

On behalf of: The Applicants
Name of witness: Adrian Shaw
Exhibit: AS1 – AS2
Date: 15th May 2020

**IN THE FIRST TIER TRIBUNAL PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

BETWEEN (1) Clarion Housing Association Limited
(2) Latimer Developments Limited

Applicants

(3) Various tenants and leaseholders

Respondents

I Adrian Shaw of (Level 2 & 3) Interchange, 81-85 Station Rd, Croydon CR0 2AJ duly authorised by the Applicants to state as follows: -

1. I am employed as Head of Service Charges of Clarion Housing Group which includes its two subsidiary landlords Clarion Housing Association Limited and Latimer Developments Limited (the Applicants).
2. I am making this statement to provide the Tribunal with additional information in respect of the Applicants' application for the dispensation of all the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 in respect of certain energy contracts. I am duly authorised to make this statement on behalf of the Applicants.
3. The facts and matters set out in this statement are within my own knowledge and I believe them to be true. Facts and matters derived from other sources are true to the best of my knowledge and belief.
4. There is now produced and shown to me a paginated bundle of true documents marked "AS1 – AS2". All references to documents in this statement are to the Exhibited.
5. The application concerns 33,463 properties of accommodation housing tenants and leaseholders of the Applicants (the "Respondents") where the cost of energy for communal areas is recovered by way of a service charge. A list of the general location of the properties (by County or London Borough) is exhibited as AS1. A list of Respondents has not been produced to the Tribunal due to the reasons as stated in paragraph 7. The Applicants are happy to accept an obligation to write to all Respondents in accordance with paragraph 7(a) of this statement.
6. Given the number of Respondents the tenancies and the leases (the "Occupancy Agreements") have not been produced but I can confirm in all cases:
 - a. The service charge is variable as defined by section 18(1) Landlord & Tenant Act 1985

- b. The Occupancy Agreements give the Applicants the right to recover the service charge
7. Given the number of Respondents, in the interest of saving costs and subject to the Tribunal's agreement the Applicants propose to send one letter to the Respondents, copy of which is exhibited as AS2 to: -
- a. Inform them of the application;
 - b. Advise them a copy of the application (personal details deleted) and this supporting statement is on our website;
 - c. Inform them if they wish to receive to have a hard copy of the application then they can write to us and we will send them a copy (personal details deleted);
 - d. Advise them we will add documents to the website as the application progresses including the ultimate decision.
8. Given the numbers of Respondents concerned and the cost of mailing the Applicants do not contemplate any further mailings to Respondents.

STATEMENT OF TRUTH

I believe that the facts stated in this statement are true

Name



Adrian Shaw

Date

____ 15th May 2020 _____

On behalf of: The Applicants
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 (3) Various tenants and leaseholders

Applicants
Respondents

EXHIBIT AS1

This is the Exhibit AS1 referred to in the statement by Adrian Shaw dated 15th May 2020

SIGNED 

DATED 15th May 2020.....

**A list of the general location of the properties (by County or London Borough)
the subject of an application for the dispensation of all the consultation
requirements provided for by section 20 of the Landlord and Tenant Act 1985**

List of London Boroughs	List of Districts and Counties	
London Borough of Barking and Dagenham	Adur District Council	West Sussex
	Arun District Council	West Sussex
London Borough of Barnet	Ashford Borough Council	Kent
London Borough of Bexley	Aylesbury Vale District Council	Berkshire
London Borough of Brent	Babergh District Council	Suffolk
London Borough of Bromley	Basildon Borough Council	Essex
London Borough of Camden	Basingstoke and Deane	Hampshire
London Borough of Croydon	Bedford Borough Council	Unitary Authority
London Borough of Ealing		Metropolitan District
London Borough of Enfield	Birmingham City Council	
London Borough of Epping Forest		Metropolitan District
London Borough of Hackney	Bolton Borough Council	
London Borough of Hammersmith and Fulham	Boston Borough Council	Lincolnshire
London Borough of Haringey	Bournemouth, Christchurch & Poole	Unitary Authority
London Borough of Harrow	Bracknell Forest Borough Council	Unitary Authority
London Borough of Havering		Metropolitan District
London Borough of Hillingdon	Bradford City Council	
London Borough of Hounslow	Braintree District Council	Essex
London Borough of Islington	Breckland District Council	Norfolk
London Borough of Kensington and Chelsea	Brentwood Borough Council	Essex
Royal Borough of Kingston upon Thames	Brighton and Hove	Unitary Authority
London Borough of Lambeth	Bristol, City of	Unitary Authority
London Borough of Lewisham	Broadland District Council	Norfolk
London Borough of Merton	Bromsgrove District Council	Worcestershire
London Borough of Newham	Broxbourne Borough Council	Hertfordshire
London Borough of Redbridge	Cambridge City Council	Cambridgeshire
London Borough of Southwark	Cannock Chase District Council	Staffordshire
London Borough of Sutton	Canterbury City Council	Kent
	Central Bedfordshire	Unitary Authority
	Chelmsford City Council	Essex

