

Managing Agent Leasehold Policy

1. Overview / Policy Statement

- 1.1 South Oxfordshire and Vale of White Horse District Councils (the councils) are committed to ensuring that the council actively engages with managing agents that manage blocks that the councils have a leasehold interest in.
- 1.2 It ensures the councils are gathering legally required compliance and health and safety information to ensure that its accommodation users, who are residing in properties for which the council does not own the freehold, are adequately protected.
- 1.3 The councils will take prompt and appropriate action to deliver a customer focussed approach to tenants in the councils' leasehold homes.

2. Objectives

- 2.1 The objectives are as follows:
 - To effectively engage with managing agents who oversee the communal areas associated with the councils' leasehold homes.
 - Ensure homes are compliant and safe.
 - To pay all management fees, estate charges and ground rent promptly unless the councils dispute these charges.

3. Scope

- 3.1 This policy applies to all leasehold accommodation owned by the councils, also homes where the councils pay other charges such as ground rent and estate fees.

4. Roles and Responsibilities for Delivery

- 4.1 The roles and responsibilities for delivery are as follows:
 - Director of Housing & Environment and Director of Development and Corporate Landlord: Overall responsibility for policy implementation
 - Housing Delivery Manager and Property Operations Manager: Responsible for the operational implementation of the policy
 - Housing Landlord Team Leader and Property Operations Team Leader: Daily oversight of the operational implementation of the policy
 - Property and Tenancy Officers and Property Compliance Officer: Initial case response and recordkeeping

- All staff: Compliance with policy, financial obligations, recordkeeping and building safety responsibilities.

5. Relevant Legislation

5.1 The relevant legislation is as follows:

- Landlord and Tenant Acts 1985 & 1987
- Building Safety Act 2022
- Fire Safety Order 2005
- Fire Safety Act 2021
- Fire Safety (England) Regulations 2022
- Commonhold and Leasehold Reform Act 2002
- Social Housing (Regulation) Act 2023 and implemented via secondary legislation under The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025

6. Relevant Policy and Procedure

6.1 The relevant local authority policy and procedures are listed below:

- Asbestos Policy
- Compliance Policy
- Fire Safety Policy
- Electrical Safety Policy
- Gas Safety Policy
- Legionella Policy
- Repairs and Maintenance Policy
- Void Policy
- The councils' Data Protection policy

6.2 The relevant health and safety policy and codes for the councils will also apply to this policy. This includes, but is not restricted to:

- Workplace Safety
- Incident Reporting and Investigation

7. Policy and Procedure

7.1 The councils take their compliance duties seriously, meeting the decent homes standard, the void standard and free from damp and mould.

7.2 The councils aim to ensure we are in possession of all documentation relating to communal areas and other responsibilities of the managing agent. The councils require this on an annual basis, these include insurance documents, fire risk assessments and action plans to deal with action from assessments.

- 7.3 The councils will send standard emails to request this information. Where the councils do not receive information in a timely manner they will escalate to the managing agents' complaints process prior to the expiry of documents that the councils hold.
- 7.4 If there are continuing failures by the managing agent to provide information the councils may escalate to legal action using the powers of the Landlord and Tenant Act 1985, the Property Ombudsman or the First-tier Tribunal (Property Chamber) The Housing Landlord Team will take internal legal advice prior to taking any action.
- 7.5 Where the councils receive Section 20 notifications from a managing agent, The Housing Landlord Team will refer to its Development and Corporate Landlord Directorate colleagues for advice on any asset related issue.
- 7.6 For non-asset related issues, the Housing Landlord Team will review and agree next steps. Where the councils have a dispute with the property freeholder, or their agent, that does not relate to the physical fabric of the building, it may escalate to legal action using the powers of the Landlord and Tenant Act 1985, the Property Ombudsman or the First-tier Tribunal (Property Chamber) The Housing Landlord Team will take internal legal advice prior to taking any action.
- 7.7 The councils will implement the Leasehold and Freehold Reform Act 2024 and other legislative changes as they become Law.

8. Communication and Contact Information

- 8.1 For further information about this policy, please contact the Housing Landlord Team on email: tenants@southandvale.gov.uk or telephone 01235 422422.

9. Alternative Formats

- 9.1 Please do not hesitate to contact a member of the Housing Landlord Team if you would like this policy in an alternative format, via email: tenants@southandvale.gov.uk or telephone 01235 422422.

10. Definitions

- 10.1 Definitions are as follows:
- Managing agent: A company appointed to manage a block, estate, or land on behalf of the freeholder, a Resident Management Company. They are responsible for maintaining communal areas and the wider building, including cleaning, gardening, repairs, and general upkeep. This often includes structural elements like roofs, lifts, fire alarms, and CCTV. If

there's a communal boiler or heating system and no separate Energy Services Company (ESCO), the Managing Agent typically oversees day-to-day operation, servicing, and coordination of repairs.

- Freeholder: The owner of a block and / or estate.
- Leaseholder: A leaseholder is a person or company that owns the right to live in or use a property for a fixed period of time through a legal contract called a lease.
- Section 20 Notice: The Section 20 is a Notice of Intention to Carry Out Works under the Landlord and Tenant Act 1985. The S20 Notice sent by the managing agent or landlord and explains the scope of works, the reasons why the work needs to be undertaken and gives a 30-day window for feedback.

11. Change Record

Change Record	
Policy title	Managing Agent and Leasehold Policy
Version number	1
Owner(s)	Housing Landlord Team Leader
Author(s)	Housing Landlord Team Leader
Approved by	ICMD
Approved date	
Effective date	
Renewal date	