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# Welcome

*The 27th Edition Feb. 2015*  
the London Landlord 



## Welcome to the latest edition of the London Landlord

The political agenda is currently dominated by the forthcoming elections which even though several months away is causing politician's to concentrate much of their effort on their prospects of election and re-election. The private rented sector has already had several pronouncements by various parties about how they intend to address the issue of over demand and severe under supply within London and the South East. I am sure more announcements and proposals will come along before voting.

It has however been a long time since the Government has looked at accreditation as a means to improve the private rented sector and to encourage good landlords and agents to be recognised. A meeting of some of the key players in the sector with civil servants took place recently where the idea of a nationally recognised criteria for accreditation was raised as a possible way forward. It is very early days, but the idea of basing it on the UKLAP/LLAS process was discussed and received general support. With the UKLAP/LLAS being the biggest scheme by far, we will be keeping our eye on the discussions and let you know what transpires.

The on-going regulation of the sector continues with two key proposals going through, or very shortly being laid before Parliament. One is the Government's proposals is to eradicate "retaliatory evictions" whereby a tenant is evicted using section 21 following the making of a complaint about their property's condition. The evidence in support for a need to change is hard to find, but its intended that if the Local authority has served a notice on a landlord under the Housing Act 2004 or the tenant has made a complaint and the correct process has not been followed in dealing with the tenant's request then the use of s21 will be invalid.

It is also proposed that the s21 will have to be in a prescribed format, will only last for 6 months and will not be able to be served within the first 4 months of the start of a tenancy. There are also proposals to deal with the return of rent which has been served in advance when a contract is ended before the rent period finishes. I personally am at a loss to understand the 4 months moratorium on using s21 as it will make it difficult/impossible to seek possession immediately a 6 months contract expires.

### *Inside this issue*



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- ▶ *Tessa-Lawyer- Agency Law for Landlords*
- ▶ *Prevent water damage & avoid high Insurance premiums*
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The energy regulations preventing the renting out of low energy properties from 2018 and preventing landlord unreasonably refusing energy improvements by tenants from 2016 have been published. More in future editions but as I have said before, now is the time to check your Energy Performance Certificates and start planning on how you will seek to carry out the recommended works contained in the certificate as these will be key in deciding whether an offence has been committed.

I hope you enjoy this edition.

**Dave Princep - Chair UKLAP/LLAS**




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## Specialist landlord & tenant lawyer -Tessa Shepperson answers landlords' FAQ. In this issue: Agency Law Basics for Landlords

It often comes as a bit of a surprise to people to learn that there is a special law of agency. And it is clear from reading the press that many letting agents are wholly unaware of it!

Agency law sets out the rules that apply when one person (the agent) is employed or authorised (it does not have to be a commercial arrangement) by a principal (in our case the landlord) to create a contract between the principal and a third party (the tenant).

Agency situations are not confined to lettings. For example there are shipping agents and actors agents. Auctioneers are also a special type of agent.

### The fiduciary duty

The agent is in a very powerful position and so is bound by a very strong duty of good faith, known as the 'fiduciary duty'. This means that they must behave honourably towards their principal, put their principal's interests above their own and not seek to make any profit out of the arrangement, which is not authorised by their agreement with the principal.

So for example if a letting agent speculates with a landlord's money on the stock exchange and makes a £10,000 profit that money does not belong to him. It will belong to the landlord, because it was acquired by unauthorised use of the landlord's money, and the landlord will be entitled to claim it off him. Only if the landlord knew what the agent was doing and agreed to it, will the agent be entitled to keep the money.

This rule will also apply if an agent gets paid commission (or 'backhanders') by tradesmen - the money will belong to the landlord unless he or she was aware of the arrangement and agreed to it.

### Agents' authority

The other important issue in agency law is that of 'authority'. An agent will be authorised to do certain things by his agreement with his principal (in a letting agency this will normally be set out in a written agency agreement). However if the agent goes beyond his instructions, then provided this is the sort of thing an agent like him would normally be authorised to deal with, the principal will in most cases be bound by what the agent does.

So for example, if a landlord says 'no pets' and the agent agrees that a tenant can have a dog – the landlord is bound by this. Because it is the sort of thing that agents are generally authorised to agree to and the third party is entitled to rely on what the agent says. After all tenants cannot be expected to know what private instructions the landlord has given to his agent.

Also if a payment is made to an agent – this is the same (legally- as far as the third party is concerned) as if it was paid to the landlord. So if the agent 'does a runner' and goes off with it – the landlord cannot ask the tenant to pay it again. The tenant has already paid it. This is why landlords need to be really careful who they choose to act as their agent – and why they need to make sure the agent is signed up to a Redress Scheme. There is a lot more to agency law, but this will give you the flavour of it.

*A version of this article first appeared on [www.landlordlawblog.co.uk](http://www.landlordlawblog.co.uk)*

*Tessa Shepperson is a lawyer and runs Landlord Law and Easy Law Training. Get weekly tips & a free Guide from Tessa at [www.easylawtraining.com/tips](http://www.easylawtraining.com/tips)*



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## Why only just insure the loss when you can prevent the damage!!



