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# Welcome

*The 31st Edition June. 2016*  
the London Landlord 

## Welcome to the latest edition of the London Landlord

The third UKLAP Conference and Award Ceremony held on 18 March 2016 was again a very successful event and demonstrated that good practice is a key issue for members. The event was both informative with the three key note speakers demonstrating the major changes which the private rented sector (PRS) is currently under going and giving some indications that further changes are in the wind. ITV attended the event and interviewed a number of attendees and speakers to get their views on some of the proposed change.

Congratulations to all the award winners and nominees who demonstrated excellent work and can confidently be seen as leaders in good practice and service delivery. As mentioned by the key note speakers new rules and regulations are in hand and two major Acts have recently been passed by

Parliament which could have major impact on the PRS. Some are more window dressing than effective changes, but all members need to be aware of the new legislation.

The Housing and Planning Act 2016 was marketed to the PRS as a means to control “rogue landlords” and deal with abandonment. Some of the key changes are the creation of a public “rogue” landlord database where tenants will be able to check whether a prospective landlord is a “rogue”, the definition of fit and proper person for licensing has been “tightened”, Councils will be able to issue penalty notices for breaches of HHSRS (Housing Health & Safety Rating System) instead of going to court – the Council will then receive the penalty fees (which may result in more action under HHSRS), abandonment rules have been amended which according to some will make dealing with abandonment easier for landlords but get advice. Much of the effect of the Act will depend on regulations which will be passed in the coming months. There are other changes included but the UKLAP will be running CPD courses on the legal changes once full details are known.

The other major legislative change is the Immigration Act 2016 which tightens up the rules around letting premises to those not having a right to be in the country. Higher penalties are introduced and in theory the ability to evict an illegal immigrant has been improved, but as so often, only time will tell how Courts will interpret the new laws. With the continuing implementation of new legislation it's even more important than ever to keep up to date with the changes. Look out for details of updates training courses on the website.

Hope you enjoy this edition.

**Dave Princep - Chair UKLAP/LLAS**

## *Inside this issue*



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- *Name the crooks say landlords in London*

# A Networking Event with a Difference



The LLAS & UKLAP invites you to the Summer BBQ & Networking event this July in London. The Must-Attend Summer Event is returning for 2nd time and will be taking place at:

**Taj Hotel, St James' Court, 51  
Buckingham Gate, London,  
SW1E 6AF**

**Friday 15th July 2016  
From: 12:00pm to 6pm**

Set in the heart of Westminster, near Whitehall, Big Ben and House of Parliament, St. James Courtyard is one of the Capital's most idyllic spaces, set around a historic cherub-ordained Victorian Fountain and ideal for LLAS/UKLAP BBQ networking event.

## Speakers



David Whittaker  
MD Mortgages  
for Business -  
**Financing Buy to  
let in a changing  
Market**



Tony Gimple  
MD Less Tax for  
Landlords -  
**How to balance  
the contradictory  
demands of Tax**



Dave Princep  
Chair of LLAS &  
UKLAP-  
**Welcome & PRS  
Quiz on Recent  
Legislation**



Peter Littlewood  
SLA Director -  
**Master of  
Ceremony & PRS  
Quiz master**

## How to Book

**Tickets are: £50.00 for accredited landlords, agents, LA staff & LLAS  
trainers & Regular tickets are: £65 To book online [CLICK here](#)**

**Or call 0207974 2839 & pay over the phone**

With Thanks to Our Premier Sponsors





# SHORT TERM LETS, LONG TERM SOLUTION

The sharing economy is well and truly booming. There's no hiding it, but what effect has it really had on the residential lettings market and will it continue to disrupt it?

Since the launch of Airbnb in 2008 the UK and indeed the world has embraced the chance to share their homes with others travelling the globe, and now it appears landlords are seizing the opportunity to make more from their homes and turn residential lets into short term Airbnb lets.

So why change your tactics? Firstly, Landlords can see much higher yields from their properties when renting on Airbnb compared with residential lets, in some cases increases can be as high as 100%.

The Airbnb platform is also a safe route to market as they operate a "host guarantee", meaning they will cover the first £600,000 of any damage to your property and contents (in the highly unlikely event there is any).

With an increase in stamp duty, rental revenue now being treated as income and higher tax implications, it has definitely become harder to make money as a landlord, so is this the answer to succeed in such a financially difficult market?

To make the high yields from an Airbnb rental, your property needs an extremely high turnover.

