

## **Consultation on enhanced protection for homeowners on freehold estates** **Anthony Collins Solicitors Responses to Consultation Questions**

Anthony Collins is a market-leading specialist law firm with a national reputation for advising public-sector bodies, charities and other not-for-profit organisations, local authorities, individuals, and social businesses throughout the UK. We act for over 120 housing associations nationally, including many of the top 20 private registered providers (PRPs) as well as numerous members of PlaceShapers, and local authority RPs. Over 40 years ago Anthony Collins housing team was created for the specific purpose of being a resource to community landlords and that mission continues with the creation of “Community Management Organisations” (CMOs) to hold and manage community resources on the new garden cities. Recent examples of our work are at [Chilmington Ashford Kent](#) and [Broadnook Charnwood Leicestershire](#). One of our partners, Emma Hardman, is a leading legal advisor to both private and local authority registered providers and registered social landlords on rent and service charge issues. Emma is co-author of the NHF ‘Service charges and estate rentcharges: a guide for social housing landlords’.

This response is provided by Jonathan Cox, Partner who is leading on the charging structures of CMOs. We do not provide these responses on behalf of any individual client of the firm.

**Jonathan Cox, Partner**  
**On behalf of Anthony Collins Solicitors LLP**  
**11<sup>th</sup> March 2026**

### **Q1 - Where are you based?**

England

### **Q2 - What is your name?**

Jonathan Cox, Partner

### **Q3 - What is your email address?**

jonathan.cox@anthonycollins.com

### **Q4 - Are you responding on behalf of an organisation?**

Yes – Anthony Collins Solicitors LLP

### **Q5 - If you are responding on behalf of an organisation, which of the following best describes you:**

1. I am responding as a resident management company.
2. I am responding as a private management company.
3. I am responding as a property managing agent organisation (private);
4. Landlord of block(s) of flats
5. Other (please specify).

5. Other – solicitors advising landlords, primarily community management organisations, registered providers (including local authority registered providers) and registered social landlords, on all housing issues including service charges. This includes representing them in service charge disputes.

**Q6 - If you are responding as an individual, are you a:**

1. Homeowner of private housing;
2. Homeowner or resident of social housing;
3. Landlord owning a flat or block(s) of flats;
4. Legal representative
5. Other (please specify). [Free text]

Not applicable

**Q7 - If you are a resident or private management company: How many staff members do you employ?**

Not applicable

**Q8 - If you are a resident management company: How many homes are there on the estate?**

Not applicable

**Q9 - If you are a resident or private management company: Do you employ a managing agent?**

Not applicable

**Q10 - If you are a private management company: How many estates are you responsible for?**

Not applicable

**Q11 - If you are a private management company: What is the total number of homes on the estates that you manage?**

Not applicable

**Q12 - If you are a resident or private estate management company: How often do you issue a demand for payment?**

Not applicable

**Q13 - If sections 121 and 122 1925 Act are repealed entirely, what impact will there be to rentcharges created in any of the following ways?**

- a. Where paragraph 3 of Schedule 1 to the Trusts of Land and Appointment of Trustees Act 1966 (trust in case of family charges) applies to the land on which the rent is charged or would apply if the land was not settled land or subject to a trust of land;
- b. Where an Act of Parliament provides for the creation of rentcharges in connection with the execution of works on land or commutation of any obligation to do such work;
- c. Where a court order requires the create of the rentcharge.

No comment

**Q14 - When are these types of rentcharges being used?**

We do not use these types of rentcharges.

**Q15 - Do you agree with the minimum information proposed for the annual report?**

No

**If no, what additions or changes would make it more effective?**

The format is suitable for the typical large estates/garden villages but is too onerous for small scale operations; we have in mind a resident management company ("RMC") formed solely to maintain a cul-de-sac; there needs to be a carefully worded minimum number of units for this to apply which needs to reflect that when there are multiple elements that the RMC is responsible for the format would be required

**Q16 - Do you agree that the information should be provided in a prescribed format?**

Yes

**Q17 - Do you agree that annual report may only be provided by post or electronically? [Post/Electronically/Both/Other (please specify)]**

Other – it is a fact that older home owners are not so easily able to use technology; we consider there needs to be a person centred approach; residents should be asked whether they want post or electronic and responded to in the manner they request; in that way post is only used when it is required.