**The biggest threat to your property is not fire...and it's not theft...in fact you can combine those two before you begin to reach the magnitude of the problem of Escape of Water!! Scary but true!!**

**Legal & General has calculated that the increase in Escape of Water claims currently adds £54 on average to every household insurance premium in the UK!!! If the number of claims could be reduced then the savings in claims cost may then be reflected in the premiums people pay - Landlords and Tenants.**

The Association of British Insurers (ABI) reported that the cost to the insurance industry from an Escape of Water was a colossal £730 million in 2010. but this doesn't compensate for the distress or the loss or irreplaceable heirlooms, or moving to a new place while the flooded one is repaired

95% of all homes have Washing machines today and dishwashers, water softeners and central heating, require plumbing and where there is plumbing, there is water! Homeserve estimate 9.7 billion liters are lost due to domestic appliances breaking their connection (2009)!! So the risk of a home being flooded by a burst water pipe has increased over the last few decades, but when you also take into account the value of what we have in our homes – flat screen TVs, designer kitchens, home offices, and iPads – the damage a burst water pipe can create is significant. Also for any of your neighbours if they live below you in a block of flats the effects of you having a leak can be very costly. We forget one person's ceiling is another person's floor and water has a natural way to soak downwards.....Deacon Insurance research shows flats built after 1996 are twice as likely to have leaks from water pipes than properties built before that time. And businesses are not spared either. A review for Greene King last year indicated that businesses are just as vulnerable to damage by Escape of Water.

Issues typically arise when people leave the house for a few days – such as when visiting family and friends at holidays – and turn the central heating off. If there is a real cold snap, the temperature in your empty home can drop significantly. So if you are away from your house for a few days or longer keep the heating going on a low setting so the temperature inside the house does not fall below 12 degrees Celsius is a good tip if you want to avoid coming back to a flooded home.

However winter is not the only time burst pipes occur!! Summertime also sees pipes burst often because of the desire to have plenty of water to combat the heat of the day – The most common source of water damage in UK homes is as a result of a leak from plumbing in an upstairs bathroom. However, it is the kitchen that is most likely to be affected, as they are often positioned below a bathroom. Replacing and repairing kitchen units can cost £10,000 or more. Replacing carpets throughout an average sized four-bedroom semi-detached property can easily total £3/5000 or more if there are wooden floors so loved by designers. If you also look at the costs of replacing damaged items and the possibility of needing to live somewhere else when work is being undertaken on your home: the cost of repair can soon add up significantly. Businesses too are not immune...even medical centers, schools and doctors surgeries can be affected. Anywhere where property stands for a time empty, e.g. weekends or overnight.....like an office.

1/ have your plumbing checked annually and make sure the Mains stopcock works (Turns on and off)

2/ Fit an automatic intelligent stopcock of the type that will turn the water off if there is an excessive flow whether you are at home or not or the property is occupied or not.

For advice/assessment call **Auto stopcock 0845 512045** we work with insurers to reduce the risk associated with water in premises. Domestic and commercial

### Taking care of a precious resource

As responsible property owners we should all bear in mind that it is not just the potential financial cost and inconvenience that causes so much concern. The impact of environmental damage cannot be overlooked and the ecological benefits of less water usage

Stewart Pearce

Autostopcock Website: [www.autostopcock.co.uk](http://www.autostopcock.co.uk)



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## Legal Update in Brief

### **Housing Act 2004**

The Housing Act 2004 states that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. Local authorities have a duty to take appropriate enforcement action in relation to properties where Category One hazards exist and discretion to act in relation to where Category Two hazards exist. Under our Property Management Service, where we receive correspondence or a notice from the Local Authority relating to works required to the property, we will contact you in the first instance to discuss how these repairs will be carried out.

### **Gas Safety (Installation and Use) Regulations 1998**

These regulations make it mandatory that gas appliances must be maintained in a safe condition at all times. An annual safety check must be carried out by a tradesperson registered with Gas Safe Register. An annual safety check of each gas appliance/flue/ pipework must be carried out. The legislation also applies to portable appliances such as LPG (Calor gas) heaters but not those appliances that are owned by the tenant. Once a check has been completed the engineer will issue a certificate to the landlord. Gas safety certificates must be kept for two years and a copy must also be provided to the tenant within 28 days of the check being carried out. A valid gas safety certificate must be in place at the start of the tenancy and the tenant must be given sight of the valid certificate. Failure to comply with this legislation is a criminal offence. Visit [gassaferegister.co.uk](http://gassaferegister.co.uk) or phone **0800 408 5500**. Should your property require a gas safety certificate, we can arrange this on your behalf.

### **Electrical Equipment (Safety) Regulations 1994**

These regulations apply to any portable electrical appliances (such as TVs, fridges, freezers, toasters, microwaves and lamps) which are provided as part of the tenancy. They should be safe to use and in proper working order. It is a criminal offence to supply unsafe electrical equipment with rented accommodation. As a minimum, appliances should be visually inspected for any faults or damage. Whilst it is not a legal requirement, we require an electrical safety certificate covering all wiring and portable appliances within the property. Should you require an electrical safety certificate, we can arrange this on your behalf.

### **Energy Performance Certificates (effective 2008)**

From 1 October 2008, landlords are legally required to show all prospective tenants the Energy Performance Certificate (EPC) relating to their property. Non-compliance of this regulation could result in a £200 fine. An appropriate qualified assessor must complete this certificate. Should your property require an EPC, we can arrange this on your behalf.

### **Furniture and Furnishings (Fire Safety) Regulations 1988 (As Amended in 1989 and 1993)**

- furniture to pass a cigarette resistance test
- cover fabric, whether for use in permanent or loose covers, to pass a match resistance test
- filling materials for all furniture to pass ignitability tests as specified in the regulation

The regulations apply to any of the following that contain upholstery:

- beds, headboards, mattresses, sofa beds and futons garden furniture that is suitable for use in a dwelling
- scatter cushions, seat pads and pillows
- loose and stretch covers for furniture

All new furniture (except for mattresses, bed bases, loose and stretch covers) manufactured since 1988 has been required to carry a permanent label providing information about its fire retarding properties.

The regulations do not apply to:

- sleeping bags
- loose covers for mattresses
- pillowcases
- curtains
- carpets
- Furniture manufactured before 1950.

