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# Welcome to the 11th Edition of

the London Landlord 

## The Rugg Review

The Government sponsored Rugg Review which looked at the trends, effectiveness and the future of the private rented sector was published over six months ago and the promised Government White Paper has still awaited. The report was widely supportive of the sector and small private landlords in particular. I understand that the intention now is to move straight to a Green Paper, which will outline the Government proposals for the sector. With the economic situation still so uncertain and the daily doom laden news from the markets, it may be understandable that this issue has moved down the political agenda, but in order to prepare for the future it is essential that the proposals are published as soon as possible.

Two of the recommendations of the Rugg Review which have received widespread support have been the need to regulate letting and managing agents and to increase the professionalism of the sector.

Training will be integral to both of these areas and membership of the LLAS will place members in a good position to meet these recommendations.

There has been a significant increase in the renting out of properties by "Accidental" landlords. These are people who would normally have sold their property, but no buyer could be found or they are unwilling to sell until prices rise. Many of these will rely on agents to let and manage the property and there is fear that some rogue agents will take advantage of these newcomers to the market. Let us hope the Rugg Review's recommendations do not come too late to protect them. Whatever the Government proposal bring I hope they learn from the problems associated with the Housing Act 2004. Their proposals must be easy to follow, unambiguous and to help avoid confusion, that they should cover the whole sector.

Several Kent and Sussex Council's have recently signed up for us to operate their schemes and we are pleased that Basildon District Council has become affiliated and will operate its own scheme along LLAS lines.

On a personal note I am no longer employed by the London Borough of Camden. The Residential Landlords Association (RLA) is supportive of accreditation and I now represent them on the scheme as an independent environmental health consultant.

Hope you enjoy this issue.

**Dave Princep**  
**Chair of The London Landlord Accreditation Scheme (LLAS)**



## Inside this issue

- ▶ The Rugg Review of PRS
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Alan Boswell Insurance Brokers Limited is authorised and regulated by the Financial Services Authority.

### Landlord Put on Notice to Ensure Gas Appliances are Maintained

The Health and Safety Executive (HSE) has placed a landlord on notice not to repeat the failings that led to his conviction for failing to comply with an Improvement Notice

At Northampton Crown Court, Ajay Ahuja from March, Cambridgeshire, pleaded guilty to contravening section 33(1) of the Health and Safety at Work etc. Act 1974. The contravention concerned his failure to comply with an Improvement Notice served by the HSE, requiring him to provide one of his tenants with a gas safety certificate. Ahuja received a two year conditional discharge and was ordered to pay costs amounting to £14000.00

The HSE served the Improvement Notice on Ahuja following repeated attempts to get him to provide his tenant with a gas safety certificate in respect of a boiler in a rented property at Corby, Northamptonshire

As the landlord Ahuja has a duty under the Gas Safety (Installations and Use)

Regulations 1998 to check, on an annual basis, the safety of the gas appliances in properties he rents out. He must also provide a certificate confirming this to be the case.

Following the hearing Neil Craig, a Principal Inspector with the HSE commented that approximately 20-30 people die each year from Carbon monoxide poisoning associated with domestic gas appliances, usually as a result of the appliances not having been installed or maintained properly.

The Gas Safety (Installation and Use) Regulations 1998 require landlords to ensure that

- Gas fittings and flues are maintained in a safe condition
- An annual safety check is carried out on each appliance
- All installation, maintenance and safety checks are carried out by a suitably registered gas installer
- Records of each safety check are kept for at least 2 years
- Tenants are provided with a copy of the gas safety certificate within 28 days of the check being completed

## Solicitor Tessa Shepperson answers landlords FAQ. This issue: Do I have to give a tenant a new tenancy agreement at the end of the fixed term ?

### *Contact Tessa with any Landlord queries that you have. headed 'LLAS FAQ'*

Many landlords and letting agents automatically do 'renewals' at the end of every fixed term. Charges for this service are sometimes significant part of letting agents remuneration. However it is not always realised that a 'renewal' is not strictly necessary.

The reason for this is that under section 5 of the Housing Act 1988, after the end of the fixed term of a tenancy, a new tenancy (a 'statutory tenancy') will automatically take its place. This will run from month to month if rent is paid monthly and from week to week if rent is paid weekly. Otherwise the new tenancy will have exactly the same terms and conditions as the preceding contractual fixed term tenancy.

