

Any views or opinions presented in this newsletter are solely those of the author and do not necessarily represent those of UKLAP/LLAS or our partners. UKLAP/LLAS accepts no liability for the content of the articles or for the consequences of any actions taken on the basis of the information provided.



# Welcome

*The 22<sup>st</sup> Edition of* 06 2013  
the London Landlord 

## Welcome to the latest edition of the London Landlord

The long threatened Universal Credit commenced in the North East on 29 April 2013, and will be introduced nationwide in phases from 2013 through to 2017. All new claimants will be placed on Universal Credit from October 2013 and all existing claimants will be migrated to the new scheme by 2017.

Universal Credit is a new, “simpler”, single monthly payment for working age people in work

or out of work, which replaces and combines a number of benefits including Income Support, Working Tax Credits and most importantly for landlords – Housing Benefits.

Claimants would have to claim online and will receive a maximum of £500 per week for couples or £350 per week for single claimants. For many living in high rent areas this will be a significant reduction in income, which could impact on rent arrears.

The pathfinder areas are trialling the new scheme and there is a possibility that their experience may influence its final format. One area which the sector will be looking at with interest is whether payments will be made directly to landlords. The Department for Work and Pensions latest circular does allow direct payments to landlords during the pathfinder, but we will have to wait and see whether this will be extended to cover Universal Credit once it is fully operational.

Late last year the UKLAP was successful in its bid for financial assistance to help landlords undertake training and obtain assessments in connection with the Green Deal. The Green Deal is the Government’s flagship initiative to retrofit buildings with energy efficiency measures at no upfront cost to the owner, landlord or occupier.

Due to a delay in the launch of the software a few problems occurred with getting assessments carried out earlier this year. So far over 200 landlords attended training on the Green Deal and more than 252 assessments have been carried out. The feedback so far, generally has been positive and supportive of the Green Deal concept. The Cash Back Offer for Green Deal assessments is still on going until end of July 2013. Thank you to all who have so far participated in the Green Deal Project.

## Inside this issue



- ▶ *Forward by Dave Princep*
- ▶ *Tessa-Solicitor - Why homelessness units advise tenants to wait for a possession order!*
- ▶ *Update: landlord immigration responsibilities clarified*
- ▶ *Benefit Cap Update*
- ▶ *Squatters Legislation*

Finally I am pleased to announce that the next **UK Landlord Accreditation Partnership Conference & Award Ceremony is to be held on 28<sup>th</sup> March 2014 at the Thistle Hotel** and will follow a similar format to the inaugural ceremony held in 2012. The first UK Landlord Accreditation Partnership Conference & Award Ceremony was a resounding success and all those who attended both enjoyed the event and found the event relevant and useful. More information will be available over the coming months, but make a note in your diary and I hope to see you there. For further information and to book your seats please visit [www.llas-conference.org.uk](http://www.llas-conference.org.uk)

Regards  
Dave Princep (Chair of UKLAP & LLAS)

The UK Landlord Accreditation Partnership (UKLAP) will be hosting the  
**Challenges and Growth in the Private Rented Sector Conference & Award Ceremony on Friday 28 March 2014**  
**At The Thistle Hotel Marble Arch, Bryanston Street, London W1H 7EH**

This prestigious & successful event will be held to celebrate the success of the UKLAP & the London Landlord Accreditation Scheme (LLAS)/UKLAP which has been running for over nine years and has over 12,000 members and over 1000 letting and managing agents.



**This Must attend event will also comprise of:**

- + Champagne reception and chance to meet with fellow professional landlords and agents;
- + Opportunity to network with sponsors of the event;
- + VIP speeches by leading experts;
- + Landlords & agents earn 10 CPD points by attending;
- + Three course dinner;
- + Landlords & agents earn 10 CPD points by attending;
- + Celebrate and share good practice;
- + Relax and enjoy the company of other like-minded professional property investors from all over the UK in the splendour of the fabulous surroundings of Edinburgh Suite;
- + Pre and after dinner entertainment.

**Easy to book details:** Either go to [www.llas-conference.org.uk](http://www.llas-conference.org.uk) and apply on line or complete the attached application form and send together with a cheque payable to London Borough of Camden and send to: **LLAS C/O Private Sector Housing Team, Housing and Adult Social Care, London Borough of Camden, 2nd Floor, 38-50 Bidborough Street, London WC1H 9DB**

# Event and Sponsorship Booking Form

I would like to reserve (say how many) ----- ticket(s)