The landlord must ensure furniture complies with the above legislation before the tenant occupies the property. Any furniture failing to comply must be removed by the landlord and stored at the landlord's expense

### **Smoke Detectors Act 1991**

Any new building (built after June 1992) is required to have mains operated smoke detectors fitted on each floor. On pre-1992 buildings, there is no legal requirement to have smoke detectors fitted; however, we recommend at least one detector is provided per floor

### **Tenancy Deposit Protection Legislation (effective 2007)**

The tenancy deposit legislation applies to all deposits accepted for assured shorthold tenancies post 6 April 2007. Landlords (or their agents) must protect the deposit within 30 days and give the prescribed information to the tenant as to where the deposit is protected. Financial penalties (no more than three times the deposit sum) can be awarded against the landlord. Any Section 21 notice served by the landlord before the deposit has been protected and/ or the prescribed information served, will be invalid.

### **Finance Act 1995 (Taxation)**

Act affects the way in which monies are collected by HM Revenue and Customs for non-resident landlords.

A non-resident landlord will be able to apply directly or through his/her UK accountant the tax from the rental income. If granted and confirmed by HM Revenue and Customs this will enable the agent to release the rent gross without making tax retention. Joint owners must each apply to HM Revenue and Customs.

If the landlord is not granted self-assessment, the agent will have to pay to HM Revenue and Customs on a quarterly basis the appropriate income tax percentage of the net rentals. The calculation for tax paid by the agent will not include mortgage interest, depreciation or other tax deductible items. Any overpayment of tax will then need to be reclaimed at the end of each tax year by the landlord submitting a statement of accounts to HM Revenue and Customs directly

### **Protection from Eviction Act 1977**

The Protection from Eviction Act 1977 makes it a criminal offence for any person to unlawfully deprive a tenant of their occupation of the premises. This means that, unless the tenant agrees to vacate the property, the only legal way a landlord can evict a tenant is by obtaining a court order. It is also a criminal offence under this Act to harass a tenant, or any of their friends or visitors who have gained lawful access to the property. Harassment is defined as acts likely to interfere with the peace and comfort of the tenant or the persistent withdrawal of essential services. Common acts of harassment can include:

- threats of violence or unlawful eviction
- disconnecting gas, electricity or water
- breaking off the key in the lock
- deliberately disruptive repair works
- frequent visits at unreasonable hours
- entering the property without the tenant's permission

### Mortgage or leasehold properties

You should advise your bank or building society that you will be letting the property. Written permission is usually required. Some lenders will charge an administration fee for issuing a consent letter. There may also be a variation in interest rate levels of the mortgage. If the property is leasehold, the head lease will specify whether or not you should gain permission from the freeholder or the freeholder's managing agent. The freeholder or his agent will normally charge a fee for issuing a letter of consent and in some cases special conditions may be imposed.

### Buildings insurance

Buildings insurance covers the risk of damage to the structure and permanent fixtures and fittings of a building. If the property is leasehold, then the freeholder will normally arrange the buildings insurance and re-charge the cost. There are specific insurance policies aimed at landlords that cover liabilities to the tenant where a property has been made uninhabitable as a result of an insurable risk as well as covering liability should a tenant be injured as a result of an accident in the property. We require that you have buildings insurance and provide details of such when requested. Tenants are usually responsible for providing their own contents insurance to cover their personal belongings.

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## LB of Harrow Help2Let Landlord Forum

**Date:** Wednesday 25 Feb. 2015 **Time:** 6.00 pm Coffee & Registration **start time:** 6:30pm

**Venue:** Council Chamber, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

To book a place please emails Help2let with your contact details. [Landlords@help2let.co.uk](mailto:Landlords@help2let.co.uk)

Website: [www.help2let.co.uk](http://www.help2let.co.uk)

## LB of Merton Landlord Forum

**Date:** 3rd March 2015 **Time:** from 6:30pm to 8:30pm

**Venue:** Merton Civic Centre, London Road, Morden, Surrey SM4 5DX

## LB of Hackney Landlord Forum

London Borough of Hackney would like to invite you to their forthcoming Landlord Forum which will take place on:

**Date:** Friday 6<sup>th</sup> March 2015 **Time:** From 10.30 - 3pm

**At:** Hackney Assembly Hall, Mare Street E8 1EA

The theme of the forum is - **Engaging our Landlords**

Where we will have presentations from Richard Blanco of Nation Landlords Association, Stakeholder Engagement session from Housing Quality Network, plus updates for landlords on recent policy and legislative changes

This is a free event, refreshments and lunch will be provided courtesy of Finefair ?

For further info please contact Tel: 0208356 4411. Please confirm your attendance by emailing [Housingsupplyteam@hackney.gov.uk](mailto:Housingsupplyteam@hackney.gov.uk)

## LB of Hillingdon Landlord Forum

**Date:** 24 March 2015. **Time:** 6pm to 9pm

**At:** The Civic Centre, High Street, Uxbridge. UB8 1UW in Committee Room 6

## Medway Landlord Forum

**Date:** 21 April 2015    **Venue:** Gun Wharf, Dock Road, Chatham, ME5 0HZ

**Time:** Registration/refreshment 12.30pm - 1pm - **1st session 1pm - 4pm:**

**Time:** Registration/refreshment 5pm - 5.30pm - **2nd session 5.30pm - 8.30pm**

For further info & to book a place, please email Lenka at [lenka.wyatt@medway.gov.uk](mailto:lenka.wyatt@medway.gov.uk)

## LB of Sutton Landlord Forum

**Date:** 4th June 2015. **Time:** 17:30 to 8:30pm

**Venue:** Meeting room 1, the London Borough of Sutton, Civic Offices, St. Nicholas Way, Sutton SM1 1EA.

For further information please contact Michael Warwick by email:

[michael.warwick@sutton.gov.uk](mailto:michael.warwick@sutton.gov.uk)

## Student Housing Market – where is it heading?

The University of London Housing Services has just undertaken an unprecedented survey of students in London. In collecting responses from over 7,000 students across 43 different Higher Education institutions across the capital, the survey is the largest of its kind ever completed.

