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LESSEES THREATENED BY SMOKE-FREE REGULATIONS

As with so much legislation today there is an unfortunate knock-on effect when it comes to those who own or live in long leasehold blocks of flats.

The smoke free regulations, which come into force on 1st July, apply equally to the enclosed communal areas of blocks of flats and the penalties for failing to display the appropriate signage, for smoking in these areas and failing to prevent it are the same as for all other public buildings.

While fully supporting this legislation the Association of Residential Managing Agents (ARMA) is concerned about the impact on lessees and their residents management company (RMC) if they have one in place; there are currently 60,000 such companies registered at Companies House.

David Hewett, executive secretary of ARMA, explains: "Residential freeholders are not affected by this legislation but lessees are and many may very well object to having their block festooned with the obligatory signage. Then there is the question of enforcement – will RMC directors or their managing agents have to mount a regular patrol to ensure that residents do not smoke in the communal areas and what action can they take?"

"Finally, we very much hope the authorities will have a light touch approach as fining the RMC £2500 for failing to prevent smoking in these areas could put many such companies into liquidation."

To help RMC directors and lessees generally, ARMA has produced a Lessee Advisory Note on the regulations. The note explains the impact they will have on the block and individual flat owners, the required signage and the enforcement procedures and penalties; it also provides a useful list of further information sources.

"We have prepared this advisory note for the use by RMC directors and for distribution to their lessees" concludes Hewett. "All you have to do is go to www.arma.org.uk and click on 'Downloadable Publications' to download a copy."

Formed in 1991, ARMA is the only body in England and Wales to focus exclusively on matters relating to the block or estate management of long leasehold residential property. With over 180 corporate members managing in excess of 750,000 units in an estimated 30,000 blocks of flats or estates (at least 60% of which are lessee-controlled properties), the Association's founding principal aims are to represent the interests of and improve standards for lessees, resident management companies and investor freeholders.

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