London Borough of Wandsworth	Cherwell District Council	Oxfordshire
London Borough of Westminster	Cheshire East Council	Unitary Authority
	Cheshire West and Chester Council	Unitary Authority
	Chesterfield Borough Council	Derbyshire
	Chichester District Council	West Sussex
	Christchurch Borough Council	Dorset
	Colchester Borough Council	Essex
	Corby Borough Council	Northamptonshire
	Cornwall Council	Unitary Authority
	Coventry City Council	Metropolitan District
	Crawley Borough Council	West Sussex
	Dacorum Borough Council	Hertfordshire
	Dartford Borough Council	Kent
	Daventry District Council	Northamptonshire
	Derby City Council	Unitary Authority
	Dover District Council	Kent
	Dudley Borough Council	Metropolitan District
	East Cambridgeshire	Cambridgeshire
	East Hampshire	Hampshire
	East Hertfordshire	Hertfordshire
	East Northamptonshire	Northamptonshire
	East Suffolk	Suffolk
	Eastbourne Borough Council	East Sussex
	Eastleigh Borough Council	Hampshire
	Epsom and Ewell	Surrey
	Exeter City Council	Devon
	Fareham Borough Council	Dorset
	Fenland District Council	Cambridgeshire
	Folkestone & Hythe District Council	Kent
	Forest Heath District Council	Suffolk
	Gosport Borough Council	Hampshire
	Gravesham Borough Council	Kent

	Great Yarmouth	Norfolk
	Guildford Borough Council	Surrey
	Halton Borough Council	Unitary Authority
	Harlow District Council	Essex
	Hart District Council	Hampshire
	Hastings Borough Council	East Sussex
	Havant Borough Council	Hampshire
	Hertsmere Borough Council	Hertfordshire
	Horsham District Council	West Sussex
	Kingston Upon Hull City Council	Yorkshire
	Huntingdonshire District Council	Cambridgeshire
	Ipswich Borough Council	Suffolk
	Kettering Borough Council	Northamptonshire
	King's Lynn and West Norfolk	Norfolk
	Kingston upon Hull, City of	Yorkshire
	Leeds City Council	Metropolitan District
	Leicester City Council	Unitary Authority
	Lewes District	East Sussex
	Lichfield City Council	Derbyshire
	Lincoln City Council	Lincolnshire
	Luton Borough Council	Unitary Authority
	Maidstone Borough Council	Kent
	Maldon District Council	Essex
	Manchester City Council	Metropolitan District
	Medway Council	Unitary Authority
	Mid Devon District Council	Devon
	Mid Suffolk District Council	Suffolk
	Mid Sussex District Council	Sussex
	Middlesbrough Borough Council	Unitary Authority
	Milton Keynes	Unitary Authority
	Mole Valley	Surrey
	New Forest District Council	Hampshire

	Newcastle-under-Lyme	Staffordshire
	North Hertfordshire	Hertfordshire
	North Norfolk	Norfolk
	North Warwickshire	Warwickshire
	Norwich City Council	Norfolk
	Nottingham City Council	Unitary Authority
	Nuneaton and Bedworth	Warwickshire
	Peterborough City Council	Unitary Authority
	Plymouth City Council	Unitary Authority
	Portsmouth City Council	Unitary Authority
	Rochford District Council	Kent
	Rother District Council	East Sussex
	Rugby Borough Council	Warwickshire
	Salford City Council	Metropolitan District
	Sandwell Borough Council	Metropolitan District
	Sheffield City Council	Metropolitan District
	Shepway District Council	Kent
	Shropshire Council	Shropshire
	Solihull Borough Council	Metropolitan District
	South Cambridgeshire	Cambridgeshire
	South Gloucestershire	Unitary Authority
	South Holland	Lincolnshire
	South Kesteven	Lincolnshire
	South Norfolk	Norfolk
	South Oxfordshire	Oxfordshire
	South Somerset	Somerset
	South Tyneside	Metropolitan District
	Southampton City Council	Unitary Authority
	St Albans	Hertfordshire
	St. Edmundsbury Borough Council	Suffolk
	St. Helens Borough Council	Metropolitan