There are however reasons why a renewal might be a good idea. The most common is that the landlord wishes to increase the rent, and getting the tenant to sign a new tenancy agreement or renewal form is the best way to increase rent, as it cannot subsequently be challenged. Or, you may feel unhappy with your current tenancy agreement and wish the tenant to sign a new amended or updated version. Or you may just feel that you would like your tenant to commit for a further fixed period.

Unless you want the tenant to sign up to a new form of agreement, it is not necessary, when doing a renewal, to sign the tenant up to a complete new tenancy agreement (which could run to many pages). A simple form just giving the new rent and period, and saying that all the terms of the previous agreement will continue to apply, will be quite sufficient. Many letting agents have renewal forms of this nature, and there is also one on my [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk) service.

Sometimes your tenant may refuse to sign the new agreement or renewal form. For example they may not want to commit for a further six months, or they may not agree with the new rent. There is no way you can force them to sign an agreement if they do not want to. They are perfectly entitled to stay on in the property, as they have a tenancy (a statutory tenancy). It is certainly not the case, as some people think, that they are doing something illegal or will be 'squatters' if they stay on without signing a new agreement.

There are two ways you can deal with tenants refusing to sign. One is to serve a section 21 notice with the new tenancy agreement and say that if they fail to sign the new agreement you will be enforcing

the section 21 notice and requiring them to leave. This is however rather an aggressive approach and unlikely to help landlord/tenant relations! The other way is just to let them stay. If you want to increase the rent, there is a notice procedure you can use for this (so long as you use the proper prescribed form). It is after all quite reasonable for tenants not to want to sign up for a further fixed period. For example they may be at risk of being re-located for their job.

There is nothing wrong with periodic tenancies, and many tenants live in properties for years under a rolling periodic tenancy. It is completely legal and acceptable, and in some situations, preferable.

Note that with common law tenancies (i.e. where there is a resident landlord, the rent is over £25K or where the tenant is a limited company) the tenancy will not automatically continue under statute in the same way. However if in fact the tenant stays on, and the landlord continues to accept rent, it will be implied that both parties agree to a periodic tenancy.

Note that at the time of writing this article, there is a case in the courts brought by the Office of Fair Trading against Foxtons letting agents, challenging the terms in Foxtons' agency agreements with their landlords, which provide for them to charge commission when tenancies are renewed, even if they are not managing the property. Whether or not agents will be able to charge landlords for renewals in these circumstances in future will depend on the outcome of this case.

© **Tessa Shepperson 2009**

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

### Lambeth Landlord Forum

Lambeth Landlords Forum will be held

**Date:** Thursday 11 June 2009

**Time :** From 5:30pm to 7:30p

**Venue:** The YMCA Stockwell Road London SW9 9ES

Refreshments will be provided on the day

To register your interest, please contact

**Nicholas Campbell (Landlord Liaison Officer)**

On 0207 9262982 Email: [nncampbell@lambeth.gov.uk](mailto:nncampbell@lambeth.gov.uk)



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We can provide the following services to landlords who are able to manage their own properties:

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- Long-term and medium term lets at market rates
- Maximising income by matching households to properties
- Free provision of legal documentation associated with letting the property, such as tenancy agreements, notices and sample inventory
- A full, free property survey to ensure it is fully compliant with the Housing Health and Safety Rating System as laid down in the Housing Act 2004.

Further information can be obtained from Croydon Council's housing specialist team on 020 8726 6100 or from [www.croydon.gov.uk](http://www.croydon.gov.uk)

**CROYDON COUNCIL**  
www.croydon.gov.uk

## Tower Hamlets Private Sector Landlord Forum Dates

**Dates:** Wednesday 20th May 2009

Wednesday 21st October 2009

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

**Time:** 1:30pm to 4:30pm

Refereshments will be provided on the day, To register your interest, please contact **Jamie Jackson** or **Noella Ling**

on Tel: 020 7364 3558 or

email: [jamie.jackson@towerhamlets.gov.uk](mailto:jamie.jackson@towerhamlets.gov.uk) OR

email: [Noella.ling@towerhamlets.gov.uk](mailto:Noella.ling@towerhamlets.gov.uk)

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Tessa Shepperson is a solicitor and author, and runs the popular Landlord-Law site at [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk). Do-it-yourself kits for possession can be purchased online. Accredited Landlords can claim **20% discount** off their first year's membership of Landlord-Law (not to be combined with any other offer). For further info write "LLAS Discount" in the subject box.