I would like to reserve a table for (say how many) ----- people

I would like to sponsor the following (Please tick all that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> In Association with UKLAP Platinum Package: <b>GBP £5000.00 SOLD</b>         | <input type="checkbox"/> Award Sponsorship Package: <b>GBP £1000.00</b>                                     |
| <input type="checkbox"/> Gold Package: <b>GBP £4000.00</b>  | <input type="checkbox"/> Keynote Speaker Sponsor: <b>GBP £950.00</b>  |
| <input type="checkbox"/> Silver Package: <b>GBP £3000.00</b>  | <input type="checkbox"/> Entertainment: <b>GBP £850.00</b>  |
| <input type="checkbox"/> Champagne Drinks Reception: <b>GBP £1500.00 SOLD</b>                         | <input type="checkbox"/> Table Sponsor: <b>GBP £850.00</b>  |
| <input type="checkbox"/> Event Brochure: <b>GBP £1500.00</b>  | <input type="checkbox"/> Table Gifts: <b>GBP £850.00</b>  |
| <input type="checkbox"/> Award Ceremony Dinner: <b>GBP £2250.00</b>                                   | <input type="checkbox"/> Conference and Award Ceremony post event Highlights Newsletter: <b>GBP £950.00</b> |
| <input type="checkbox"/> Award Dinner Wine: <b>GBP £1950.00</b>                                       | <input type="checkbox"/> USB/Memory Sticks: <b>GBP £650</b>   |
| <input type="checkbox"/> Delegate Pens: <b>GBP £1150.00</b>   | <input type="checkbox"/> <b>£80 for a regular ticket for the event</b>                                      |
| <input type="checkbox"/> General Event Sponsor: <b>GBP £200.00</b>                                    | <input type="checkbox"/> <b>£55.00 for accredited landlords and agents</b>                                  |
| <input type="checkbox"/> Event Promotional weekly updates to landlords and agents: <b>GBP £400.00</b> | <input type="checkbox"/> <b>£45 for local authority staff members</b>                                       |

## CONTACT DETAILS

.....

Contact Name: \_\_\_\_\_  
Position: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Authorised Signature: \_\_\_\_\_  
Print Name \_\_\_\_\_

**All cheques to be made payable to the London Borough of Camden**

**By Email:** [llas@camden.gov.uk](mailto:llas@camden.gov.uk) **By Fax:** 020 7974 6707

**By Post:** Jessica Alomankeh (LLAS/UKLAP Projects Coordinator)

LLAS, London Borough of Camden, Private

Sector Housing Team, 2nd Floor

38-50 Bidborough Street, London WC1H 9DB

*Please refer to Terms & Conditions [www.llas-conference.org.uk](http://www.llas-conference.org.uk)*



# Buy2Lease



A new Help2Let  
scheme for  
landlords

Let us  
do all the  
work

If you would like up to £5,000 financial help to buy a rental property in Harrow, this scheme is for you. This offer is to encourage growth in Harrow's private rented sector.

- Includes full management service
- 5 year lease - guaranteed payments paid 3 months in advance
- Offering you financial security and worry free letting
- Advice on property you are thinking of buying
- Money available now!

\*Terms and conditions apply



Call us on 020 8424 1605  
Email [landlords@help2let.co.uk](mailto:landlords@help2let.co.uk)  
[www.help2let.co.uk](http://www.help2let.co.uk)

Landlords, we have other schemes available. Call us for more details.



## Landlord Law – online legal support for landlords, advisors and agents

From specialist solicitor Tessa Shepperson, get peace of mind knowing help is always at hand

### Tenancy Agreements:

- Choose from over 25 professionally drafted templates with our online guide
- Then customise the forms to suit the circumstances of your tenancy

*"I love how clear and easy to understand your tenancy agreements are" Mo B, Landlord, Clapham*

### Repossession service:

- Possession notices with detailed guidance to prevent expensive errors
- Unique 'do it yourself' litigation kit – save money and get a possession order yourself without using a solicitor (+plus members only)

### Information and 'one to one' help:

- Extensive FAQ and articles on landlord & tenant law and practice
- Your questions answered by Tessa via the members forum
- Additional fixed fee and telephone advice can also be purchased

Take control with Landlord Law! Join online at [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk) Membership £20 / month or £180 / year

*Yvette Newbury, landlord: "Your website gives me the courage to do things by myself"*

## Solicitor Tessa Shepperson answers landlords FAQ, This issue: What is the tenancy deposit prescribed information?

Many landlords do not realise that if they take a tenancy deposit, protection with a scheme is NOT the only thing you have to do.

You also have to serve the 'prescribed information' on your tenants.

### What is this?

Basically it is information for the tenant about where their deposit has been protected and about their rights under the scheme.

Note by the way that it is the Information that is prescribed; there is no actual prescribed form for this. So long as you get the information required to the tenant (and are able to prove this), it does not matter what form you use or how you do it.

The tenancy deposit schemes all provide help for their landlords with this. For example some have leaflets you need to give your tenant which has information about the scheme being used and what tenants need to do about adjudications. You then just have to provide the rest of the information to the tenant – this is mainly telling them where in the tenancy agreement the tenancy deposit clauses are.

Some schemes provide you with a form you can use which gives all the information. For example the DPS have a form on their website, and TDS provide a form to landlords using one of their schemes.

### Is all this really necessary?

I am afraid so. There was a Court of Appeal decision last year (the case name is *Ayannuga v Swindells*) regarding a landlord who protected his tenants deposit and provided most of the prescribed information. However he did not provide all the information as he thought it was not necessary – after all it was all there on the internet and the tenant could easily find it out for himself.

The Court of Appeal however made it clear that it is necessary for landlords to provide ALL the information to tenants – it is important as it tells tenants how they can seek to recover their money and how they can dispute deductions, without having to go to court.

So the landlord lost his claim for possession and was ordered to pay the penalty payment to the tenant for non-compliance with the regulations.

### What you need to do and why

So make sure that YOU have served all the necessary information on your tenant. Remember that you only have 30 days to do this from the date the money is paid to you, so don't delay.

If you don't serve the information within this time, not only will you not be able to serve a valid section 21 notice - the tenant will be able to sue you for the penalty of up to three times the deposit sum.

If you serve the prescribed information late, you will then be able to serve your section 21 notice. However late service of the prescribed information will not protect you from a claim for the penalty award by the tenant.