**Q18 Should there be any exemptions from providing the annual report?**

Yes

**Explain what exemptions should apply, and why?**

The obligation is too onerous for small scale operations; we have in mind a resident management company ("RMC") formed solely to maintain a cul-de-sac; there needs to be a carefully worded minimum number of units for this to apply which needs to reflect that when there are multiple elements that the RMC is responsible for the annual report would be required

**Q19 - How frequently do you make demands for an estate management charge for payment?**

- Once a year
- Once a year (plus exceptional payments for unplanned work)
- Twice a year
- Other (Please specify)

Not applicable

**Q20 - Do you agree with the proposed contents of the estate management charge demand form?**

Yes

**Q21 - Do you agree with the proposed approach for any interim demands?**

Yes

**Q22 - Which option do you think provides the most appropriate level of breakdown of heads of costs budget headings for the annual budget document? [Option 1/Option 2]**

Option 1

**Explain why you prefer Option 1 or Option 2.**

- a) Residents have an overriding right to challenge for reasonableness and Option 2 adds to everyone's cost for what might be relatively small sums of money and no direct benefit (the costs are still the costs whether they are broken down or not).
- b) Option 2 adds more information which would be a challenge for smaller organisations

**Q23 - Do you consider that details of the budget should be provided as part of the estate management charge demand form, or as part of the annual report? [Annual Report/Estate management charge demand form]**

Estate management charge demand form

**Explain your answer**

Residents who wish to understand how the costs referenced in the demand are made up will appreciate having both documents together.

**Q24 - Should there be any exemptions from providing estate management charge demands using standardised forms?**

Yes

**If yes, please explain what exemptions should apply, and why?**

Many RMCs are created for one off minor areas such as maintenance of an unadopted cul-de-sac; there won't be an annual charge. As such costs should be kept to a minimum and there is no reason to burden such RMCs with those costs.

**Q25 - Do you agree that a demand for payment of estate management charges should be made by post or by electronic means? [Post/Electronically/Both/Other (please specify)]**

Other

**If other, how else should the demand be made?**

**Please explain your answer**

There is no reason for the regulations to be so prescriptive; the issue is only has a demand come to the attention of owners or not and the RMC is best placed to decide how to do this.

Hand-delivery should be an option too – if there is just a cul-de-sac it would be inappropriate to load on complexity or costs.

**Q26 – Q32 [Estate Managers Only]**

Not applicable

**Q33 - Do you agree with the proposed structure and content of the future demand notice in Annex C?**

No

**If no, what changes do you consider are needed and why?**

It is likely the reason for the delay is that final costs might not be known; so the “estimated amount” requirement should be amended to make clear based on the information known at the time of the notice to avoid disputes with residents later should the final amount be more.

**Q34 - Do you agree that future demand notices should be sent out electronically or by post? [Post/Electronically/Both/Other (please specify)]**

Other

**If other, please explain your reasoning and how future demand notices should be communicated to homeowners?**

There is no reason for the regulations to be so prescriptive; the issue is only has a demand come to the attention of owners or not and the RMC is best placed to decide how to do this.

Hand delivery should be an option too – if there is just a cul-de-sac it would be inappropriate to load on complexity or costs.

**Q35 - Should we legislate so that costs should not be recovered if the time limit has lapsed on the initial future demand form or capped if the estimate on the initial form has been exceeded?**

No

**If no, please explain why and what limitations you would consider acceptable?**

We do not consider any limitations are acceptable;

- a) the proposal ignores the fact the works can only be carried out if reasonable; and so if reasonable why place an artificial time limit?
- b) we simply don't know the nature of the works so are not in a position to put any limit; work scope might change as the job progresses. Q35 seeks to impose restrictions when none are necessary.

