

From: Dan Knowles <danknowles@sawyerfielding.co.uk>
To: Chambers, Simon <Simon.Chambers@southwark.gov.uk>
Cc: Beverley Robinson <*****@yahoo.com>
Sent: Monday, January 8, 2018 04:57:35 PM GMT
Subject: Aylesbury estate surveyors fees

Simon,

Happy new year.

I've just got off the 'phone with Beverley Robinson from the leaseholders group. She is one of a number who want to instruct us but are waiting on us reaching a fee agreement before being able to do so.

We spoke just after your e-mail from 15th November and you were going to speak with colleagues and consider our discussion before coming back to me.

As we discussed, we can't accept a fixed fee or one that has a review after a number of hours. Both would bring into question our duty of care to our clients and in the latter case, could leave us vulnerable to no additional fees being paid where additional work was required. In determining what a reasonable fee is, it would seem inappropriate to attach no weight to what the company in question charge time and time again elsewhere and what the courts have set. They should be the primary factors in determining what is reasonable, not what other Surveyors Southwark have paid before charge. Indeed, the only time I'm aware Surveyors fees for a Southwark case have been assessed in court, the award was close to double what is being now offered. That is despite the Surveyor in question being criticised by the court in it's judgement.

Fees need to be either hourly rated without a review (which amounts to the potential for a cap) or as a percentage of the purchase price. We often work on the basis of a valuation fee of £750+VAT payable upon production of the report and then the remainder paid upon agreement or completion of a sale.

The Lands Chamber decisions are certainly persuasive but are not binding and are of course now somewhat outdated. A more recent case at the Heygate estate has provided further

information. The 10% adjustment for blight was on the facts of the case in question for a one bedroom property.

I have copied in Beverley Robinson for her information so she can see the current position on fees. Beverley mentioned that you had been trying to get hold of me. Apologies that you've been unable to. I hadn't received any e-mails or messages from the office that you had called at times I'd been away.

I would hope that we can get this resolved so myself and a colleague or two can start working on the estate sooner rather than later.

I am aware that Carter Jonas act for the Council and am negotiating about 30-40 cases with them elsewhere at the moment. I am due to meet their Surveyor Simon Webb on Wednesday for discussions on other estates. It would help for him and I to discuss the Aylesbury Estate (if you wish to speak with him beforehand), then I am happy to do so.

Kind regards

Dan Knowles MRICS

RICS Registered Valuer

Director

Direct Dial: 020 3011 5308

Mobile: 07901 666078

Web: www.sawyerfielding.co.uk

E-mail: danknowles@sawyerfielding.co.uk

Sawyer Fielding Ltd

9 Galley House, Moon Lane, Barnet, Greater London, EN5 5YL

From: Chambers, Simon [mailto:Simon.Chambers@southwark.gov.uk]

Sent: 15 November 2017 11:40

To: Dan Knowles <danknowles@sawyerfielding.co.uk>

Subject: RE: Last email with attachments (I hope)

Dear Dan,

Thank-you for your email and apologies it has taken me a while to come back to you.

As we discussed on the phone a large number of these properties are similar in size and construction. There were also two determinations in December 2014 by the Upper Tribunal (Lands Chamber) concerning the valuation of properties on this Estate. These decisions basically provide that the value of concrete properties on the Estate shall be based on market sales on the Estate not involving the Council with a 10% addition for blight. In the light of the valuation guidance from the Tribunal it is the Council's view is that in principle it should therefore not take long for you to advise your prospective clients and complete negotiations.

Whilst appreciating that you have acted for a number of clients on Compulsory Purchase and so do have extensive experience in these matters across other local authorities your fee proposal seems disproportionate to what other surveyors are charging for similar work on the Aylesbury estate. I would also have thought that having a number of clients for which you are acting for, would serve to reduce your costs per property?

In dealing with the vast majority of surveyors acting for leaseholders on the estate the Council is in the main reimbursing surveyors fees in respect of experienced compensation surveyors in the region of £200 per hour or less with a review at 10 hours, or a fixed fee of £1,800 to £2,000 per property. I am not sure how your proposal greatly differs from services that other experienced CPO surveyors may be able to offer their clients for what would appear to be considerably less.

I am however happy to have a further conversation to see if we might be able to reach an agreement.

I look forward to hearing from you.

Kind Regards,

Simon Chambers

Regeneration Manager

Regeneration South

Southwark Council

Tel: 0207 5257495

From: Dan Knowles [<mailto:danknowles@sawyerfielding.co.uk>]

Sent: Tuesday, November 14, 2017 4:54 PM

To: Chambers, Simon

Subject: RE: Last email with attachments (I hope)

Hi Simon,

How are you getting on with this please?

Kind regards

Dan Knowles MRICS

RICS Registered Valuer

Director

Direct Dial: 020 3011 5308

Mobile: 07901 666078

Web: www.sawyerfielding.co.uk

E-mail: danknowles@sawyerfielding.co.uk

Sawyer Fielding Ltd

9 Galley House, Moon Lane, Barnet, Greater London, EN5 5YL