I would advise that you arrange for the information to be served at the same time as you protect the money – which should be as soon as possible after you are paid the money. Then you will not forget.

© Tessa Shepperson 2013

Tessa Shepperson is a solicitor and author, and runs the popular Landlord Law site at [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk). She also blogs at [www.landlordlawblog.co.uk](http://www.landlordlawblog.co.uk)



## London Borough of Tower Hamlets 2013 Landlord Forum Dates

Date: Wednesday 9 October 2013

TIME: 13:00 P.M - 16.30 P.M

Venue: Albert Jacob House, Room 101, 62 Roman Road, London E2 0PG

Refreshments and lunch will be provided.

To register your interest Please call: Noella or Rehana on 020 7364 3578/3558. Or email: [noella.ling@towerhamlets.gov.uk](mailto:noella.ling@towerhamlets.gov.uk) Rehana: [rehena.begum@towerhamlets.gov.uk](mailto:rehena.begum@towerhamlets.gov.uk)

### London Borough of Hillingdon Private Sector Landlords Forum 2013 Dates

Meeting Time is 18:00 - 21:00 hours

Tuesday 10th September 2013

Tuesday 3rd December 2013

All forums will be held in Committee Room 6

at the Civic Centre, High Street, Uxbridge, Middlesex. UB8 3UA

### Landlords, do you have a vacant house or flat in West London?

West London councils want to help you bring it back into use. In some cases **grants are available** to help with the costs.

Please contact the Empty Property Officer in the relevant borough for details:

| Local authority | Name                | Telephone     |
|-----------------|---------------------|---------------|
| Brent:          | Hannah Worsfold     | 020 8937 2539 |
| Ealing          | Elizabeth Ukiomogbe | 020 8825 6229 |
| LBWF            | Martin Perrigo      | 020 8753 1476 |
| Harrow          | Driss Charrouf      | 020 8424 1953 |
| Hounslow        | Keith Dickens       | 020 8583 4657 |
| RBKC            | Richard Clark       | 020 7341 5753 |
| Hillingdon      | David Youngs        | 01895 277437  |

### Advertising opportunity With the LLAS

Landlords and Agents can advertise their services with the LLAS at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) visit: [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) or Telephone: 020 7974 1970/020 7974 6975

We would like to invite you to our first Landlord Fair at the new Brent Civic Centre on 18 July.

Venue: Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ (opposite Wembley Arena)

Date: 18 July

Time: 3 – 8pm

The Fair will cover a range of interesting topics such as: the Green Deal, tax advice, planning advice and the welfare reforms.

There will also be a number of free seminars on relevant landlord issues and we will have representatives from the private sector, registered providers, and housing staff who will be on hand to answer any queries.

If you would like to attend the Landlord Fair, please email [Saleema.nuraney@brent.gov.uk](mailto:Saleema.nuraney@brent.gov.uk) so we have an idea of the number of people wishing to attend.

For further information, exhibitors list and a programme of seminars, please check [www.brent.gov.uk](http://www.brent.gov.uk) nearer the time.



[www.brent.gov.uk/rwb](http://www.brent.gov.uk/rwb)



## HELP2LET LANDLORD CONFERENCE

Tuesday 2 July 2013

Council Chamber 6.30 pm – 8.30 pm

Harrow Council, Station Road, Harrow, HA1 2XY

This Forum will be devoted to the changes coming about due to the Welfare Reform and how Help2Let will be supporting landlords.

Representatives from Housing Benefit will be available to answer your questions. This is an excellent opportunity to meet the Help2Let Team and network with Harrow landlords.

For further information, please email Marie O'Shea [marie.oshea@harrow.gov.uk](mailto:marie.oshea@harrow.gov.uk) or telephone 020 8424 1605

Details of Help2Let Landlord Services are on our website [www.help2let.co.uk](http://www.help2let.co.uk)

# Help some of London's most vulnerable people while receiving guaranteed rent



London based charity, Broadway Homelessness and Support, set up specialist lettings agency, Real Lettings, in 2005 in response to the lack of suitable housing available for homeless people and those at risk of losing their homes.

Real Lettings leases properties from private landlords and lets them to people in housing need, offering landlords guaranteed rent with full management and maintenance cover.

Property consultant and presenter of TV's Location, Location, Location, Phil Spencer, is a patron of Broadway and has been involved with Real Lettings since it was established six years ago. He said: "The beauty of the scheme is that not only does it help the homeless find a place to live, but from a commercial point of view it also makes sense for landlords."

"A standard landlord has to take lots of risks. They have to source a tenant or get a letting agent to do it, paying a hefty commission in the process. They then have to arrange the ongoing servicing of the property, and when the old tenant vacates they often have to redecorate and start the whole process again.

"The joy of Real Lettings is that it guarantees the rent and covers all void periods as well as returning the property in as good a condition as it was let. That's a pretty good deal for landlords."

Real Lettings tenant, Louise agrees that Real Lettings is a great service: "Before I was referred to Real Lettings I was living in a room in a B&B with my two year old daughter sharing a kitchen and bathroom with lots of people."

Louise moved to London with her daughter for work but found the high rents crippling so stayed temporarily with a friend. When she could no longer stay with her friend and after losing her holding deposit to a letting agency she found herself with no where to go. She applied to her local authority and they placed her in a B&B.

Louise was then referred to Real Lettings and within three months she had a two-bed ground floor flat. She said: "My daughter now has her own room and a garden to play in. I want to be a strong role model and I've always worked hard. All I needed was a helping hand."