The survey covers students' experiences of both University and private rented accommodation. We were able to get student opinions on the rents they pay, the areas in which they live and what factors they will prioritise in searching for accommodation for the next academic year.

Roland Shanks, Information & Projects Manager at the University of London Housing Services, will be presenting his findings from the survey at the upcoming University of London Landlord Forum.

The Forum will take place on **Wednesday 22 April 2015**, from **5pm – 8pm**. Other talks for the event will cover the Immigration Act 2014 and its impact on Landlords, as well as a talk on Local Authority Licensing Schemes. Landlords can book **free tickets** for the event at [www.uollandlordforum.co.uk](http://www.uollandlordforum.co.uk).

**3 CPD points are available for attendees.**

## Medway Council new improved incentives:

- £1500 finders-fee payable for properties from accredited Landlords/Agents
- £750 finders-fee payable for properties from non-accredited Landlords/Agents
- Up to 8 weeks Deposit held for repairs at end of tenancy
- Up to 6 weeks Rent In Advance cash-payment once tenancy is signed
- Individual client awards will be indicated on the Homebond Certificate
- Direct HB payments straight to Landlords/Agents
- Payment will be paid within 5 working days
- Allocated personnel to deal with all payments/claims enquiries

### **We require properties which are:**

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- All types of properties are welcome
- Landlords/Agents that accept HB

Call Lani Ladapo on 01634 333232 or email [lani.ladapo@medway.gov.uk](mailto:lani.ladapo@medway.gov.uk)

## **End to outdated laws will allow Londoners to let homes for extra cash**

Eric Pickles announces the end of rules that prevent short-term renting of private homes. New measures will end outdated rules from the 1970s preventing London residents from renting out their own homes on a short-term basis to visitors.

There were nearly 5 million overseas visitors to the capital between July and September last year alone, and thousands of properties available as holiday lets on travel websites. However, under 40 year old laws dating from the time of the GLC (Greater London Council), Londoners who want to rent out their homes for less than 3 months technically still have to apply for planning permission from the council - something that doesn't apply anywhere else in the country. These provisions caused controversy during the 2012 Olympics, and are irregularly enforced by different London boroughs leading to confusion.

Ministers now want to change this archaic system through a measure in the Deregulation Bill, giving Londoners the freedom to rent out their homes on a temporary basis, such when they are on holiday, without having to deal with unnecessary red tape and bureaucracy of paying of a council permit. The measure will not allow homes to be turned into hotels or hostels - this would still require 'change of use' planning permission, and measures will be put in place to prevent abuse of such reforms or the permanent loss of residential accommodation.

Such reforms will not just benefit London's strong tourism industry by expanding the pool of competitively priced accommodation, but allow families to earn some extra cash when they themselves go away. These reforms follow changes introduced last year to make it easier for residents to rent out an unused home parking space to earn extra money, helping expand the availability of parking options for commuters and visitors.

Communities Secretary, Eric Pickles, said:

The internet is changing the way we work and live, and the law needs to catch up. We have already reformed the rules on renting out your unused parking spaces, now we want to do the same regarding renting out your home for a short period. It's time to change the outdated, impractical and restrictive laws from the 1970s, open up London's homes to visitors and allow Londoners to make some extra cash.

Further information visit [www.gov.uk](http://www.gov.uk)

## **Advertising & Sponsorship Opportunities Available!**

Landlords and agents advertise your services/products at discounted rates. For further information email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) or visit [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) Tel: 020 7974 1970 / 020 7974 2839

## London Borough of Hackney

The Council has developed its [Social Lettings Agency](#) to assist in mitigating against some of the detrimental issues that tenants and landlords face.

The Social Lettings Agency will be an avenue through which landlords can have a direct relationship with the Council, who will then in turn manage the property on their behalf. They will work with and on behalf of landlords to ensure that properties meet the required standards.

It will be a new housing supply vehicle, through which the Council will gain access into the Private Rented Sector Market as a housing supply for those in need of accommodation. The lettings agency will be known as “**Hackney Priority Homes**” and will provide the local authority with the ability to offer private rented accommodation to households, as a qualifying offer and ultimately to those who face barriers in acquiring accommodation in the private rented sector.

Hackney has had many years’ experience of working with local estate agents and local landlords, many of whom have continually sought the opportunity to work directly with the Council either for a source of tenant referral or in utilizing their properties. Hackney Priority Homes will provide them with that opportunity. Working closely with our Private Sector Team we want to improve the quality of private rented accommodation, support landlords in that endeavor and improve the standard of lettings agents and managing agents through the redress scheme.

Hackney Priority Homes will provide support to their tenants through the development of pre-tenancy training workshops to improve the sustainability of the tenancy.

### **We will provide the following services to landlords**

- Tenant Finder Service
- Tenant Finder and Rent Guarantee option
- Full Management

Hackney Priority Homes we will continue to evolve and develop and respond to the changing needs of the market, our landlords and tenants.

### **Some of the benefits of Hackney Priority Homes are**

- To improve the supply of suitable private rented sector properties to the Council
- The ability to form direct and long term relationships with landlords
- To improve the quality of accommodation in the private rented sector
- To provide those in housing need with the opportunity to live in the private rented sector
- Working with Landlords to become Accredited Landlords
- Provide opportunities for individual landlords to work closely with the Council in the development of their housing portfolios
- To assist tenants in accessing affordable accommodation
- The provision of pre-tenancy training
- To improve Tenant and Landlord relationship

For further information on Hackney Priority Homes – <http://www.hackney.gov.uk/priority-homes>



## **LB of Redbridge Borough wide Selective and Additional Licensing scheme?**

Redbridge Council is running a consultation exercise asking for views on a proposed property licensing scheme for the Borough. The consultation was launched on line on Monday 24 November and will run until 25 February 2015. The proposed scheme aims to drive up standards and improve the management of private rented accommodation and reduce anti-social behaviour.