**Email:** [info@landlordlaw.co.uk](mailto:info@landlordlaw.co.uk)

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## The Perfect Storm

If you were conjuring up images of George Clooney and Mark Wahlberg caught between immeasurable forces, struggling in the mid Atlantic to make a living, you have just pictured the credit crunch, Local Housing Allowance (LHA) and the private sector crashing together to forge a potential solution for owners of empty properties and the downturn in the housing market.

Over the past 5 years the LHA has been piloted by 18 Councils. The first of the LHA pathfinders went live in Blackpool in November 2003, and eight pathfinder areas were added in February 2004 in Lewisham, Teignbridge, Coventry, Brighton and Hove, NE Lincolnshire, Edinburgh, Conwy and Leeds. From April 2005 a further nine Councils started to implement the LHA, starting with Wandsworth, followed by East Riding, St Helens, Argyll and Bute, South Norfolk, Norwich, Pembrokeshire, Guildford and Salford.

On the 7th April 2008 the LHA (Local Housing Allowance) was introduced by the Department of Work and Pensions (DWP). Traditionally rents were assessed by the rent service on a property by property basis, to form a plumb line for Housing Benefits Departments to make a fair contribution based on the claimants own particular financial position. The majority of private sector landlords and agents were of the opinion that the assessments were too low and bared no comparison to open market rents. Given this position the private sector became almost a no go area for persons in housing need, however this was all about to change.

Leading up to the implementation of the LHA, at every landlord forum across the length and breadth of the country landlords and agents were venting their views that they were going to withdraw from the housing benefits rental market. Throughout this period of reaction Local Authorities, landlords and agents were in the dark as to the rent levels, which were to be set by the rent service. This period of uncertainty had several implications. The Local Authorities were

unable to pre set a robust budget to cover the costs of administering their rent deposit type schemes

These schemes having been set up as part of Local Authorities housing options initiatives to reduce the number of clients in housing need requiring temporary accommodation.

And then the first rental figures hit. Like any ardent football fan tuning into Radio2 to listen for their team in the 3<sup>rd</sup> round draw of the FA Cup. The maximum housing benefits entitlement in most Broad Rental Market Areas (BRMA's) rose by almost £100 per week. All the speculation, it won't make any difference, the labels changed but the price remains the same, was washed away like a signature written in the sand. With 1 swoop the LHA figures for many BRMA's had raised to comparable levels with open market rents. Would it last, was it wrong, how had these figures been reached when previous rental determinations had been at a considerably lower level. Over the years the rent service had been compiling extensive data from the private sector on rental levels both at housing benefit level and the open market to find the median of the data. This formed the set figures for the month assessed. The maximum levels were then made available through many media most notably the LHA direct web pages.

Initial reaction was one of complete disbelief that there had been such a fundamental change in the maximum level of housing benefits available in the majority of the BRMA's. However it quickly became apparent that these levels were not a flash in the pan. Month after month BRMA's rose and over the 9 months since the implementation certain BRMA's have risen by over 25%. An example of such a rise would be the Inner North and West London BRMA where in April 2008 a 3 bed maximum was set at £415.38 rising to £525.00 in January 2009 a rise of 26.5%. Now everything was going fine, landlord's and agents were receiving more rent, Local Authorities were placing more clients in housing need in the private sector, which in turn contributed towards all Local Authorities initiatives to reduce their numbers by 50% of homeless cases in temporary accommodation by 2010.

Then it happened. Black Monday, Blue Wednesday, whatever the media labelled it. Overnight the bottom had fallen out of the housing market...or had it. If you wished to buy or sell the current financial crisis had made it almost impossible. But what about leasing out your property and here's the punch line, to tenants entitled to housing benefits Overnight a niche has opened up in the market enabling landlords, agents and owners of un-sellable properties to rent out their properties for figures on and above the open market rental prices for their properties. Local Authorities' are being inundated by landlords, agents and owners wishing to let their properties via a Local Authority scheme

The demand has been staggering with some Local Authorities increasing their placements of clients in the private sector by 100%. This has had a positive affect on Local Authorities' striving to meet the government's 2010 target. However can the DWP continue to support these spiralling housing benefit figures, will Local Authorities be able to continue to sustain their private rented schemes especially with new Government targets beckoning such as overcrowding and worklessness

Worklessness stands out like a social albatross around the unemployed neck of our society. No job, no prospects, mortgage defaulting, facing homelessness, a recession banging at the Countries door. A family in housing need requiring assistance with accommodation, the Governments mantra is chanted, assist the family to access the private sector. But wait a minute. If someone actually managed to gain employment, how will they cope with their Assured Short hold Tenancy (AST) rent of approximately £480 - £500 per week for a 3 bed unit (Inner North and West London BRMA). Not forgetting about the £25,000 trigger point Common Law Tenancy, which is currently under review?