**Real Lettings is a registered social enterprise. Every penny of profit it makes is donated to Broadway Homelessness and Support.**

For more information visit the Real Lettings website [www.reallettings.com](http://www.reallettings.com) or contact the Real Lettings team on 020 77100660 or at [reallettings@reallettings.com](mailto:reallettings@reallettings.com)



020 7710 0550

[info@broadwaylondon.org](mailto:info@broadwaylondon.org)

[www.broadwaylondon.org](http://www.broadwaylondon.org)

[@Broadwaycharity](https://www.instagram.com/Broadwaycharity) [f Broadwaycharity](https://www.facebook.com/Broadwaycharity)

Registered charity no. 274403



# Calling all landlords

## Do you have a property to let?

Then why not contact us immediately? We offer:

- cash incentives
- housing benefit fast tracked and paid directly to you for properties in Brent
- advice on tenancy issues
- competitive rents.

We currently have a high demand for all sized properties in and out of Brent

To find out more about our schemes and incentives, call us now on 020 8937 2777 email [landlords@brent.gov.uk](mailto:landlords@brent.gov.uk)

[www.brent.gov.uk/rwb](http://www.brent.gov.uk/rwb)



## Do you have a property to let?

### The Finders Fee Team are here to help let your property

We offer:

- competitive rents
- good rental demand
- no fees
- free advice and assistance
- tenancy support service

For further information and free advice please call the Finders Fee Team on **01895 277600** or **250399**.

Alternatively email them on [findersfee@hillington.gov.uk](mailto:findersfee@hillington.gov.uk)

We have clients waiting to move into property **now!**



**HILLINGDON**  
LONDON

[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## New Local Housing Allowance Rates from April 2013

Local Housing Allowance (LHA) is a flat rate allowance paid to housing benefit claimants. It is updated annually, each April. The first annual update of LHA rates, since they were frozen in April 2012 took place in November 2012; and the new rates came into effect in April 2013.

LHA applies to private sector tenants who make a new claim for housing benefit or those claiming housing benefit who change address. It also applies to tenants on housing benefit who move from the social sector into private sector accommodation. **For more information visit [www.voa.gov.uk/lhaapril2013](http://www.voa.gov.uk/lhaapril2013)**



**LandlordZONE**  
RENTAL PROPERTY KNOWLEDGE  
[www.LandlordZONE.co.uk](http://www.LandlordZONE.co.uk)

Since 1999 - A website for Landlords, Agents & Tenants - a knowledge-base for practitioners, a marketplace for buyers & suppliers. Free access to all - around half a million visitors each month we host the UK's busiest Rental Property Q&A Forum.



**TenantVERIFY**  
Tenant Checks and Referencing  
[www.TenantVERIFY.co.uk](http://www.TenantVERIFY.co.uk)



**LandlordMONEY**  
SECURE PROPERTY FINANCE  
Mortgages & Finance for Landlords  
[www.LandlordMONEY.co.uk](http://www.LandlordMONEY.co.uk)

# Do you have a property to let in west London?



**London Borough  
of Hounslow**

Over one thousand landlords, already trust our experienced lettings team to find tenants for all types of accommodation. We offer two schemes:

### Let-Start *Leasing*

- Long-term guaranteed rent with Private Sector Leasing (PSL)
- Full property management
- A damage guarantee
- Returned with vacant possession
- Zero percent fees, free landlord service

### Let-Start *Scheme*

Rent for free through Let-Start self management service

- £1000 introduction incentive on every tenancy
- Free introduction and inventory service
- One month deposit bond
- Property improvement grants - up to £3000

To register your property or for more information email [landlords@hounslow.gov.uk](mailto:landlords@hounslow.gov.uk) or call 020 8583 3855

[www.hounslow.gov.uk/housing/landlords](http://www.hounslow.gov.uk/housing/landlords)



**LLAS/UKLAP Event Sponsorship opportunity available at [www.llas-conference.org.uk](http://www.llas-conference.org.uk)**

Landlords and Agents can advertise their services with the LLAS at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) visit: [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) or Telephone: 020 7974 1970/020 7974 6975



## Your property must be licensed.

If you are a landlord or managing agent who lets residential property in Newham, it must be licensed.

Failure to license is now an offence and may result in fines of up to £20,000 per property.

For more information and advice, or to apply for a licence visit:  
[www.newham.gov.uk/propertylicensing](http://www.newham.gov.uk/propertylicensing)

Alternatively, contact the Property Licensing team on 020 3373 1950.

a place where people choose to  
**live, work & stay**



## Do you have a property to let in Lewisham?

Lewisham Council runs two schemes to meet your needs.



### Lewisham Landlord Letting Scheme

With this scheme you manage your property yourself on an Assured Shorthold Tenancy. Benefits include:

- ▶ one-off cash payment for new landlords
- ▶ continuous supply of tenants
- ▶ four-week deposit bond
- ▶ free professional inventory
- ▶ fast-track payments from tenants on housing benefit.

### Private Sector Leasing Scheme (PSL)

With the PSL scheme, we manage your property for you. Benefits include:

- ▶ guaranteed rent 52 weeks a year
- ▶ protection from LHA changes
- ▶ no void or bad debts
- ▶ professional housing management services
- ▶ property inspections.

**Find out more – with no obligation.**

[www.lewisham.gov.uk/landlords](http://www.lewisham.gov.uk/landlords) • 020 8314 7086 / 9772 / 6753



## Why homelessness units tell applicants to wait for a Possession Order

Tenancy Relations Officers working in the capital pretty much see it all in landlord tenant world.