### **How will the Scheme Work?**

The Council is proposing that **all private sector landlords** would have to apply for a licence for each property they rent out in the borough. The landlord would need to comply with certain conditions to ensure that the property is well managed. There is also a licence fee to pay – currently proposed at £500 per licence for 5 years with a reduction of 50% to £250 if the landlord applies during the discounted period. Redbridge already operates a Mandatory Licensing scheme for some 3 storey Houses in Multiple Occupation (known as HMOs); the proposal being consulted on relates to Selective and Additional Licensing and would apply to all privately rented properties across the borough.

### **Why is the Council thinking about introducing a Borough wide Selective and Additional Licensing scheme?**

The growth in the private rented sector has been considerable over the last 10 years; nearly one in four households now lives in a rented property in Redbridge. We already do lots of things to try and improve the management of private rented properties in the borough. We investigate over 1000 complaints related to poorly managed rented properties each year. On most occasions the tenant has tried and failed to get the landlord to carry out repairs. It is also clear that there are significant problems with the way that an increasing number of HMO's are managed and maintained, impacting on other residents as well as on tenants living in these properties. Of the 25 prosecutions the Council has carried out over the last few years, 23 related to Landlords of HMOs.

### **How will licensing private rented properties help?**

Approximately 1 in 4 households live in private rented accommodation in Redbridge. We believe that private tenants should enjoy the same decent living conditions as other households and feel empowered to assert their right when things are not up to standard. We also want to support residents and businesses living with the anti-social behaviour from nearby poorly managed private rented accommodation. Licensing private rented properties will assist the Council in developing and maintaining a landlord's register so that we know who to contact if we need to.

Throughout the consultation we have been listening to landlords and managing agents to better understand the problems they encounter when managing properties. This feedback will be helpful in shaping how the Council can better support landlords, particularly for those that are new to the business.

### **When will Additional and Selective Licensing Start?**

No decision has been made to implement the scheme. At this stage we are just consulting on a proposed scheme. Following the consultation a report will go back to a Cabinet meeting for Elected Members to make a decision

To find out more about the scheme and to complete the on-line questionnaire go to [www.redbridge.gov.uk/haveyoursay](http://www.redbridge.gov.uk/haveyoursay)

**The consultation runs from 24 November 2014 to 25 February 2015.**



## Blue Watch. Make a safer place.

Blue Watch is a home safety scheme designed to make rental properties safer. It has been set up by the Chief Fire Officers Association (CFOA) and is supported by UK fire and rescue services.

As a landlord, you are responsible for the safety of your tenants which includes making sure your property is safer from the risks of fire and carbon monoxide (CO) incidents.

Blue Watch supports landlords with a two-tier service and a range of products designed to reduce the risks of fire and carbon monoxide in your properties.

The Blue Watch process for landlords is simple and straightforward:

- Landlords are encouraged and supported to register their properties and work through a self-declaration safety checklist
- Landlords can achieve Blue Watch validation for their properties by arranging a home safety inspection by someone from the fire and rescue service trading arm or trusted partner
- Landlords shop for the products required to make their properties safer



Register your **property online**



Receive a **home safety inspection**



Invest in **fire safety products**



Essential **safety tips and advice**

For more information and to register visit:  
[www.bluewatch.co.uk](http://www.bluewatch.co.uk) or call 0300 555 0220

# Q&A with London Shared



*A London Shared property in Chiswick*



*Jake Willis, co-founder of London Shared*

In past newsletters, readers have been introduced to the shared accommodation specialist and platinum sponsor of the 2014 UKLAP Awards, London Shared. While the seven year old company's proven business model sounds attractive (They rent properties from landlords for long, fixed-term tenancies, furnish them and then let out the rooms to working professionals – all while managing the property and paying guaranteed rent.), it leaves interested landlords wanting more information. Jake Willis, co-founder of London Shared, attempts to answer some of the more popular questions from landlords below.

## **Q. Are you estate agents?**

A. No. London Shared has only one line of business: we rent properties from landlords and provide accommodation to working professionals. Our service maximizes the property's value through effective ongoing management, while giving landlords the freedom of NOT having to deal with tenants and estate agents.

## **Q. So you're property managers then?**

A. Yes. We sign 3-year commercial contracts with landlords to take charge of the property, effectively becoming the tenant. During that time, we pay the landlord a guaranteed rent, in advance, every month, regardless of the building's occupancy. We do all the maintenance on the property, and we take the midnight phone calls from shivering residents whose radiators have suddenly gone on the blink. Fining residents, keeping them happy and collecting their rents becomes London Shared's responsibility. That is why, from the landlord's perspective, we believe we are the perfect tenant.

## **Q. What types of properties do you deal with?**

A. Mostly 3, 4 and 5 bedroom flats / houses or blocks of studios. If you own a property like this, and you prefer not to have the hassle of managing it on a day-to-day basis and finding tenants, our service is worth considering.

## **Q. What are the charges associated with your service?**

We charge nothing to our landlords for the service we provide. We make our money on the differential between

the rent we pay to the landlord and the rent we collect from residents. We charge our residents a slight premium for providing high-spec rooms that are inclusive of utility bills and have weekly cleaners.

## **Q. How do you find and evaluate potential tenants?**

A. Over a number of years we have built relationships with well-known companies, relocation agents and recruitment consultants who approach us to find accommodation for their staff. We advertise via our website, online and in print. We also receive many referrals via previous and current tenants. Though we consider references from previous landlords and employers very important, we feel that gut instinct is just as vital.

