

**FPRA Response to Consultation Questions raised by
DCLG on
recognising residents' associations, and their power to
request information about tenants**

Q1: Do you agree that the contact information suggested at paragraph 16 should be supplied? If not, what other details should be supplied and why?

Yes in principle

Q2: How frequently should a secretary of a residents' association be able to repeat the request for contact information?

It is suggested that an interval of 12 months should elapse between demands for particulars. This period is suggested because it allows for some change in the body of leaseholders of through sales or other transfers, and a new demand for service charges to have been made, which may change some leaseholders' views. However, The Court or a Tribunal should have power to shorten this period in suitable cases

Q3 Are you content with the process outlined in Diagram A?

Yes

Q4: Do you agree with the timescales for responses outlined in Diagram B? If not, what other timescales would you suggest and why?

Yes, but

(a) The parties should be free to agree a different timescale and

(b) There should be a final cut-off point after which the freeholder can close his file and will no longer be obliged to forward responses from late responders

Q5: Do you agree that the proposed form at Annex A should be used? If not, what changes should be made to the form or what other method or format would you suggest and why?

Yes, provided it is modified to make it clear that the Qualifying Tenant is free to refuse consent

Q6: Do you agree that consent should be sought from the qualifying tenant before the landlord passes on contact information to the secretary? If you do not agree, what reasoning can you present to say why?

Yes. The Qualifying Tenant may reasonably have assumed that the information supplied to the freeholder will be kept confidential

Q7. What justification might be provided for an opt-out, rather than an opt-in, system and what precedents exist to justify this?

See the reply to Question 6. There seems no justification for an opt-out system

Q8: How should the cost charged by landlords be calculated?

It is suggested that s. 116 (2) that CLA 2006 and the Companies (Fees for Inspecting and copying of Company Records) Regulations 2007 provide a workable approach, to the setting of fees permitted to be charged permitted to be charged for supplying a list of tenants.

Q9: Who should pay the costs?

The Tenants Association requesting the information

Q10: What safeguards should be in place so that charges are reasonable?

See the reply to Question 8