I've had landlords stabbed by tenants and tenants stabbed by landlords, curses lay on people, tenants digging out a basement unknown to the owner, causing the building to all but collapse and all manner of threats scams and nonsense from both sides of the fence.

However most problems laid at my door are pretty routine and I find myself having to explain the same things over and over again like a broken record, often to people who don't believe what I am telling them anyway.

I once explained the eviction procedure to a landlord on the phone who wanted to simply change the locks on the property without having to go to court and he said to me, "You aren't seriously trying to tell me there are laws that tell a man what he can and can't do with his property. They'd laugh you out of court man". I think that landlord has an expensive future ahead.

Perhaps the most common complaint I get involved in is because the landlord has served a tenant with a section 21 notice but the council still expect the landlord to get a possession order, even a warrant.

This complaint runs a close second to the following, depressingly repetitive phone conversation:-

Tenant: "My property is damp and the landlord won't fix it"

Me: "What does it look like? Is it black mould under your windows?"

Tenant - Impressed that I know the problem "Yeah"

Me "OPEN THE BLOODY WINDOWS".

I digress. So why don't councils pick up an applicant once the S21 has expired? After all, what's the point, there is no defence to the action if all the paperwork is in order?

Also Paragraph 8.32 of the Homelessness Code of Guidance states that it is unlikely to be reasonable to expect a tenant to remain in occupation after the Section 21 has expired. It's there in black and white isn't it?

Yes it is but bear in mind that the code of guidance is only that, 'Guidance', it isn't law and although a homelessness unit has to have regard to the code and explain why they are departing from it, there are good reasons for doing so, particularly in London. A point I will get to in a minute. To understand why councils don't remove tenants on expiry of a section 21 we have to take into account the legislation which defines homelessness.

- Section 175 (1) c; Housing Act 1996 "A person is homeless if – they occupy by virtue of an enactment or rule of law, restricting the right of any person (landlord) to recover possession", and
- Section 175 (4) Housing Act 1996 "A person is homeless if they are threatened with homelessness within the next 28 days".

Two bits of case law are also relevant here,

- Regina v Newham LB ex p Sacupima 2000, and
- Croydon v. Jarvis 1994

Section 175 (1) c; needs to be read with Sacupima. Until a landlord has obtained possession from the courts the tenant is still occupying the premises under 'An enactment or rule of law'

A tenant has a contractual right to remain in occupation until a court orders possession; so therefore, under law a person applying as homeless off the back of a section 21 is not legally homeless.

Under Section 175 (4). Service of notice is not a threat of homelessness. If a judge grants a possession order and tells the tenant to leave in the next 2 weeks, then THAT makes them homeless as defined and the council have to open a case. The notice itself doesn't make someone threatened with homelessness.

**Now to Croydon v Jarvis 1994.** Ms Jarvis approached Croydon council with a section 21, arguing that she had no defence to proceedings and wanting to be rehoused. The council told her to wait until the landlord had obtained a possession order.

Ms Jarvis went to court for a judicial review of the council's decision. The court found for the council, saying as long as the council could show it had taken into account the tenant and the landlord's position and had also put forward the council's position they were entitled to tell Ms Jarvis to wait for a possession order.

If the council had failed to take into account the concerns of all parties then the court may well have come up with a different decision.

So what does this mean in non-legal terms?

The majority of homelessness units in London will get between 50 and 100 people through their doors on any single day. They have a duty to deal with people who are legally homeless. If the applicant is in priority need (kids, pregnancy, health problems etc.) then they also have to provide temporary accommodation, which means, hostels, B&B or leased properties.

By law councils can't place families in B&B unless it's an emergency, and then only for 6 weeks. This leaves hostels spaces, which are limited and privately leased. The latter of which is in short supply because of benefit caps and landlord's reluctance to let to tenants on benefits.

So the council's position in London is that they have hardly anywhere to place anyone, which is the main driver of the Jarvis argument.

Most people approaching a homelessness unit do so brandishing a s21 notice and a hopeful landlord behind them but if a council followed the code of guidance Para 8.32 then all temporary accommodation places would be gone by the end of one week. It simply isn't possible.

I recently trained a council in Gloucestershire where they routinely pick up homeless applicants on an expired S21. They told me that they wanted to keep their local landlord's sweet.

The problem, as they acknowledged, is that in Gloucestershire they don't have the demand for homelessness assistance experienced by say Lambeth, Tower Hamlets or Southwark. Also rent levels mean that there isn't such a big gap between market rents and the benefit cap. So they have more private landlords working with them.

Different local authorities will come up with different decisions based on Jarvis and the amount of applicants and temporary accommodation they have available.

Situations will vary and may well have seasonal variations but you can't get blood out of a stone.

Every council in the UK would love to be able to find accommodation for applicants subject to a s21 but in London it simply isn't feasible most of the time.

By Ben Reeve-Lewisham Council

# Do you have a property to let?

**Kingston Council** has two **FREE** property letting schemes and urgently requires properties of all sizes to let via the **Tenant Finder Service** and the **Private Leasing Scheme**.

## The Tenant Finder Service offers:

- An attractive incentive package including cash payment up to £750
- Competitive rent levels
- Advance rent and deposit (or deposit guarantee)
- 0% commission fees
- Free agreements, renewals, re-lets and check-out

## The Private Leasing Scheme offers:

- Guaranteed rent
- 0% commission fees
- 12 month lease agreement
- Certainty of getting your property back in the same condition you gave it to us (with an allowance made for fair wear and tear in line with an agreed schedule of condition.)



