

## 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: CLARION HOUSING ASSOCIATION LIMITED (and another see separate sheet)

Capacity: Landlord

Address (including postcode):

Level 6, 6 More London Place, Tooley Street, London, SE1 2DA

Address for correspondence (if different from above):

Reed House, Peachman Way, Broadland Business Park, Norwich, NR7 0WF

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: Anthony Collins Solicitors LLP

Reference no. (if any) 37418.0861

Address (including postcode):

134 Edmund Street, Birmingham, B3 2ES

Telephone:

Day:

Mobile:

Email address:

Fax:

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

33,463 individual properties in the Counties and London Boroughs listed on the Additional Sheet

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

Various different buildings but mainly flatted accommodation

**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

See separate sheet

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'S 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

Given the number of properties this answer is given to the best of our knowledge on the basis of current cases.

## 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 Applicants recognise the difficulties their residents are facing in this difficult financial climate and want to maximise their opportunities for passing reduced energy costs onto them as soon as we can. Energy as a commodity is volatile with energy prices changing 3 – 20% within the day and 100% over a year. Current energy prices are attractive, and we want to secure this benefit and provide long term protection for tenants. We would like to enter into the first QLTA's on or before 1<sup>st</sup> April 2021.

### 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:

27 to 31 July and 03 to 16 August

## 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):

We would hope a hearing can be avoided given the number of respondents.

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: \_\_\_\_\_

Dated: 15<sup>th</sup> May 2020

## Additional Sheet

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

### Box 1

Latimer Developments Limited (Company Registration Number 05452017). Latimer has the same address, correspondence address and contact details as Clarion Housing Association Limited

(Clarion Housing Association Limited and Latimer Developments Limited are both subsidiaries of Clarion Housing Group)

### Box 2

List of London Boroughs	List of Districts and Counties
London Borough of Barking and Dagenham	Adur District Council West Sussex
London Borough of Barnet	Arun District Council West Sussex
London Borough of Bexley	Ashford Borough Council Kent
London Borough of Brent	Aylesbury Vale District Council Berkshire
London Borough of Bromley	Babergh District Council Suffolk
London Borough of Camden	Basildon Borough Council Essex
London Borough of Croydon	Basingstoke and Deane Hampshire
London Borough of Ealing	Bedford Borough Council Unitary Authority
London Borough of Enfield	Birmingham City Council Metropolitan District
London Borough of Epping Forest	Bolton Borough Council Metropolitan District
London Borough of Hackney	Boston Borough Council Lincolnshire
London Borough of Hammersmith and Fulham	Bournemouth, Christchurch & Poole Unitary Authority
London Borough of Haringey	Bracknell Forest Borough Council Unitary Authority
London Borough of Harrow	Bradford City Council Metropolitan District
London Borough of Havering	Braintree District Council Essex
London Borough of Hillingdon	Breckland District Council Norfolk
London Borough of Hounslow	Brentwood Borough Council Essex
London Borough of Islington	

	Brighton and Hove	Unitary Authority
London Borough of Kensington and Chelsea	Bristol, City of	Unitary Authority
Royal Borough of Kingston upon Thames	Broadland District Council	Norfolk
London Borough of Lambeth	Bromsgrove District Council	Worcestershire
London Borough of Lewisham	Broxbourne Borough Council	Hertfordshire
London Borough of Merton	Cambridge City Council	Cambridgeshire
London Borough of Newham	Cannock Chase District Council	Staffordshire
London Borough of Redbridge	Canterbury City Council	Kent
London Borough of Southwark	Central Bedfordshire	Unitary Authority
London Borough of Sutton	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

**Box 6**

[REDACTED] Oceanis Apartments E16 Residents' Association, [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Travers House Residents' Association, [REDACTED]  
[REDACTED]  
[REDACTED]