## **Q. What kind of contract do you use?**

A. We provide a commercial agreement that has been tailor-made for our business model. Effectively, this makes us your sole tenant for a period of 3 years and gives us the authority to manage the property on your behalf. As for our residents, they typically sign 6-month tenancy agreements, and extend from there (our running average tenancy is 12 months, so turnover is very reasonable).

## **Q. How do you value properties, and how quickly do you make an offer?**

A. We will make an offer we feel is fair based on market conditions in the area where the property is located. Since we don't renegotiate halfway through the lease, and there are no break clauses, we are very careful to offer a figure that will be commercially viable for London Shared and you. Having said that, we also know exactly what we are looking for, so we are able to make offers within 24 hours of viewing a property. And whatever we offer at that time is what we will stick to for three years.

If you still have questions or would like to book a valuation, please visit [www.londonshared.co.uk](http://www.londonshared.co.uk) for more FAQs and company contact details.

# LONDON SHARED

95% of landlords who've had the chance to extend their contract with us have chosen to do so.

**Why?** Because we are not an estate agency. We're managers. And we're earning our reputation as the company that is getting shared accommodation right in London.

The model is simple enough: we lease properties for fixed long-term tenancies, and then we rent out the rooms to working professionals on 6-month contracts. Meanwhile, we do all the hard work so landlords don't have to.

And as our track record shows, they seem to like it this way.

020 7610 9004  
londonshared.co.uk

## Who Pays for Maintenance and Repairs?

**Who pays for maintenance and repairs in a residential letting, landlord or tenant?**

**Is it, for example, a tenant's responsibility once they occupy my building to look after most of the regular house maintenance items? If the fridge stops working does the tenant or the landlord need to repair it?**

Your approach to tenancy management is the difference between that of a landlord acting like a professional and a skin-flint that generally gets landlords a bad name.

Keeping your properties in a good state of repair with modern clean facilities not only means you are meeting your common law, contractual and statutory obligations, it keeps your tenants happy and means they stay longer, reducing void periods and increasing your overall profitability.

My approach has always been to respond immediately when a tenant has a problem and get it fixed as fast as I can, even at week-ends sometimes. I never quibble over a few pounds, even when it is clearly reasonable to fix the blame on the tenant. It's just not worth upsetting a good tenant for the sake of say £50 to fix something that's broken, when that tenant might pay you £9,000 over the next year or so.

It never ceases to amaze me that landlords will try to avoid paying these small sums at the expense of destroying a good landlord-tenant relationship. When tenants are delighted with the outcome, they think you are the best landlord since sliced bread.

I've always taken the view, in all my business dealings, that a complaint is an opportunity to solve a problem and cement a great long-term relationship with a customer – tenants are no different. When you respond quickly and appropriately to problems it gives your tenants confidence in you as a landlord, but don't be a sucker. You want to encourage your tenants to report defects, especially if they are serious and potentially expensive if left unattended, but mischief "problems" can sometimes be a smoke screen for not paying rent.

In my experience good tenants rarely come up with problems unless there's a genuine reason. So, if you get one that constantly complains, or asks for unreasonable work, beware and back off. Be prepared for trouble!

Landlords have repairing obligations under common law, under contract (the terms of the letting agreement) and under statutory rules, which in the main come under the Landlord & Tenant Act 1985, The Environmental Protection Act 1990, and the Housing Health and Safety Regulations (HHSRS).

The tenancy agreement will usually state that the tenant keeps the property clean and free from vermin, and carries out minor household repairs.

All externals including the building structure, gutters, drains, etc., all essential utilities supplies, including water gas, electricity, sanitary and washing facilities, plus heating systems are the responsibility of the landlord in residential lettings. Where essential appliances are provided the landlord is responsible for their safety, repair and if necessary replacement should they fail. The property must be safe, secure and free from damp.

Where a property falls below a certain minimum standard, which tenants are entitled to under the law, delays in repairs and maintenance put you at risk of being reported to the local authority environmental health officer. They have the power to enforce landlords to carry out work, or failing that, in extreme cases, the authority can do the work and charge the landlord.

Furthermore, if the landlord or agent delays unreasonably in carrying out essential repairs, having been appropriately informed of the problem, a tenant has the right, subject to getting more than one estimate, to withhold rent to pay for repair work they commission themselves.

Condensation and dampness are common in rental properties and a particularly contentious and tortuous issue for landlords – they sometimes unfairly get the blame. It's often a combination of causes that result in hazardous black mould growth: water leaks, poor insulation, ventilation or inadequate heating systems, and/or the lifestyle of the tenants.

Tenants not providing enough heating and ventilation when steam is produced with cooking, clothes drying, washing and bathing, can be the main cause too. If a property has been condensation free under a series of tenancies, until one comes along with these problems, it points to lifestyle. But even so, convincing tenants and the authorities that it is not the landlord's fault can be a real problem.

There's usually only one absolute solution in these situations: fit automatic ventilators in kitchens and bathrooms or ideally a whole house ventilation system with heat exchanger.

In theory, a landlord is not responsible for repairs which have not been reported by the tenant, though it is usually not in the landlord's interest to ignore essential work.

Access to do work, unavoidable delays due to, for example, unavailability of spare parts, and disruption caused if the work is extensive, often is the cause of friction. These situations are when your negotiating and diplomacy skills are sometimes tested to the limit.