To find out more call us now

020 8547 5491



To find out more call us now 020 8547 5491



## Landlords, managers, and their employees can benefit from safety at work and fire safety courses

Levels 1 to 3 Awards in Health and Safety at Work, Level 2 Award in Environmental Principles and Best Practices, Level 1 in Fire Safety Awareness, and Level 2 Award in Fire Safety courses are now available.

Courses may be run at the Council's training centre near Earls Court, or subject to certain criteria anywhere across London. Visit our website for more details about the above courses and our food safety training programmes.

The Royal Borough of Kensington and Chelsea  
Public Health Training Service  
Environmental Health Department  
Council Offices  
37 Pembroke Road  
London W8 6PW

Bookings, payments and enquiries: 020 7361 3002  
Email: [publichealth.training@rbkc.gov.uk](mailto:publichealth.training@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk/publichealthtraining](http://www.rbkc.gov.uk/publichealthtraining)



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

# Why do 2,000-plus landlords trust us?



**Fully-managed, rent guaranteed and 0% fees**

or **self-managed** with: **Introductory bonus payment**



**One month's rent in advance**

**Free tenancy sign-up service**

**Free inventory checks**

**Free bond - so no deposit needed**

**Free tenancy documents**

**Free tenant-finder**

**All properties needed across South London ☎ 020 8726 6789**

**🌐 [www.croydon.gov.uk/privatelandlords](http://www.croydon.gov.uk/privatelandlords) 📧 [landlords@croydon.gov.uk](mailto:landlords@croydon.gov.uk)**

**Reliable, safe and always here**

**CROYDON**  
[www.croydon.gov.uk](http://www.croydon.gov.uk)

## UPDATE: Landlord Immigration responsibilities clarified

The immigration plans, that looked like they were going to force millions of private landlords to check the immigration status of their tenants, are to be changed with the new rules only applying to certain 'problem' areas in the country.

The Immigration Bill, a key part of the Queen's speech, had created fears that private landlords would become legally responsible for ensuring that they only let properties to people allowed to be in Britain. With anyone found to be breaking the law facing substantial fines that could have run into thousands of pounds.

However, it has now emerged that the changes will only be targeted at certain areas, such as some boroughs in the west of London. This means that most of the countries two million private landlords will no longer need to worry.

The change is coming about to ensure that most landlords will not be saddled with excessive red tape.

Officials in the Department for Communities and Local Government (DCLG), are now working on having the bill only apply to areas where immigrants are known to live in "high occupation" houses, such as Ealing and Hounslow. Further details are expected when the Immigration Bill is published later this year.

For more information please visit <https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

## Benefits Cap Update

From July 2013 most working age households on out-of work benefits (such as Job Seekers Allowance, Income Support and sickness benefits) will have their total weekly benefit income capped at £350 for single people and £500 for couples (with and without children)

The benefits cap has initially been introduced across four London boroughs from April 2013. The boroughs affected are **Bromley, Croydon, Enfield and Haringey.**

### There are two exemptions

**Exemption one:** Households in employment and receiving Working Tax Credit will not be capped. To claim Working Tax Credit they will need to work a minimum number of hours per week. Check the rules for working tax credit at the HMRC website: [www.gov.uk/qualifytax-credits-quickquestionnaire](http://www.gov.uk/qualifytax-credits-quickquestionnaire)

**Exemption two:** Households receiving certain benefits such as Disability Living Allowance/ Attendance Allowance, Personal Independence Payment, (PIP from June 2013), the support component of Employment & Support Allowance, war pensions, including war widows or war widower's benefits, and Industrial Injuries Benefits will also be exempt from the caps. Our message to landlords is clear - talk to your tenants first; they might be exempt from the caps as described above. Or they may be in a position to contribute towards their rent thus ensuring they do not go into rent arrears.




You should also advise your tenant to speak to the council. The council is aware of most households who will be affected by the cap and is in the process of contacting residents, to advise that they may be affected by the cap and what they can do to minimise or avoid the cap. **For more information Visit [www.gov.uk/benefitcap](http://www.gov.uk/benefitcap)**

**Advertising opportunity With the LLAS:** You advertise your services/products with UKLAP at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) visit: [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) or Tel: 020 7974 1970/020 7974 6975

# let barnet

let your property the easy way

## Stress-free management options for your investment property

-  attractive incentives
-  tenant matching service
-  full management option

website: [www.barnethomes.org](http://www.barnethomes.org)

email: [let2barnet@barnethomes.org](mailto:let2barnet@barnethomes.org)

phone: 020 8359 4761



## Can landlords continue to accept rent following the expiration of a section 21 notice?

A number of landlords have queried whether they are entitled to accept rental payments following the expiration of a Section 21 notice seeking possession.

The position, according to the Department for Communities and Local Government (DCLG), is that landlords are perfectly entitled to continue to accept rental payments following the expiration of a Section 21 notice until the tenant vacates the property. The old way of taking rents as 'mesne profits' is not applicable to assured shorthold tenancies.



