



If a complaint has failed and you own a flat in a block owned or managed by a Local Authority, you can ask your MP to refer the matter to the Local Government Ombudsman on your behalf. There is a Local Government Ombudsman service, or equivalent, in England, Scotland, Wales and Northern Ireland.

**England**

The Local Government Ombudsman  
[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

**Wales**

Public Service Ombudsman for Wales  
[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**Scotland**

Scottish Public Services Ombudsman  
[www.spsso.org.uk](http://www.spsso.org.uk)

**Northern Ireland**

The Assembly Ombudsman for Northern Ireland  
The Northern Ireland Commissioner for Complaints  
[www.ni-ombudsman.org.uk](http://www.ni-ombudsman.org.uk)

Where a block is owned or managed by a Housing Association or Registered Social Landlord, you can complain to the appropriate Housing Ombudsman. They will expect you to have been through the organisation's internal complaints procedures before they will get involved.

**England**

The Independent Housing Ombudsman Service  
[www.ihos.org.uk](http://www.ihos.org.uk)

**Wales**

Welsh Assembly Government  
[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**Scotland**

Scottish Public Services Ombudsman  
[www.spsso.org.uk](http://www.spsso.org.uk)

**Northern Ireland**

Northern Ireland Housing Executive  
[www.nihe.gov.uk](http://www.nihe.gov.uk)

**Further Advice and Information**

Help may be available for flat owners through a local Housing Aid and Advice Centre, Law Centre or a Citizens' Advice Bureau ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)). Information for tenants can be found at [www.digitaluk.co.uk/propertymanagers](http://www.digitaluk.co.uk/propertymanagers)

For more information on the digital TV switchover contact Digital UK:  
Call us 08456 50 50 50\*  
Visit us [digitaluk.co.uk](http://digitaluk.co.uk)

Digital UK is working with:



\*Calls are free for BT customers within inclusive calling plans. Call charges from other providers may vary. The standard business hours for Digital UK's contact centre are 9am to 7pm Monday to Friday and 10am to 4pm on Saturday. Opening hours will be extended during switchover in each area. **get set for digital**

# Calling all flat owners

## Getting your communal TV aerial ready for switchover



CAFO 04/08 v.1






# What is the digital TV switchover?

TV services in the UK are going digital, TV region by TV region. It started in 2007 in Whitehaven, in Cumbria and will be followed by the rest of the UK between 2008 and 2012. This process is called the digital TV switchover. To find out when your TV region will be affected go to [www.digitaluk.co.uk](http://www.digitaluk.co.uk)

## What does switchover mean for flat owners?

If you own a flat where the aerial is shared with other households it is possible that TV signals are received through a communal aerial system. Many of these systems will need to be upgraded or adapted to receive a digital TV signal. This is in addition to the TV equipment that may need to be upgraded or adapted to receive digital TV. As a flat owner, you should make sure that the communal TV aerial system serving your flat is checked and, if necessary, upgraded to receive digital TV signals. Otherwise, you or your tenants could be left with a blank TV screen after switchover.

There are different ways that homes can receive digital TV:

|   |   |  |
|---|---|--|
|    | <b>Through an aerial</b>                  | e.g Freeview                           |
|    | <b>Through an aerial &amp; phone line</b> | e.g BT Vision                          |
|    | <b>Through a phone line</b>               | e.g Tiscali TV                         |
|   | <b>Through a satellite</b>                | e.g. Sky TV, freesat, Freesat from Sky |
|  | <b>Through a cable</b>                    | e.g Virgin Media                       |

## What do I need to do?

If your communal system needs attention, you, along with the other owners in the block, will need to consider and consult with your freeholder, property manager or factor as to what options are available and how it is going to be paid for. Some systems that solely receive analogue terrestrial signals can be upgraded for Freeview, but will not be able to carry satellite TV services. If the existing

system is old or in poor condition and the cabling needs to be replaced, it is worth considering an Integrated Reception System (IRS) that will support Freeview and satellite TV services. Although more expensive, increasingly those responsible for managing blocks of flats are installing an IRS that will support Sky+ and freesat, as it also offers additional features such as interactive services.

## Who is responsible for doing the work and paying for it?

**1** Check your lease, title deeds or transfer document to see who is responsible for the communal TV aerial. If you live in a block of flats then it will normally be the freeholder, property manager, managing agent, factor, residents' association or

the owners collectively who are responsible for organising and carrying out the work, with the costs being re-charged and recovered from all owners. Speak to whoever is responsible about their plans for the digital switchover.

- 2** If there is nothing in your lease, title deeds or transfer document about who is responsible for any works to the communal aerial, look at the service charge schedule. If provision or maintenance of TV services or infrastructure is listed, your freeholder, property manager or factor is responsible but will usually be entitled to recover the costs of the upgrading works from you and the other flat owners.
- 3** If nothing is listed, but the property has a communal TV system maintained by your freeholder, property manager or factor, it may be maintained as part of the infrastructure of the building, as an implied covenant. In older blocks this could cause problems if the system needs to be replaced but there are no mechanisms in place to undertake and recharge the costs of the specific works. It will be necessary for the owners, property manager or factor to decide a way forward following consultation with all interested parties. There are differing legal requirements across the UK and it is important that due consideration is given to the property law as it applies where the block is situated.
- 4** For many flat owners the lease, title deeds or transfer documents may not allow you to put up individual aerials or satellite dishes. This

could be for a number of reasons - potential damage to the building, inappropriate siting, planning constraints or health and safety issues. If you install a dish or aerial without permission, you are likely to be in breach of your lease or title deeds. If you are allowed to put up your own aerial or satellite dish, then you are responsible for maintaining it, but you could still have to contribute your share of the costs of upgrading the communal TV aerial.

- 5** The freeholder, property manager or factor however, needs to ensure that access to TV signals is maintained. The Communications Act 2003 s.134 says that consent may not unreasonably be withheld where someone wishes to install equipment themselves. The installing of an IRS system is popular because all flats can be connected to satellite services without the need for individual dishes or aerials. SkyHomes offers a communal free shared dish option that is a popular low cost solution in the private housing sector. It does, however, require everyone who wants to access the service to take up a minimum subscription.
- 6** Whatever you do, don't leave it to the last minute. Speak to your freeholder, property manager or factor about their plans now.

## What can I do if I am not happy about the way the freeholder, property manager or factor is dealing with the upgrade to the communal aerial system?

You can act independently but if there is a residents' association who could represent your views, you and the other owners could act together through them to talk to or petition your freeholder, property manager or factor. Flat owners' views should be taken into account when arriving at a decision regardless of whether there is a legal requirement to do so. However, it is not always possible to arrive at a consensus and the person responsible will have to make a decision. In England and Wales, leaseholders may have recourse to a Leaseholder Valuation Tribunal to challenge the decision or proposed course of action. In Scotland, the Tenements Act provides some protection for flat owners.

If your freeholder, property manager or factor is unwilling to check or upgrade your communal aerial system then contact your MP or local councillor and ask for help in persuading them to take action.