

Warrington Borough Council

A Guide for its Business Tenants

A Guide for Tenants

Warrington Borough Council (WBC), as a major landlord, is committed to achieving and maintaining a positive and constructive relationship with its tenants.

This Code of Practice sets out the Council's responsibilities and those of the tenant. It is intended as a guide to the main terms of your lease, but does not alter any contractual obligations placed on either the Council (as landlord) or you (as tenant).

WBC aims to provide a courteous and helpful service to all tenants and their representatives at all times. Staff are available to discuss any matters relating to your tenancy at any time during normal office hours.

If you wish to discuss a specific matter with the surveyor for your property, please do not hesitate to make contact.

Professional Advice

This code is not intended to replace professional advice. You are strongly recommended to seek independent professional advice on matters affecting your tenancy.

A lease is a legally binding contract between the parties and sets out the basis of your occupation of Council property. The Council expects its tenants to comply with the legal obligations they have agreed to observe.

This document does not constitute any form whatsoever to that of legal or professional advice to third parties in dealing with property related matters. Should you require further assistance in such matters the Council directs you to the Law Society at www.lawsoc.org.ouk or the Royal Institution of Chartered Surveyors (RICS) at www.rics.org.uk, who will be able to provide you with details of members who would be prepared to assist you.

Contact with the Council

WBC's commercial properties are managed by the Property & Facilities Team within the Corporate Services Directorate.

Each property is allocated to a member of the team. You will be told the name of the surveyor assigned to manage the property. This surveyor is responsible for

the management of the building and should always be our first point of contact for queries about your tenancy.

We will also try to ensure that your named surveyor handles any rent review or lease renewal for your tenancy, but sometimes this may not be possible. If we employ a commercial agent to act on our behalf their appointment will specify that they comply with this code.

Rent

Your lease will specify the amount of rent payable and the dates on which payment is due. Most leases specify that interest will be charged on late payment. Non payment of rent is a serious breach of the tenant's covenants and there are various remedies available to a landlord which will be pursued. Generally the lease will require the rent to be paid 'quarterly, in advance'. The usual quarter days are:

March 25th, June 24th, September 29th and December 25th however please check your lease to clarify the payment intervals.

The Council recommended you to pay your rent by standing order. Please contact WBC's Income Section on 01925 442328 for details or email www.revenquiries@warrington.gov.uk.

Rent Reviews

Your lease will set out the procedure and timescale when the rent is subject to review. The Council will endeavour to serve the rent review notice indicating the proposed rent on review before the relevant date. As a tenant, you may start the rent review procedure yourself and you should contact the surveyor for your property or your professional advisor.

Negotiations will be conducted either direct with you or through your professional advisor. If you wish to represent yourself, the Council will explain to you fully the basis on which we have calculated the proposed new rental level.

In most cases the new rent is based on the 'market value' (ie what it is worth on the open market) based on local comparable evidence.

If negotiations fail to result in an agreement, the lease usually allows the rent review to be determined by an independent third party in accordance with the Royal Institution of Chartered Surveyors RICS Arbitration/Independent Expert Procedure. A guide to the RICS Dispute Resolution Service is available either direct from the RICS website address: www.rics.org.uk or Tel: 0870 3331600.

The procedure allows each party to present the evidence on which they are relying.

Lease Renewals

The procedure and time scale for lease renewals are governed by the relevant 'landlord and tenant legislation'. The majority of the Council's commercial properties are occupied under business tenancies, which continue until terminated by the service of the relevant notice by either landlord or tenant.

You are advised to take legal advice if you receive any such notice, as the relevant legislation sets out a strict timetable. It is important that you respond within the time allowed and in the appropriate format. Further details are given on the back of the notice but we cannot stress strongly enough the importance of taking legal advice so that you protect your rights to a new tenancy. The future security of your business premises depends upon your response to the notice.

Repairs

The terms of your lease will determine the extent of the Council's and your responsibilities. At the end of the lease we will inspect the building. If any repairs are necessary that are your responsibility we will serve you with a Schedule of Dilapidations, listing the work you will need to do.

Breaches of Covenant

Any breach of the terms and conditions of the lease (the 'covenants') may result in enforcement action being taken against you. Should a dispute arise you will normally be invited to discuss any breaches of covenant with the surveyor for your property. If, however, a satisfactory resolution of the problem cannot be reached, then we will have no option but to instruct solicitors in the matter. The Council will, however, make all attempts to resolve the matter with you.

Assignments and Sub-Letting

Not all leases permit assignment or sub-letting but where this is permitted it is necessary to make an application to sub-let or assign the lease. We will need references and detailed financial and trading information for the proposed new occupier including a credit check with a credit reference agency. The purpose of this is to establish that they will be a suitable tenant and we may wish to meet them as part of this process. Applications to assign or sub-let are governed by legislation and, as the landlord, we are required to respond within a reasonable period.

Alterations to the Property

The lease will specify the type of alterations which may be carried out to the property and when the Council's consent as landlord is required.

You may also need to apply for planning permission, listed building consent and any other statutory consent which may be required. As landlord, we will require three copies of detailed drawings showing your proposals, a specification of the proposed works and a copy of the statutory consents. Applications for landlords consent should be made to the Environment & Regeneration Department, Property Services, New Town House, Buttermarket Street, Warrington WA1 2NH
Tel: 01925 442854.

Financial and Other Difficulties

It is in the best interest of both you and the Council that, should you find yourself facing financial or other difficulties in connection with the building you occupy, you discuss the matter as soon as possible with the surveyor for your property. We will do everything we can to help resolve the issue, but we can only help if we are aware of the problem. Any matter that is discussed will be treated in confidence.

Complaints

Should you have any complaint about the Council as landlord please let us know and we will do our best to put it right. In accordance with the Council's complaints procedure, details of which can be obtained from any Council office.

Contact

For further information, contact:

Property & Facilities
Corporate Services
Palmyra House
Palmyra Square North
Warrington
WA1 1JN

Telephone: 01925 442854
Facsimile: 01925 442868
E.mail: propertyservices@warrington.gov.uk