Schemes and initiatives need to be put in place to safeguard the fortunate few who manage to gain employment. Training programmes and re-education leading to employment are admirable, but the real work will start when the claimants housing benefits entitlement goes down. Discretionary housing benefits assistance, exemption from paying any shortfall for a limited period of time, allocation of a financial advisory officer. Government targets and initiatives will effectively be working against each other. If there was already a perceived culture of worklessness and benefit junkies amongst people in housing need accommodated in temporary accommodation, who wouldn't be able to cover the temporary accommodation charges if they became employed. What are the prospects when the AST rents are even higher? The target to reduce by 50% the number of homeless cases in temporary accommodation by 2010, the new LHA prices and the worklessness initiatives are acting like Isaac Newton's third law of motion. We hope those to apply his first law of motion.

Finally back to my analogy of Clooney and Mark Wahlberg, they had the mother of all catches onboard, which would have earned them their fortune, however the perfect storm imploded on them and everything sank.

Ian Tagg  
Islington Procurement & Development Manager  
March 2009



## GAS Safe Register

Gas safety in Great Britain is changing. CORGI gas registration ended in Great Britain on 31 March and will no longer apply to gas safety law. From 1 April 2009, all gas engineers must be on the new **Gas Safe Register™** to carry out gas work lawfully.

The requirement for annual maintenance and safety checks on gas appliances hasn't changed but landlords should make sure from 1 April these are carried out by a Gas Safe Register engineer



By law landlords must make sure

- pipe work, appliances and flues provided for tenants are maintained in a safe condition
- that all appliances and flues that you provide for tenants use have an annual safety check
- that maintenance and annual safety checks are carried out by an engineer registered with Gas Safe Register
- all gas equipment (including any appliance left by a previous tenant) is safe or otherwise removed before re-letting
- a record of safety checks is provided to the tenant within 28 days of completing the check or to any new tenant before they move in
- they keep a copy of the safety check record for two years

From 1 April you can find or check a Gas Safe Register engineer 24 hours a day, 7 days a week online at [www.GasSafeRegister.co.uk](http://www.GasSafeRegister.co.uk) or call **0800 408 5500**. You can even get a photo of the engineer with details that tell you if they're qualified to do the job sent to your mobile phone for added peace of mind. Remember to check the engineer's ID and encourage your tenants to do the same.

Landlords should provide tenants with a record of safety checks. This is often done using a 'Landlord Gas Safety Record', often referred to as a 'Gas Safety Certificate' or 'CP12' form. It is quite acceptable to continue to use this style of certificate – even if it has a CORGI logo or the word CORGI on it. There is no requirement for new paperwork. The important thing is to have a check carried out and to make sure the tenant receives a record of the check within 28 days

Gas Safe Register will run a national public awareness campaign starting in February 2009. From April, the Gas Safe Register website will carry a wealth of gas safety information too.

Remember before April installers must remain registered with CORGI to carry out gas work legally. From 1 April, always use a Gas Safe Register engineer. Be gas safe. For more information go to [www.GasSafeRegister.co.uk](http://www.GasSafeRegister.co.uk)

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 **ISLINGTON**

\*Data taken across England. Source: Empty Homes Agency, 2001.

\*\*There are 15,634 empty private properties across these six boroughs. Source: Department for Communities and Local Government, April 2005.



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**email: [public.health.training@rbkc.gov.uk](mailto:public.health.training@rbkc.gov.uk)**

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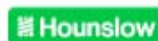
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## PROPERTY TAX – WHEN LOSSES ARISE

*The article was written by David Kibel FCA, and is intended solely as a guide to the tax position relating to losses within property portfolios. As each individual case is different, readers should take their own professional advice in all cases. No liability is accepted from action taken in relation to matters discussed in this article*

### INDIVIDUALS

#### Income Tax

Losses can arise where, for instance, there are void letting periods, large expenses have arisen, or perhaps where rent has had to be reduced.

As a general rule, losses incurred on one property can be offset against profits earned on other properties so that the total income and expenditure on a property portfolio can effectively be pooled. Any resultant loss is only available to carry forward against future property income profits, so that if the full portfolio were to be disposed of, any carried forward loss would effectively be wasted.