**Q36 - Do you agree with the proposed grounds for extending the estimated demand date?**

Yes

**If no, under what other reasons should estate managers be able to change the demand date?**

**Q37 - Do you agree that the notice of future demand forms needs to be signed by both the estate manager and a representative of the contracting company?**

No

**If no, please explain your answer**

It is for the estate manager/RMC to justify the cost when challenged not the contracting company; furthermore there might be no contracting company.

**Q38 - Do you agree with the proposed list of information that homeowners can request from their estate manager in Table 1?**

Yes

**Q39 - Do you agree that the information should be limited solely to those documents which relate to services that the homeowner pays for?**

Yes

**Q40 - Do you agree with the proposed means by which homeowners may request and send documents?**

Yes

**Q41 - Do you agree that it is not necessary to request information using a standard form?**

Yes.

**Q42 - Do you agree with the proposal to give homeowners the right to request to retrieve documents relating to matters for up to three years?**

Yes

**Q43 - Please comment or suggest any changes to the proposals to the enhanced rights to request information.**

It should be limited only to information in the hands of the estate manager; if personal information needs to be redacted from documents the estate manager should be able to charge their costs for doing so

**Q44 - Do you agree that 28 calendar days is a reasonable timeframe for an estate manager to provide requested information to a homeowner?**

No

**Please provide reasons for your answer.**

It should be made clear the time limit is only relevant for information in the hands of the estate manager

**Q45 - Do you agree with the circumstances under which the overall 28 day time period should be extended, and the proposal to allow an additional 7 extra calendar days?**

Yes

**Please provide reasons for your answer.**

Only on the basis of information in the hands of the estate manager

**Q46 - What do you think is a suitable volume of information that triggers a possible extension of the date to respond? Provide details**

This should not be specified or defined but for a reasonable assessment to be made in the circumstances. It is not possible for anyone in the context of a set of regulations to insert artificial limits when the context is unknown.

**Q47 - Do you agree that the estate manager should not be responsible for failure to provide information from a third party that it is unable to trace?**

Yes

**Q48 - Do you agree that homeowners should only be allowed to make three requests within a 28 day period?**

Yes

**If no, please explain your answer**

**Q49 - Are there any other situations when, for practical or operational reasons, it is not reasonable for homeowners to request information? Provide details**

No documentation containing personal data should be provided.

**Q50 - Do you agree that the Receiving Party should respond to the estate manager's request within 15 days?**

No

**Q51 - Do you agree that the estate manager should have 28 calendar days to pull together all relevant information for inspection?**

Yes

**Q52 - Do you agree that homeowners should have a maximum of three months after making a request to inspect documents in person?**

Yes

**Q53 - Do you agree with the time period that Receiving Parties should have to make documents available to estate managers?**

Not applicable we consider the concept of Receiving Parties to be overly complicated and unnecessary.

**Q54 - Do you agree with the proposed exemptions to the duty to provide requested information?**

Yes but the exemptions should also include personal data

**Q55 - Are there any additional payable charges which you think should not be regarded as an administration charge?**

**Provide details.**

There should be a de minimis amount say any charge less than £50

**Q56 - Do you agree with proposed structure and content of the administration charge schedule as set out in Annex D?**

Yes

**Q57 - Do you agree that estate managers should make the administration charge schedule available on request, in addition to as part of the annual report?**

Yes

**Q58 - Are there any other situations when estate managers should be able or required to provide the administration charge schedule to homeowners? Provide details**

No

**Q59 - Do you agree that the threshold for which consultation is required should be £600 per homeowner?**

Yes

**Q60 - What do you consider should be the threshold of the total cost of works for which consultation is required? Provide details**

There should not be a total cost; the figure is not relevant, it is per home-owner which is relevant.