## 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 qualifying long term agreements (QLTAs) are multiple agreements with energy suppliers which Clarion Housing Group will enter into on behalf of the Applicants on the recommendation of our energy broker, Inenco Group Limited, during the currency of an agreement (the 'Master Agreement') dated 4<sup>th</sup> March 2020 made between Clarion Housing Group (1) Inenco Group Limited (of Ribble House, Ballam Road, Lytham St. Annes Lancashire FY8 4TS Company No. 02435678) (2)) during the period 1st April 2021 to 31<sup>st</sup> March 2024 in respect of the bulk purchase of gas and electricity. The energy supplies have been sourced using the Procurement Hub (Places for People) dynamic purchasing system - Official Journal of the EU reference number: 2019/S 130-317877

Note the Master Agreement is not a QLTA for which the Applicants are required to consult tenants under section 20 of the Landlord and Tenant Act 1985 (section 20) because throughout the currency of the Master Agreement the amount payable by any tenant paying a service charge will be less than £100 in any 12-month accounting period. The Master Agreement is however referred to as a way to reference the multiple energy supply QLTAs that will be entered into.

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

There are approximately 33,463 properties whose tenants who will be subject to the QLTAs. We propose we will write to all tenants to: -

1. Inform them of the application.
2. Advise them a copy of the application is on our website.
3. Inform them if they would like to receive to have a hard copy of the application then they can write to us and we will send them a copy (including the supporting statement attached).
4. Advise them we will add documents to the website as the application progresses including the ultimate decision.

(personal details will be deleted from documents put on our website and the hard copy of the application if posted)

Given the numbers of tenants concerned and the cost of mailing we do not contemplate any further mailings to tenants.

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

The Applicants seeks dispensation from all of the consultation requirements of section 20 because we will be able to swiftly enter multiple energy supply contracts, taking advantage of more competitive energy prices. We would not be able to achieve these significant cost savings for the benefit of our

tenants if we carried out meaningful section 20 consultation.

Energy is a commodity and trades on the energy markets. With prices changing minute by minute competitive quotations for energy are only held for a matter of hours rather than the 66 days needed to consult with tenants in accordance with section 20. The energy market is currently volatile with COVID-19 having a large impact and causing historic market lows. Comparing the current future prices to what we have seen in recent years shows that now is a great opportunity to secure low and stable pricing for our tenants into future years. In 2018 a 3 year average price in Electricity at its peak was £61.48mWh, with the market dramatically falling, currently a 3 year average price of £42.40mWh can be achieved. However this relies on a strategic view of the market and having expert guidance to purchase energy as the market presents opportunity in line with our objectives; to keep a low and stable cost base and hence service charge to tenants.

In addition, we will be unable to provide estimated costs to tenants, which we would be required to provide in order to comply fully with the Service Charges (Consultation Requirements) (England) 2003. The energy will be purchased as and when a competitive price is identified by our broker, Inenco Group Limited, on the wholesale energy market and so we will not be able to advise tenants of the cost in advance of contract placement.

Inenco Group Limited act for a number of housing associations and so we will be part of a £1/2 billion "pot" that is enabling housing associations across the country to get value for money on energy costs for their tenants. We will have a bespoke energy procurement service and are able to manage our energy costs by seeking out the most competitive prices. The energy market is increasingly volatile, and our residents would benefit from any reduction to forecast increases for the period of the contract. The period of the agreements will be April 2021 to March 2024.

## ANNEX: Addresses of Tribunal Regional Offices

### NORTHERN REGION

HM Courts & Tribunals Service

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

**Telephone:** 01612 379491

**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

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

**Telephone:** 0121 600 7888

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

**Telephone:** 01223 841 524  
**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  
First-tier Tribunal (Property Chamber) Residential  
Property, Havant Justice Centre, The Court House,  
Elmleigh Road, Havant, Hants, PO9 2AL

**Telephone:** 01243 779 394  
**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  
First-tier Tribunal (Property Chamber) Residential  
Property, 10 Alfred Place, London WC1E 7LR

**Telephone:** 020 7446 7700  
**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.