To maximise your profit, you need the property occupied every weekend, with midweek business stays in-between. With Airbnb you are required to have the property cleaned, linen changed, essentials replenished. You will also need to pick up keys, drop off keys, welcome guests, respond to enquiries.

The list is endless! There is certainly a lot more work than the typical landlord duties you will be used to! So is it worth the effort? Based on an average stay of just 6.4 nights, the increase in income can soon be wiped out by the time and labour you need to invest.

This is where Airbnb management companies such as Airsorted, who operate in London, Edinburgh and Dublin, come in. For a fee they will manage all of this for you.

They will take care of everything from listing the property and communicating with guests, to keys, laundry and cleaning. Once the keys are handed to them you can sit back and watch the increased revenue come in.

If you are sceptical they even offer a "guaranteed rental" option where they will pay you a fixed fee every month (which they guarantee will be higher than your residential rental!) and whether the property is full or empty the money will be in your bank account at the end of each month.

**Why not use Airsorted's property calculator and find out how much your property could be worth today.**

All the hassle removed and even once fees are taken, a higher return on your investment!

**If you are interested in making more from your property we have a special offer for London LLAS members.**

**Simply quote LLAS16 when signing up before 1st July, 2016 to receive £100 credit off future commissions.**

## A Networking Event with a Difference

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### The event will be smart casual attire and you will:

- Enjoy the BBQ and drinks
- Meet with fellow professionals across the Housing Sector
- Have opportunity to network with sponsors of the event
- Meet and chat with the speakers
- Enjoy the popular PRS Quiz
- Educational debate on licensing
- Network and share good practice
- Relax and enjoy the company of other like-minded professional property investors in the splendour of the fabulous surroundings of the Taj Hotel
- Accredited landlords & agents earn 10 CPD points for their attendance

**Tickets are: £50.00 for accredited landlords, agents, LA staff & LLAS trainers & Regular tickets are: £65**

**To book online [CLICK here](#)**

### Presentations:

**Tony Gimple- Managing Director, Less Tax for Landlords** will look at how to balance the contradictory demands of Capital Gains Tax, Corporation Tax, Inheritance Tax, Stamp Duty and Income Tax and pay less tax

**David Whittaker- Managing Director, Mortgages for Business** will speak on forthcoming changes to the tax regime, the stricter underwriting rules for buy to let mortgage lending, the potential impact of the changes, & will look at how landlords can adapt and thrive, and identifies the financing options available

**The Licensing debate** will provide a platform for local authorities and landlords to share the different views and explore how licensing can be done in the most effective way

**With Thanks to Our Premier Sponsors**



Premier Sponsor

# Landlord?



**...YOU can save on the maintenance of your properties by becoming a TradePoint member!**

TradePoint supply over 12,000 products needed for building & maintenance, covering Building, Decorating, Kitchens & Bathrooms, Plumbing & Electrical... and much more! Trade services are also available such as bulk delivery, timber cutting, and a revolutionary free Kitchen/Bathroom/Bedroom design tool called Spaces.

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## DON'T MISS OUT...

Sign up to TradePoint today online at [www.TradePoint.co.uk](http://www.TradePoint.co.uk). Be sure to reference "UKLAP" alongside your company name in the "Company Name" field.

If you have any questions, contact the TradePoint B2B team on 01314 586 256 or [Admin.TradePointB2B@Trade-Point.co.uk](mailto:Admin.TradePointB2B@Trade-Point.co.uk)

**FIND US INSIDE** 

**TradePoint.co.uk**

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## London Borough of Southwark landlord ordered to pay £24,000 Or face 9-month prison sentence

A landlord, who rented out an illegally converted property, has been ordered to pay a £24,159 confiscation order. The property in Peckham was illegally converted into two small flats, forcing tenants to live in cramped sub-standard living conditions.

Mr Majid Saniinejad (54) of Stoke Newington must also pay fines of £2,500 and £16,886 in costs after being found guilty of unfair trading offences last year following an joint investigation Southwark Council's trading standards and planning enforcement officers (read here).

It was found that Mr Saniinejad and his company Hertford (UK) Limited rented out the flats without telling tenants that the property was subject to planning enforcement notices. The court found that this was a breach of professional diligence requirements and also constituted 'misleading omissions'. The defendant also pleaded guilty to an offence under the Town and Country Planning Act 1990 for ignoring the council's warning to return the two flats back into one unit.

Mr Saniinejad has up to three months to make a payment, failure to do so could result in a nine months prison sentence.

Following the trial, Southwark Council officers applied for a confiscation order under the Proceeds of Crime Act which took place on 28 January 2016 at Croydon Crown Court.

