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**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **LON/00AG/LDC/2017/0134**

**Property** : **Various leasehold properties in the  
London Borough of Camden**

**Applicant** : **London Borough of Camden**

**Respondent** : **The long leaseholders of London  
Borough of Camden**

**Present at  
hearing/Representatives** : **Mr J Upton (Counsel) instructed by  
Judge & Priestly Solicitors for L.B.  
Camden  
Mr D Hart (leaseholder)**

**Type of Application** : **Dispensation from consultation**

**Tribunal Judge** : **Mr M Martyński**

**Dates of Hearing** : **28 February 2018**

**Date of Decision** : **6 March 2018**

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**DECISION**

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## **DECISION SUMMARY**

1. Dispensation is granted in respect of a proposed long-term agreement for the supply of electricity to leasehold properties, buildings and common areas in L.B. Camden. The details of the dispensation are set out at the end of this decision.

## **BACKGROUND**

2. In common with other local authorities and public housing providers, Camden has procured electricity supplies using a framework agreement to secure 'Fixed-Term Fixed-Priced' contracts. Before entering into the contracts, various suppliers are compared over a range of pricing and contract length options and the most competitive one is chosen for a fixed period.
3. The framework used by Camden is a public sector buying organisation known as LASER. This organisation provides access to a number of pre-approved energy suppliers.
4. Camden's current agreement in respect of electricity runs to 30 September 2018.
5. After the market is surveyed, the price and contract options are said to be typically available for 24-48 hours – too short a period for consultation with leaseholders. Further, according to Camden, it is also sometimes necessary to accept prices for additions to the contract (i.e. new build properties or conversions of existing properties) at very short notice – again too short for consultation with leaseholders.
6. Following directions given on this application, the tribunal received a number of submissions. Of those who made submissions, only one person, Mr Hart, attended the hearing. Mr Hart's submissions were by far the most detailed and most relevant of all those received.
7. Apart from Mr Hart, 26 leaseholders responded to the application. Of those responses, many were not relevant to the decision in this matter and any that were relevant were responded to satisfactorily by Camden. Only Mr Hart's submissions needed to be taken into account in the decision. At the hearing, Mr Hart and Camden reached agreement as to modified dispensation to be given and as to the conditions to be attached.

## **Decision**

8. Having considered the proposals from Camden, as modified after taking into consideration Mr Hart's submissions, I am satisfied that dispensation should be granted in this case in the following terms.

In respect of the proposed contract for the supply of electricity for the use of various leaseholders in the Borough, the London Borough of Camden are granted dispensation in respect of the following

paragraphs of Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003:-

4(2) providing the name and address of the other party to the contract and any connection it has with Camden

4(4) providing an estimate of the relevant contribution to be incurred by the tenant

4(5) providing an estimate of the total amount of expenditure under the proposed agreement

4(6) providing a statement of the current unit cost or hourly or daily rate applicable

4(7) providing a statement of the reasons why Camden cannot comply with sub-paragraph 4(6)(b) and the date by which an estimate can be provided

4(9) confirming the intended duration of the agreement

On the following conditions:-

A. Camden is to provide to leaseholders within 21 days of entering into a contract information about;

- i. the name of the energy supplier
  - ii. the date of the agreement
  - iii. the contract duration
  - iv. the date on which supply starts
  - v. the date on which the contract period ends
- by uploading that information on its website

B. Camden is to provide free of charge to any leaseholder requesting it, a copy of the supply agreement which Camden has entered into with an energy supplier

9. A copy of this decision is to be up-loaded on to Camden's website.

**Mark Martyński, Deputy Regional Tribunal Judge**  
**5 March 2018**

#### **ANNEX - RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will

then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.