26th week  
175-189

JUNE 2009  
M T W T F S S  
1 2 3 4 5 6 7  
8 9 10 11 12 13 14  
15 16 17 18 19 20 21  
22 23 24 25 26 27 28  
29 30

**June 2013**

**Make sure your nomination is in to win:**

- Best Landlord Services (Local Authorities and Not for Profit Organisations)
- LA- highest number of accredited landlords from Jan. 2013 to Jan. 2014
- Best Service Provider (not Local Authorities)
- Best Small Landlord (1 to 20 properties)
- Best Portfolio Landlord with (20 plus properties)
- Best Letting Agent of the Year
- Best Landlord of the Year for Student Housing
- Green Landlord of the Year
- Green Agent of the Year
- Overall Best Landlord of the Year
- Empowering Tenants Award
- Making a Difference Award

**With thanks to our Platinum Sponsor**

**CAPITA [www.capita-tdp.co.uk](http://www.capita-tdp.co.uk)**

JULY 2009

26th week  
177-189

**Deadline for Award Nominations Monday 20 January 2014**

Don't miss out on the chance to have your professionalism acknowledged and awarded. Either nominate yourself, ask your tenants or agent to apply online at:

**[www.llas-conference.org.uk](http://www.llas-conference.org.uk)**

Easy to book details

Don't forget to buy your tickets online at

**[www.llas-conference.org.uk](http://www.llas-conference.org.uk)**

or send a cheque payable to London Borough of Camden and send to:

LLAS C/O Private Sector Housing Team  
Housing and Adult Social Care, London Borough of Camden, 2nd Floor, 38-50 Bidborough Street, London WC1H 9DB

**Squatters: The New Criminal Offence**

As of 1 September 2012, it is now a criminal offence to squat in any Residential building in England and Wales. Trespassers found guilty can now be imprisoned for a maximum of six months, or receive a maximum £5,000 fine, or a combination of both

The Act is designed to protect any owner or lawful occupant of any type of residential property and also protects empty residential buildings. Up to now, if someone was squatting, in an empty house or flat, and the owner wanted to get them out, they generally had to use the civil law and get the courts permission to evict the squatters. This would have been at the owner's expense. With squatting now a criminal offence an owner would not have to go to court to try and evict the squatter - they can simply call the police.

**For more information please** visit the Citizens Advice Bureau **[www.adviceguide.org.uk](http://www.adviceguide.org.uk)** and search under 'squatting'.

**Advertising opportunity With the LLAS**

Landlords and Agents can advertise their services with the LLAS at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email **[LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk)** visit: **[www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)** or Telephone: 020 7974 1970/020 7974 6975

## UK LANDLORD ACCREDITATION PARTNERSHIP (UKLAP) CPD (CONTINUOUS PROFESSIONAL DEVELOPMENT) POLICY

The aims of the London Landlord Accreditation Scheme (LLAS) and UK Landlord Accreditation Partnership (UKLAP) are to provide landlords and agents with information and professional development opportunities to:-

- Allow them to operate successful businesses
- Provide their tenants with safe and high quality accommodation
- Reduce the need for intervention from local authorities

The LLAS/UKLAP supports and encourages the continuous professional development (CPD) of its members so that they are able to maintain, improve and broaden their knowledge and skills to a sufficiently high standard of professional competence in the management of landlords/tenants issues and of property standards. The CPD programme validates and act as a quality assurance for the competency of Accredited Landlords and Agents.

### Conditions of obtaining CPD with UKLAP

- Landlords must retain evidence of attendance at events and activities as these may be requested at time of re-accreditation
- Spot checks will be conducted from time to time
- Landlords to record details of their CPD on the UKLAP website (coming soon) and on the CPD form and email to staff at the end of each year
- Local authorities may issue CPD certificates to landlords who participate in local authority events
- Penalties for provision of false information or miss-recording may include expulsion from UKLAP

### Monitoring

Monitoring of the scheme will be undertaken via annual CPD compliance sampling via email, post and online. It is recommended that accredited landlords and agents make an annual declaration in respect of their **12 CPDs** points via email or online.

### Reaccreditation

Individuals accredited with the UK Landlord Accreditation Partnership (UKLAP) will be re-accredited after 5 years, provided they:

- A) Continue to be a Fit and Proper Person
- B) Have complied and continue to comply with the Code of Conduct
- C) Have taken steps to maintain and update their knowledge during the 5 years
- D) Have accumulated 60 CPD points
- E) They have undertaken at least one training session (3hours) on sustainability issues incorporating fuel poverty, the Green Deal and energy efficiency. The training may be provided by UKLAP or any other PRS training body within the first 2 years of accreditation for newly accredited landlords and agents.
- F) For landlords and agents that are already accredited, they have undertaken at least one training session (3 hours) on property condition related issues, including aspects of fire safety, repair and hazards to tenants and visitors before the end of the initial accreditation period of 5 years. Please note that this CPD training will count towards your reaccreditation. The training may be provided by UKLAP or any other training body within PRS.