		District
	Stevenage Borough Council	Hertfordshire
	Stoke-on-Trent City Council	Unitary Authority
	Surrey Heath	Surrey
	Swale Borough Council	Kent
	Tamworth Borough Council	Staffordshire
	Tandridge	Surrey
	Teignbridge	Devon
	Tendring	Essex
	Test Valley Borough Council	Hampshire
	Thanet	Kent
	Three Rivers District Council	Hertfordshire
	Thurrock Council	Unitary Authority
	Tonbridge and Malling	Kent
	Tunbridge Wells	Kent
	Uttlesford District Council	Cambridgeshire
	Vale of White Horse	Berkshire
	Walsall Borough Council	Metropolitan District
	Warrington Borough Council	Unitary Authority
	Warwick District Council	Warwickshire
	Watford Borough Council	Hertfordshire
	Waverley Borough Council	Surrey
	Wealden District Council	East Sussex
	Wellingborough Borough Council	Northamptonshire
	Welwyn Hatfield	Hertfordshire
	West Berkshire	Unitary Authority
	West Oxfordshire	Oxfordshire
	West Suffolk	Suffolk
	Wiltshire Council	Unitary Authority
	Winchester City Council	Hampshire
	Woking Borough Council	Unitary Authority
	Wolverhampton City Council	Metropolitan District

	Worcester City Council	Worcestershire
	Worthing Borough Council	West Sussex
	Wycombe District Council	Buckinghamshire

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(RESIDENTIAL PROPERTY)**

BETWEEN

(1) Clarion Housing Association Limited

(2) Latimer Developments Limited

(3) Various tenants and leaseholders

Applicants

Respondents

EXHIBIT AS2

This is the Exhibit AS2 referred to in the statement by Adrian Shaw dated 15th May 2020

SIGNED 

DATED 15th May 2020.....

A better deal for communal energy supply

We want to enter into a new arrangement to buy communal energy supplies, so we and you get a better deal.

For the energy we buy for your communal area(s), because we'll be buying energy directly from the energy market, we can't comply with a consultation process set out in section 20 of the Landlord & Tenant Act 1985. So, we have made an application to the First Tier Tribunal (Property Chamber) (the Tribunal) for dispensation from those requirements. You'll find on the back of this letter some frequently asked questions giving you more information. We propose to start the arrangement on 1st April 2021 and for it to last for 3 years.

To minimise costs, all future correspondence and documentation relating to our application, (including copies of the application, the directions and/or decision of the Tribunal), will be displayed on our website (as we receive them); to view please go to [\[Clarion to insert URL\]](#)

If you would like us to send you a copy of our application, or have any questions about this letter, please contact us: -

- by telephone on [\[Clarion to insert dedicated telephone number\]](#)
- by email [\[Clarion to insert dedicated email address\]](#)
- by post by writing to us at "Clarion Housing Group (S20 Energy Dispensation), Reed House, Peachman Way, Broadland Business Park, Norwich, NR7 0WF"

Frequently asked questions: communal energy

What is communal energy?

Energy (gas and/or electricity) supplied to the areas that we either light or heat outside of your front door is referred to as 'communal energy'. For example, lighting the stairs to your flat, or powering a door entry system.

What is dispensation?

We are required to consult with customers before entering any long-term agreement for services under Section 20 of the Landlord and Tenant Act 1985. This section 20 requires us to consult with you using a series of notices and following a timetable (the "Process"). Some of the agreements we wish to enter into to purchase communal energy will be long-term agreements. A dispensation in this instance is special permission, from the First Tier Tribunal (Property Chamber), to enter into agreements without following the Process.

Why isn't Clarion consulting its customers?

When we're trying to get the best energy deals for you, suppliers are only able to lock in the best available prices for a very short time (typically one working day). This short period means there isn't enough time for us to consult with you and follow the Process.

What do I have to do now?

Nothing. This is communication to let you know that we're applying for dispensation to get you the best energy deal on longer-term arrangements.

What if I don't agree with this change?

You can write to the Tribunal direct to make your own representations. Their address is "First-tier Tribunal (Property Chamber), 10 Alfred Place, London WC1E 7LR". Quote [ACS to insert once known]. Do make sure any representations are received by the Tribunal in accordance with their directions (see our website).

What if I don't want to change my home supplier?

You don't have to. The communal supply will not change any existing arrangements you already have with the gas and/or electricity suppliers you have in place for your home.

How can I trust you'll get the best deal?

We will work with a specialist energy consultancy to ensure that energy prices are kept as low and stable as possible.

If it's a good deal will Clarion be doing this for your offices?

We are. We'll be using the same arrangements to buy energy for our own offices. We will be including all our offices and community centres. We want the best deal for all of us going forward, for years to come.

What if dispensation is not granted?

We will buy energy on 364-day rolling contracts. We cannot get the best deals this way and its likely energy costs will continue to climb year on year, something we are keen to protect you from.