There are exceptions to this rule, the most common ones being as follows

- Any losses from overseas properties cannot be set against profits from UK properties, and vice versa. Each is a separate “property business” for tax purposes. It is therefore possible to have the strange situation where overall a loss is made on a property portfolio, but tax still becomes due because of the non-availability of offset.
- Losses arising from capital allowances (e.g. on commercial properties, or on expenditure on flats above shops) can be set against general income of the same tax year.
- For the current tax year, Furnished Holiday Lettings income can be treated as a trade, and not as a property business, so that any losses arising from such a source can be set against general income both for the year of loss or of the previous year. The Chancellor has just announced that it will also be possible to set losses from furnished holiday accommodation situated in the European Economic Area against other personal income. However all of these reliefs are being abolished from next tax year so that from 2010/11 such losses will not be able to be offset against other sources of income.

Occasionally, an individual may rent out part of his or

her home to the family trading company for use as an office. Any profit earned on this type of rental income can be offset against losses on the normal UK property portfolio. Care must be taken if you are thinking of renting part of your home to your own Limited Company or business as there are Capital Gains implications.

In the same vein, any taxable profit under the rent-a-room scheme can be offset by losses on the property portfolio.

#### Capital Gains Tax

Capital losses which arise from the sale of a property can only be offset against other capital gains (from any sources), firstly those which arise in the same tax year, with any deficit balance being carried forward to offset against capital profits earned in future years. There is no relief available to offset capital losses against income.

### COMPANIES

#### Corporation Tax

Some property portfolios are held through Limited Companies. There is more flexibility if losses arise within a corporate structure. Losses arising from property holdings can firstly be set against the company’s total profit for the same accounting period, which means that if there is a capital profit in the year, any property loss can be deducted from this. In addition, any excess property losses can be carried forward against *any other profits* for the future.

The treatment of interest paid is different for Limited Companies than for individuals. Interest paid on loans for property are covered by what are known as the “loan relationship” rules. These specify that interest is not an expense in calculating profits or losses on rental income, but becomes a separate deduction within the company’s corporation tax computation. This means that these can firstly be set off against any type of profits of the company for the period in question and can be carried forward but set against *non-trading* profits of the company for future periods. There are also some restrictive rules allowing a carry-back of such deficits.



It should also be noted that Capital Gains in a Limited Company will not be taxed at the normal 18% rate for individuals, but at the company's marginal tax rate which could be anything from 21% to 29.75%, but whilst there is no annual tax-free exempt amount, indexation relief is still available for companies.

As can be seen the holding of properties through a Limited Company is in some ways more flexible, but also somewhat more complicated from a tax point of view. Whilst it is often very beneficial to structure a large portfolio through a property holding company, proper tax advice is, as ever, essential.

*The above article was written by David Kibel FCA, and is intended solely as a guide to the tax position relating to losses within property portfolios. It has been updated for measures announced in the 2009 Budget but these proposals are subject to possible change. As each individual case is different, readers should take their own professional advice in all cases. No liability is accepted from action taken in relation to matters discussed in this article.*

David Kibel is the principal of Lawrence Grant Kibel Limited a firm of Chartered Accountants based in Harrow, Middlesex. He can be contacted at [david@lawrencegrantkibel.co.uk](mailto:david@lawrencegrantkibel.co.uk) or by telephone 0208 861 7555.



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## **LANDLORD SAFETY CERTIFICATES:**

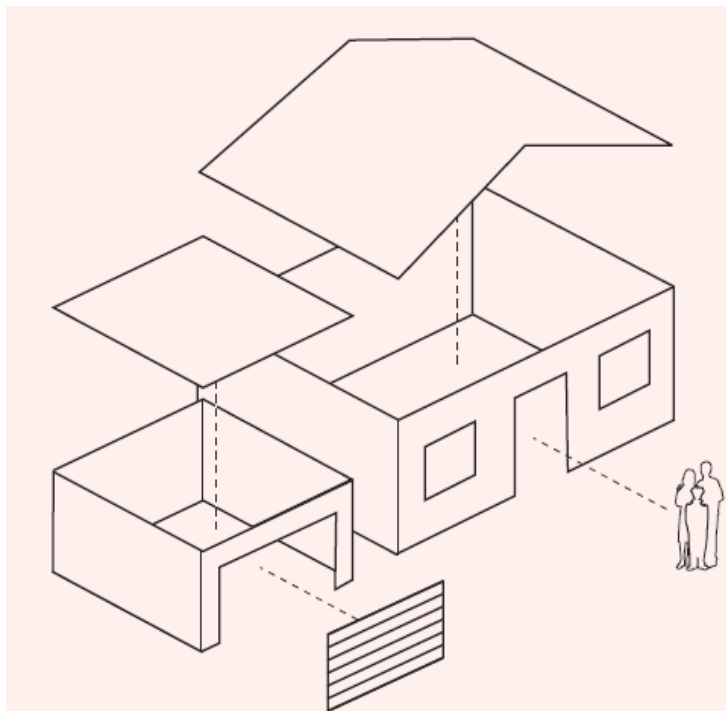
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### WE OFFER:

**No fees** - We do not charge for finding a suitable tenant

**No hassle** - Our highly efficient service saves you time and money.

**Landlord support** - The team will continue to act as your free personal advisor for as long as you use our service.

**Housing Benefit fast-track** - We'll fast-track claims and resolve problems for properties in the borough.

**Deposits underwritten by CRI**



## London Landlords with One Bed & Studio Flats Get Option to Lease

London landlords with budget one-bed and studio flats are now getting the option to lease, thanks to a service offered by social enterprise, Real Lettings.

As the pressure on social housing in the capital has increased, Councils have focused attention on larger properties. This has meant that many landlords with one-beds and studio flats have been unable to lease. Real Lettings plugs this gap, working with landlords and councils to provide leasing and management for those seeking a low involvement alternative.

Real Lettings was developed by homelessness charity, Broadway, to help single people who have experienced homelessness move out of supported housing. It combines their property management experience with a ready list of tenants.

The leasing service offers guaranteed rent, minimal voids and your property back in the same condition at the end of the contract. Management services are similar but require that maintenance costs be covered. Rents are competitive and based on Local Housing Allowance (LHA) in respective boroughs

All tenants get resettlement training and are supported throughout the tenancy. And because Real Lettings is a social enterprise, all of its profits go back into improving its service to landlords and tenants.

Howard Sinclair, Chief Executive of Broadway said, "We've been working in property management for over 25 years now. So we thought why not use this expertise to create a sustainable business, which also helps ease the growing pressure on social housing

The landlords and tenants we're already working with have been pleased with the service. Because we're a social enterprise with a vested interest in making sure this works, all of our staff are willing to go the extra mile to make sure landlords and tenants are well looked after and that no conflicts arise.

Metin Gurpinar, Managing Director of Astral Estates said,

"We've found Real Lettings service refreshing in that there's always one point of contact that is genuinely concerned about resolving any issues that might arise from time to time. We were impressed with the speed in which they managed to turn things around. Rent is paid monthly without fuss and the tenants they've provided seem to really care about their surroundings.

Real Lettings vetting process certainly takes the headache out of renting to tenants on housing benefit - the ones we've seen have been decent and of a very high caliber.

To find out more, contact Real Lettings on 020 7089 9546 / [lettings@reallettings.com](mailto:lettings@reallettings.com) or visit the website at [www.reallettings.com](http://www.reallettings.com).





# news flash for landlords and agents

## do you have tenants on housing benefit?

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- 12 months cover
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- rent paid to tenant £247.80 & £25 broker fee = £272.80
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## Council's Warning to Landlords

Get a licence – or face a hefty fine – if you are planning to let your property to more than two families comprising more than four people.

That's the warning sent to landlords by Tower Hamlets environmental health officers – after bringing a successful case at Thames Magistrates Court, where developers JCS Developments Ltd paid £2,130 in fines and costs for breaking rules governing letting of 'multi-occupied' homes.

The case concerned 224 Devons Road, Bow, which had 12 tenants crammed into a building described as 'a rabbit warren' of narrow corridors and unsuitable rooms.

There were no windows in the majority of the ground floor bedrooms at the three storey former pub, and no suitable fire-escape routes. Some washing facilities opened directly onto communal corridors, with no privacy or security.

Commenting on the case, Tower Hamlets Cabinet Member for Housing and Development, Cllr Marc Francis, said: "This sends out a clear message to landlords that we will not tolerate shoddy conditions in properties used by large numbers of tenants.

"They have to meet certain standards – not simply cram in as many people as possible – and we will continue to prosecute where we find people falling short of these standards."

He added: "In this case, the defendants pleaded guilty, and expressed an interest in working with us to make the necessary improvements. Had this not been the case, I suspect they might have faced even greater penalties.

"In some cases, tenants may be able to reclaim rent after successful prosecutions. The council may also be able to reclaim any housing benefit paid to the landlord."