**Tom Entwistle is an experienced landlord and editor of LandlordZONE®**



The following pieces of legislation apply to this article:

Landlord & Tenant Act 1985, the Environmental Protection Act 1990, Housing Health and Safety Regulations – A Guide (HHSRS)  
The Management of Houses in Multiple Occupation (England) Regulations 2006

## Accommodation for Students (AFS)



Accommodation for Students (AFS) is the UK No.1 Student Accommodation search engine featured Google No.1 position for Student Accommodation, attracting over 2.5 million visitors per annum. The website is a one stop shop for student accommodation, featuring all types of private rented student accommodation, provided by landlords, letting agents and private halls in over 90 UK university towns and cities. Recently awarded Best Website at the 2013 Landlord & Letting Awards the company continues to grow from strength to strength, continuously adding new additional services.

In 2012 AFS joined forces with UNIPOL (the student housing charity) to create the AFS UNIPOL CODE, a successful UK wide accreditation scheme for student housing in the UK which includes the physical inspection of student properties by trained verified property assessors.

Web: [www.accommodationforstudents.com](http://www.accommodationforstudents.com)

## Inventory, Schedule of Condition, Check In, Property Visits, Check Outs, Damage and Dilapidations reports

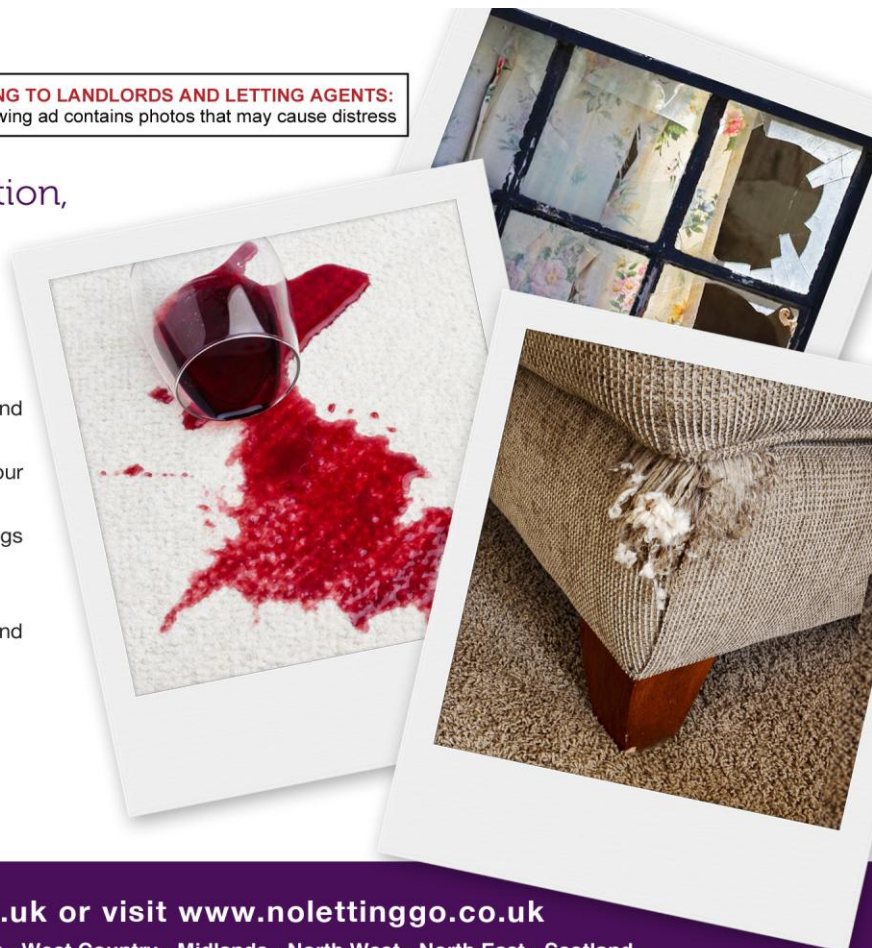
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Newham London

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- Deposit and rent in advance

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- Ongoing landlord support and advice
- Support to maintain the tenancy
- Direct rent payments
- Local housing allowance (LHA) rates paid

If you have any properties or would like to find out more about our Private Rented Sector Scheme, contact the Housing Supply team now.

**Telephone:** 020 3373 1149

**Email:** [PRSSupply@newham.gov.uk](mailto:PRSSupply@newham.gov.uk)



## Green Assessors

Green Assessors is an independent energy efficiency and renewable energy consultancy. We advise landlords, tenants, and businesses on ways to reduce energy consumption through the provision of EPCs and Green Deal Assessments.

We are one of the first organisations to be **accredited and certified as a** Green Deal Advisory Organisation ("GDAO") and are able to offer an advice service for Green Deal. Our team of experts can provide comprehensive advice on improving the energy efficiency of your property, generating energy from renewable sources, and take advantage of financial incentives such as Green Deal & ECO.

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



## The Big Green Energy Company

Back in March 2010, The Big Green Energy Company was the first Solar PV installer to get MCS (Microgeneration Certification Scheme) approval in Greater Manchester. After redeveloping its business model, the company was one of the first in the country to become a Green Deal Provider in November 2012. Since then it has successfully installed many heat saving measures for happy customers throughout the UK.

In 2014 the company looks to further expand its operations and relationship with Green Deal installers and assessors, as the next phase of the Green Deal comes into effect, landlord properties with tenants.

Visit [www.greendealpoints.com](http://www.greendealpoints.com)

## London Landlord Accreditation Scheme – recognised as the scheme that sets the standards and is key to successful rental operation

LLAS had a fantastic year in 2014. We have built new relationships with some very successful organisations like Endsleigh Insurance services and many more through project work, sponsorships and hosting two massive events.

LLAS celebrated its 10 years towards the end of 2014, making it the longest running and the most successful accreditation scheme in the country. A memorable event was held to celebrate this milestone, one that will not be forgotten. We presented the event on a Ship. The celebration brought together many that were involved from the beginning of LLAS and some new faces too. The 150 plus guests involved sponsors, landlords, agents, local authority staff and associated professionals from the private rented sector.

