:** 01264 785 128

**This office covers the following Metropolitan districts:** Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.

**It also covers the following unitary authorities:** Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

**It also covers the following Counties:** Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

### MIDLAND REGION

HM Courts & Tribunals Service

**Telephone:** 0121 600 7888

First-tier Tribunal (Property Chamber) Residential  
Property, Centre City Tower, 5-7 Hill Street,  
Birmingham, B5 4UU

**Fax:** 01264 785 122

**This office covers the following Metropolitan districts:** Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

**It also covers the following unitary authorities:** Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

**It also covers the following Counties:** Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

### EASTERN REGION

HM Courts & Tribunals Service

**Telephone:** 01223 841 524

First-tier Tribunal (Property Chamber) Residential  
Property, Cambridge County Court, 197 East Road  
Cambridge, CB1 1BA

**Fax:** 01264 785 129

DX 97650 Cambridge 3

**This office covers the following unitary authorities:** Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

**It also covers the following Counties:** Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

### **SOUTHERN REGION**

HM Courts & Tribunals Service

**Telephone:** 01243 779 394

First-tier Tribunal (Property Chamber) Residential Property, Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hants, PO9 2AL

**Fax:** 0870 7395 900

**This office covers the following unitary authorities:** Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

**It also covers the following Counties:** Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire.

### **LONDON REGION**

HM Courts & Tribunals Service

**Telephone:** 020 7446 7700

First-tier Tribunal (Property Chamber) Residential Property, 10 Alfred Place, London WC1E 7LR

**Fax:** 01264 785 060

DX 134205 Tottenham Court Road

**This office covers all the London boroughs.**

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024/ Textphone 18001 0300 123 1024.