In the next few weeks, environmental health officers and the Fire Brigade will be carrying out joint inspections of JCS Developments properties, and submitting schedules of works, giving JCS timeframes to improve their properties.

## Landlord Fined Over Dangers

Landlords providing dangerous and unhygienic accommodation are being targeted in a crackdown by Camden Council.

Two unfit landlords managing large properties have been prosecuted in a bid to make Camden a better place to live for tenants

Gihan Herath was fined nearly £10000.00 including legal costs, after ignoring seven improvement notices relating to his Iverson Road property in West Hampstead. The house had severe damp, poor insulation and dangerous staircases.

In another case S & Y Properties Limited were ordered to repay Housing Benefit totalling almost £9000.00 for not licensing a property. The company and its owner Savvas Pontikis were also fined more than £13000.00 for other offences relating to properties they managed.

Environment boss Cllr Chris Knight said "These Prosecutions send out a clear message that the Council will push for the strongest penalties against anyone who is not meeting their obligations as a landlord.

Anyone failing to adequately manage a property should take this as a warning that they must follow the law or face the consequence."

## NLA Property Women Awards

The NLA Property Women Awards launches across the UK today. Winners from each region will be selected as well as the **Green Property Woman of the Year** rewarding eco-conscious behaviour and the **Young Property Woman of the Year for all women under 30** who have already made their mark on the property market. An overall national winner will also be announced at the Awards ceremony **on 23 July in London**. Nomination forms can be found

Online at [www.propertywomenawards.org.uk](http://www.propertywomenawards.org.uk). Entries close at 12 noon on Friday 12 June

## How do I become an Accredited Landlord or Agent?

1. You need to be a fit and proper person.
2. Agree to follow our code of conduct, which basically requires you to comply with the law and
3. You need to attend a one day training course provided by independent Trainers, many of whom are also landlords. For further information on accreditation please visit the LLAS website at <http://www.londonlandlords.org.uk/> or email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk)

## Energy Performance Certificate (EPC)

From 1 October 2008 landlords are required to provide an Energy Performance Certificate when they rent out a home. An Energy Performance Certificate (EPC) gives information on the energy efficiency of a property you want to let.

### What does this mean in practice?

You need to provide an EPC whenever a home\* in the social or private rented sector is let to a **new** tenant. You must make the EPC available **free of charge** to prospective tenants at the earliest opportunity. This should be when they are first given written information about the property or view it, and before any rental contract is entered into. EPCs are valid for 10 years and can be reused as many times as required within that period. It is not necessary to commission a new EPC each time there is a change of tenant although landlords may commission EPCs for these properties at any time to prepare for a change in tenant. If a newer EPC has been produced for a home within the ten year period, **only the most recent one is valid**. The EPC provides prospective tenants with information about how energy efficient a property is that they are considering renting. **An EPC is not required for any property that was occupied before 1 October 2008 and which continues to be occupied after that date by the same tenant.**

### What is an Energy Performance Certificate?

An EPC is similar to the energy performance certificates now provided with domestic appliances such as refrigerators and washing machines. The EPC provides a rating for the energy performance of a home from A to G, where A is very efficient and G is very inefficient.

The EPC shows two things about the house:

- the energy efficiency rating (this is based on how much the home would cost to run)
- the environmental impact rating (this is based on how much carbon dioxide is released into the environment because of the home). The rating is based on factors such as age, property layout, construction, heating, lighting, and insulation. The ratings are standard so a tenant can compare the energy efficiency of one home easily with another. The typical rating for a home is D or E. The certificate also provides information about how much it is likely to cost the tenant to run the home. These estimated costs are based on:
  - standard assumptions about a property which include the number of occupants and how long it is heated a day average fuel prices when the EPC was

Produced, these could be up to 10 years old. The **actual** running costs will vary depending on the current fuel costs and the lifestyle of the tenants. A recommendation report forms part of the certificate. This provides a range of improvement measures which could improve the energy performance of the home.

### How do I get an Energy Performance Certificate?

EPCs must be produced by an accredited Energy Assessor. As a landlord you are free to seek accreditation for yourself and your employees and so become competent to certify your own properties. If you use an independent energy assessor make sure they are a current member of an accreditation scheme, as this ensures your energy assessor is operating to professional standards. **An EPC is only authentic if issued by an accredited Domestic Energy Assessor (DEA)**. Details of accredited DEA's can be found at [www.epcregister.com](http://www.epcregister.com)

Each EPC has a unique number which will be entered on to a national register by the Energy Assessor. Once the EPC has been created, you can download further copies in the future by using the report reference number on the top right hand side of the certificate. If you have recently bought a property and are considering letting it, you should have received an EPC as part of the Home information Pack which can be given to prospective tenants.