We had speeches and presentations delivered by our keynote speaker and winners of the March 2014 award ceremony. Our workshops were very challenging and thought provoking which led to very lively discussions. We also did a Quiz on Private Rented Sector, which was very much enjoyed by everyone.

Following on to light hearted entertainment with a drink reception; we had networking on the quarter and upper deck, with many posing for pictures.

Once seated for the hot fork buffet, everyone tucked into a wonderful selection of food. The buzz in the room was absolutely out of this world, everyone was networking over dinner, and there was laughter and more drinking.

As the DJ played the music, the quarterdeck became a lively party as the guests gathered, networked and enjoyed each other's company. The girls took over the dance floor, with some singing, and the drinks kept flowing.

All in all, it was a successful event which lived up to its expectations.



*Everyone enjoying their dinner and networking*

The London Landlord Accreditation Scheme (LLAS) launched in 2004 as a partnership of London boroughs, landlord organisations and educational organisations to recognise good practice and improve conditions in the private rented sector. The scheme provides training and on-going professional development. This includes additional training opportunities specialising in particular areas of interest.

UKLAP An umbrella organisation exists to promote the LLAS model outside of London. Regions across the UK are now affiliated with LLAS.

You do not need to own and rent a property in London to become accredited by LLAS.

Of course, everything comes at a price and there is no such thing as a free lunch. You will find that LLAS courses are the cheapest amongst all other schemes, saving you money in the long run with no fees or contracts and also giving you the benefit to achieve the knowledge delivered by experts covering all aspects of private sector to help you maintain what you are doing. With our local authority expertise and experience, we can offer our members something that no other schemes can. All you need to do is visit our website [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk), register your details and book the Official Accreditation course online at your chosen location. It's that simple.

The LLAS and UKLAP are the most successful voluntary accreditation schemes in the country and form the backbone of the London Rental Standard. The London Rental Standard is the Mayor of London's campaign to improve private renting and promote good standards. Open to landlords and agents, it allows those that sign up to use the LRS badge, which is instantly recognisable across London as a mark for quality. To join, landlords and agents must sign up to our London Landlord Accreditation Scheme at [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk) Once a landlord or agent gets accredited with LLAS/UKLAP they can use our logo and give tenants the confidence to know that you are a responsible landlord, accredited by LLAS, widely recognised as the scheme that sets the standard.

The LLAS award ceremony and networking event took place at the beginning of 2014 at the Thistle Hotel and was held to recognise and celebrate the best practices and accomplishments of Landlords and agents in PRS and awarded them for specific categories. We produced awards and had them engraved, and gave opportunity to each company that sponsored the award/event to do the honours and hand it over to the winner. It was a formal black tie event, 300 plus attendees including VIPs and high profile speakers and we had the pleasure of having Martin Roberts from BBC Home under Hammer presenter and Deputy Mayor Richard Blakeway. The event had live musician, champagne reception, and some keynote speakers delivering their speech on the challenges and growth in the PRS world. The night was a huge success, no less than an Oscar night, with fine dining and champagne all around.

As you can see we embrace and deliver on networking events, and there are some upcoming events in 2015/2016 to look forward to, **LLAS/UKLAP Summer Networking Event, to be held on 8 July 2015, From 12:30pm to 6pm and the LLAS/UKLAP Conference & Award Ceremony "Embracing Change within the PRS on Friday 18 March 2016 from 5pm** for further info, please visit [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

## National roll-out of Universal Credit begins

The national roll-out of the controversial Universal Credit scheme began on 16<sup>th</sup> Feb. 2015, with more than 150 job Centers set to start offering the benefit within the next two months.

From the 16<sup>th</sup> Feb.2015, people in Yorkshire, Tees Valley, London, The Highlands, Thames Valley, and Gloucestershire will be able to claim the benefit, followed by others across the country by this time next year. It comes as the government releases research which it claims shows Universal Credit had helped get people back into work more quickly, saving the taxpayer billions of pounds.

Unlike the current system, which gives recipients their benefits as separate amounts, universal credit combines the six main types of benefit into one package. With a staggered roll out, the government hopes to introduce universal credit to a further 150 job centers in the UK over the course of this year, so that by 2016 one in three job centers will offer it.

### How does it work?

The six working-age benefits combined into universal credit are as follows: income-based jobseeker's allowance, income-related employment and support allowance, income support, working tax credit, child tax credit and housing benefit.

It will be made available to all single people of working age under the scheme, and once enrolled a person will receive it as a direct monthly payment into their bank account.

The structure of the package makes it possible for recipients to take a part-time job, since the benefit will be gradually tapered away rather than being dependent upon complete unemployment.

As part of a pilot scheme, it is already available in 100 job centers concentrated in the north-west of England. The purpose of this next stage is to spread it across the nation.

### Why is it being introduced?

Universal credit was first outlined by Duncan Smith at the Conservative Party annual conference in 2010, as a way of increasing employment and reducing benefit expenditure. Once fully rolled out, ministers estimate it could boost the economy by seven billion pounds each year. For more info visit [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit)

## 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)

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

**TDP (The Deposit Protection Service)** – [www.depositprotection.com](http://www.depositprotection.com)

**Landlordzone** – [www.landlordzone.co.uk](http://www.landlordzone.co.uk)

**Accreditation Network UK (ANUK)** – [www.anuk.org.uk](http://www.anuk.org.uk)

**Landlord's useful links and information** – [www.landlords-uk.net](http://www.landlords-uk.net)

**Fire Protection Centre** – [www.fireprotectioncentre.com](http://www.fireprotectioncentre.com)

**DCLG** – [www.communities.co.uk](http://www.communities.co.uk)

**Direct Gov UK: Advice for tenants and landlords** – [www.direct.gov.uk](http://www.direct.gov.uk)

**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)

**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)