**Q61 - Please provide details of costs of very large projects undertaken on privately managed estates to help us make an informed decision.**

We will not provide details because of client confidentiality. But repairs to energy centres can be very expensive indeed.

**Q62 - Do you agree with the proposed consultation arrangements?**

Yes

**Q63 - Do you agree with the proposed information that should be communicated to homeowners at each stage and in the prescribed forms at Annexes F and G?**

Yes

**Q64 - What changes, if any, should we make to improve the consultation process? Provide details**

We agree using the existing leaseholders framework is appropriate: we do however recommend that the thresholds for consultation are increased automatically each year (probably by reference to the annual change in Consumer Price Index) so they remain relevant and appropriate in the long term.

**Q65 - Do you consider that information should only be provided by post or electronically? [Post/Electronically/Both/Other?]**

Other (issue of service should be left to RMC and include by hand)

**Q66 - Are there any issues or concerns around the dispensation process that we should consider? Provide details**

No

**Q67 - Do you agree with the additional information that should form part of a Notice of Complaint?**

Yes

**Q68 - Should the information in the Notice of Complaint be set out in a prescribed and standardised manner as at Annex H**

Yes

**Q69 - Do you agree that the contents of the proposed Final Warning Notice provides sufficient information to the estate manager?**

Yes

**Q70 - Should the information in the Final Warning Notice be set out in a prescribed and standardised manner, as at Annex I?**

Yes

**Q71 - Do you agree that a Final Warning Notice must be given within 12 months of a Notice of Complaint?**

Yes.

**Q72 Do you have any further comments on how the final warning period should operate?**

It is impossible to determine why there would be a delay of over 12 months; there needs to be a way for the estate manager to prevent a final notice which we suggest should be an application to the Tribunal.

**Q73 - Should there be any estate managers for whom the ability to appoint a substitute manager should not apply?**

No though we have considered small RMCs; the cost though of having a commercial manager substitute is sufficient deterrence for unnecessary applications.

**Q74 - Are the government actions in this document sufficient to tackle the injustices homeowners on privately managed estates experience?**

No

We believe that for developments with relatively small areas of amenity open space and low tier play areas/spaces these must be adopted by local authorities and Parish/Town Councils. The cost of RMCs to deal with such small areas is grossly unfair on homeowners.

**Q75 - Outside of amenity adoption by public authorities, what other measures should the government consider to address injustices**

For larger developments not for profit bodies should be the RMCs established to give protection to homeowners. There needs to be an end to this being a profit-making centre.

**Q76 - Do you agree with the proposed limits on administrative costs?**

Yes

**Q77 - Is there any other information or issues that the government should consider when determining an appropriate administration cost?**

No

**Q78 - Do you believe any of the proposals put forward could negatively or positively impact individuals who have a protected characteristic?**

Yes to all as listed

**[If you have answered yes to any of the above] Please explain your rationale and evidence your thinking where possible.**

The reasons for not providing information do not include protection of protected characteristics and they should.

**Q79 - Do you anticipate any environmental impacts from this policy, either positive or negative?**

Yes

**If yes, please elaborate. How could positive impacts be maximised or negative impacts be mitigated or minimised.**

There should be a limitation on providing paper copies of documents. For example, they should only be provided if the recipient does not have access to a computer or smart phone.

**Q80 - Do you anticipate that this policy would be likely to impact the judicial system? Examples could be an increase or decrease in applications to court or tribunals, increasing the length or complexity of cases, and new requirements on judicial recruitment or training.**

It is going to increase the work of the Tribunal since a greater cohort of applicants will have been created (particularly alongside further demands on the Tribunal time with leasehold reform and changes to rents in the private sector for assured tenants).

**Q81 - Do you anticipate that this policy would disproportionately impact local authorities?**

Only if our suggestion of compulsory adoption for smaller amenity areas is taken up.