### What does an Energy Inspection involve?

Once you have requested an EPC from an accredited energy assessor, the assessor will contact you to arrange a convenient time to visit your property. During the assessment the assessor will need to inspect your property and collect information. This will include external or internal measurements, details about the construction, and the type of heating/hot water used in your property. The assessor will need to access all the rooms, the boiler and the loft. The assessor may need to take photographs of items such as heaters and meters. The assessment of a 3 bed property normally takes up to 60 minutes; larger or complex properties can take longer.

### What are the penalties if I do not provide an EPC?

The provision of EPCs is enforced by the Trading Standards department of the local authority. If they receive a complaint that an EPC has not been provided they can impose a penalty charge on you of £200 for each breach.

# Is your property **safe to rent?**

In 2006 the government introduced the **Housing Health & Safety Rating System (HHSRS)** for assessing health and safety risks in residential property.

By 2010 government expectations are that **75% of properties in the private sector** that are occupied by vulnerable households should be of a 'decent' standard. Local Authorities will use their enforcement powers to ensure Landlords comply with these standards.

We are able to provide the support you need... our Environmental Health Practitioners and Technical Officers are **HHSRS Competency qualified** with extensive knowledge and experience in applying the relevant legislation for landlords **throughout the UK.**

**Our services include:-**

- **HHSRS INSPECTIONS & ASSESSMENTS**
- **DECENT HOMES ACCREDITATION INSPECTIONS**
- **HMO INSPECTIONS**
- **HMO LICENSING**
- **HOUSE CONDITION SURVEYS.**

**How can we help you ?**



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Email: [hodt@camden.gov.uk](mailto:hodt@camden.gov.uk)



## Housing Event for Croydon's Private Landlords

Private landlords with properties in Croydon are invited to attend a council organised event where they can find out more about national and local issues directly affecting them.

In addition to the presentations there will be a Q and A session with a panel made up of specialist housing officers from the council and representatives from private sector housing.

The free event will be held

**On:** Monday 15 June 2009

**At:** The Town Hall, Katharine Street, Croydon

**From:** 4pm to 7pm.

There is still time to reserve a place at the event. Private landlords interested in attending should contact Croydon Council's Housing Specialist Team

**On 020 8726 6100** or

Joan Penfold on **020 8726 6100 extension 63837.**

**Advertising Opportunity with LLAS**  
**In future edition of the newsletter with special rates for accredited landlords & agents. For more info Email: [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) or call 020 7974 1970**



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 Hammersmith & Fulham 020 8753 1474  
 Harrow 020 8424 1096  
 Hillingdon 01895 277438  
 Hounslow 020 8583 3865  
 Kensington & Chelsea 020 7341 5247



## Hillingdon Private Sector Landlords forums Dates

**Tuesday 30th June 2009** - Committee Room 6  
**Tuesday 15th Sept 2009** - Committee Room 5  
**Tuesday 15th December 2009** - Committee Room 5  
 All to be held at the Civic Centre, Uxbridge

**Refreshments will be provided on the day**

To find out more information or to register your interest, please contact

**David Youngs** (Principal Environmental Housing Surveyor) Email [dyoungs@hillingsdon.gov.uk](mailto:dyoungs@hillingsdon.gov.uk)

## Landlord Prosecuted for Failure to License a Mandatory HMO

The London Borough of Hillingdon successfully prosecuted a landlord Mr Rodney Smith of Gerrards Cross for failure to License a Mandatory Licensable HMO - 51 Montague Road Uxbridge, Middlesex

With a fine of **£1000 + £540 costs** the fine was low due to the landlord claiming mitigating circumstances and loss of rent due to a landlord/tenant dispute which the magistrates took into account.

## Useful Links and Contacts

**National Landlords Association**  
<http://www.landlords.org.uk/>

**LHA (Local Housing Allowance)**  
<https://lha-direct.therenterservice.gov.uk/Secure/Default.aspx>

**Landlord-law**  
[www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)

**TDP (Tenancy Deposit)**  
<http://www.depositprotection.com/Default.aspx>

**La landlord** <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/>

**Email LLAS:** [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk)

**LLAS**

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

**DCLG**

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

**Direct.gov.uk**

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