## CPD points will be awarded for the following memberships and activities:

| Activity  | Conditions  | CPD points awarded |
|---|---|--------------------|
| UKLAP Accredited (Attended Accreditation Course, Agrees to code of conduct and is a Fit and Proper person)  | CPD awarded once during period landlord/agent is accredited.<br><br>If landlord/agent is expelled from UKLAP for any period of time, then no points will be awarded.  | 5 points           |
| Membership of Private Landlord Association  | CPD points awarded for each membership year. Additional CPD points will not be awarded for multiple memberships in one year   | 5 points           |
| Membership of recognised professional body that has an enforceable code of conduct and encourages good practice. <b>90% of its operations relating to PRS, for example</b> NALS (National Approved Letting Scheme), ARLA (Association of Residential Letting Agents), ARMA (Association of Residential Managing Agents), NAEA (National Association of Estate Agents), RICS (Royal Institution of Chartered Surveyors) etc. | As approved and agreed by LLAS-UKLAP (CPD awarded for each membership year.<br><br>Additional CPD will not be awarded for multiple memberships and if the landlord/agent also holds membership with a Landlord organisation such as RLA, SLA & NLA further CPD points will not be awarded | 5 points           |
| Additional training provided by UKLAP   | CPD awarded for each session attended   | 5 points           |
| Additional training provided by other bodies and online training –with relevance to PRS   | Details to be submitted to UKLAP for approval. Once approved the event will be added to an approved list. Number of points will depend on hours committed and level of relevance  | 2-5 points         |
| Attendance at the Annual London and South East Landlords' Day and other PRS Exhibitions   |   | 5 points           |
| Attendance at your local council (or other council landlord forum or event with a duration of more than 3 hours   | CPD will award for each event attended.   | 3 points           |
| Attendance at your local council (or other council landlord forum or event with a duration of more than 2 hours   |   | 2points            |
| Seminars on topics relating to landlord tenancy issues, Housing Act, Property improvement and other relevant topics   | Details to be submitted to UKLAP for approval. Once approved the event will be added to an approved list. Number of points will depend on hours committed and level of relevance  | 2-5 points         |
| Local Authority participation<br><br>(Responding to questionnaires<br>Taking part in landlord forums and feedback sessions)   | Local Authorities will determine which events will be awarded CPD and how many points will be awarded per event and advise UKLAP accordingly.<br><br>CPD certificates to be awarded by the local authority  | 1-3 points         |

### Difficulties in meeting CPD Requirements

- It is recommended that members that have not been able to accumulate the required CPD points can pay and attend the official accreditation course again and provided they successfully complete it, **they will be accredited for 2 years only**
- The landlord/agent will need to meet the 60 CPD point's requirements over the 2 years of accreditation for their accreditation to be extended for a further 3 years.
- For landlords that are disabled or elderly and therefore unable to meet the CPD requirement, it is recommended that they confirm that their properties are let and managed by an agent who is either accredited or are a member of a recognised body.
- If the property is being managed and let by a friend or family member, it is recommends that the friend or family member be accredited and must also participate in the CPD programme.

## CUT THE COSTS FOR HMO LICENSING IN HAMMERSMITH & FULHAM

Become an accredited landlord and join the LLAS/UKLAP to take advantage of **our current discount of at least £114 on our HMO licence fee.**

The useful links below for **HMO Properties within 'Hammersmith & Fulham Council'** will help to licence your properties and to comply with the required Health & Safety, Fire Safety and HMO Management Regulations.

### HMO Licensing & HMO Management Regulations :-

[www.lbhf.gov.uk](http://www.lbhf.gov.uk) > Housing > Multiple occupancy homes > Houses in multiple occupation (HMOs)

#### Select:

Introduction and definitions > What is an HMO > Regulations > Licensing > HMO brochures and leaflets > External web links

### Fire Risk Assessments :-

[www.lbhf.gov.uk](http://www.lbhf.gov.uk) > Housing > Private Housing > Private Housing & Health Service > Regulating Fire Safety > Fire & Gas Safety

#### Select:

Fire Risk Assessment – A Guide ( To help you carry out assessments yourself)  
Example Fire Risk Assessment  
Blank Fire Risk Assessment form – To complete yourself  
Landlords Fire Safety Precaution Record  
**If you have any queries about the above, please call 020 8753 1221 to be transferred to the appropriate officer.**

## Advertising opportunity With LLAS

Landlords and Agents can advertise their services with the LLAS at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) website: [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) or Telephone: 020 7974 1970/020 7974 6975

## Useful Links

LLAS: [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

RLA [www.rla.org.uk](http://www.rla.org.uk)

SLA [www.southernlandlords.org](http://www.southernlandlords.org)

LHA <https://lha-direct.therentservice.gov.uk/Secure/Default.aspx>

Landlord Law: [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)

NLA <http://www.landlords.org.uk/>

TDP (Tenancy Deposit)

<http://www.depositprotection.com/Default.aspx>

Landlordzone <http://www.landlordzone.co.uk>

Accreditation Network UK (ANUK)

<http://www.anuk.org.uk/>

Landlords UK Links, guides, forums and information

<http://www.landlords-uk.net/>

Fire Protection Centre

<http://www.fireprotectioncentre.com/>

DCLG: <http://www.communities.co.uk>

Direct.gov.uk

Advice for tenants/ landlords on various issues  
<http://www.direct.gov.uk/HomeAndCommunity/fs/en>

Gas Safe Register: [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

National Inspection Council for Electrical Installation Consulting (N.I.C.E.I.C)

[www.niceic.org.uk](http://www.niceic.org.uk)

Online planning and building regulations Resource [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The Residential Property Tribunal (RPTS)

[www.rpts.gov.uk](http://www.rpts.gov.uk)

Health and Safety Executive

[www.hse.gov.uk](http://www.hse.gov.uk)

Office of Fair Trading [www.oft.gov.uk](http://www.oft.gov.uk)

HM Revenue & Customs [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

The Court services [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

The Office of Fair Trading [www.oft.gov.uk](http://www.oft.gov.uk)

The Department of Business Innovation & Skills  
[www.berr.gov.uk](http://www.berr.gov.uk)