The District Judge determined that the criminal benefit amounted to the total amount of rent Mr Saniinejad had received after entering into one agreement knowing the flat was subject to a planning notice and renewing the other knowing he had lost an appeal against the notice.

In sentencing the District Judge commented that the case involved "flagrant breaches" and a "deliberate flouting of the law" adding that Mr Saniinejad did not act as a "prudent and responsible landlord".

Cllr Richard Livingstone, cabinet member for housing, said:

*"Sadly some landlords, like Mr Saniinejad, are exploiting the current housing crisis for their own selfish gains. It's disgraceful that any tenant should be made to live in sub-standard conditions with barely any breathing space. Southwark Council will continue to use every resource available to make rogue landlords pay for their crimes."*

## Sponsorship Opportunities Available!

### Sponsorship packages from £350 General Sponsor to £1000.00 networking package

Whether you are an experienced Property Investor or just starting your journey, networking not only brings businesses together, it also allows you to meet the potential clients and contacts that are often integral to the growth of your business. Choose your package & be associated with a Unique Networking plus BBQ Event in London & the South East and start benefiting from your sponsorship.

**Tickets are: £50.00 for accredited landlords, agents, & Regular tickets are: £65**

**[CLICK here](#) to book your sponsorship online & purchase tickets. You can also call on **02079742839** or email [llas@camden.gov.uk](mailto:llas@camden.gov.uk)**

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## PLUS

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[info@lesstaxforlandlords.co.uk](mailto:info@lesstaxforlandlords.co.uk)

  
**Less Tax 4 Landlords**  
Tax & Estate Planning Consultants





# Specialist landlord & tenant lawyer - Tessa Shepperson answers landlords' FAQ. In this issue: What is Tenancy Deposit Prescribed Information?

Prescribed information is information landlords, who have taken a tenancy deposit, need to serve on their tenants, providing information about the tenancy deposit protection scheme they have used to protect the deposit. Plus information about the deposit and the tenancy.

Both the protection of the deposit and the service of the information must be done within 30 days of receipt of the deposit money. Or penalties will apply. Despite the fact that the tenancy deposit rules first came in, in 2007 it seems that many landlords are still unaware of them even among those who do protect the deposit, a significant number are unaware of the need to serve prescribed information.

## So what is the prescribed information?

First, it is important to remember that it is the INFORMATION which is prescribed, not the form. There is no official prescribed information form as such, although there are several forms around that you can use for this.

The information that needs to be served is set out in regulations. It consists of two types of information:

- **Information about your scheme** – this is covered in the leaflet which all schemes provide to their landlords for this purpose, and
- **Information about your tenancy** – the best way to provide this is to use one of the template forms available. Your scheme may provide you with one, otherwise, I have one for my Landlord Law members or you can buy one from law stationers.

Not only do you need to serve the prescribed information - you need to provide ALL the prescribed information in your notice. For example, one thing which landlords often leave out is information about where your tenant can find the clause in your tenancy agreement which sets out what items you are entitled to deduct from the deposit (required by s2(g)(vi) of the regulations).

This won't be in your deposit protection certificate but it is pretty crucial. Because if you don't have such a clause in your tenancy agreement you are not entitled, legally, to make any deductions from the deposit and this is why it forms part of the information you need to give to the tenant – they need to be able to check what you are entitled to do with the deposit they have paid to you.

## What happens if you don't serve the Prescribed Information?

There are two penalties:

- You are liable to the tenant for a penalty of up to 3x the deposit sum (but the tenants have to sue you to get it), and
- You cannot serve a valid section 21 notice

There is not a lot you can do about the liability for the penalty, other than to deal with the problem promptly so the Judge (should your tenant ever sue you) is more likely to award the 1x penalty rather than the 3x one.

The section 21 problem is more easily solved – by serving the prescribed information first. Even though it is served late it will still be enough to allow you to serve your section 21 notice. But you need to be sure that you have done it properly as it is likely to be careful scrutinised. So make sure you include all the required information in your notice.

## Help for landlords

All the schemes provide information about this on their websites. If you need more information you can also find a lot of help and guidance via my [Landlord Law](http://www.landlordlaw.co.uk) service ([www.landlordlaw.co.uk](http://www.landlordlaw.co.uk))

***Tessa Shepperson is a specialist landlord & tenant lawyer and can be contacted online at [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)***

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Azad Ayub started as a property management company in 1980. It was incorporated in 1995 and we have been able to provide continuity to our clients for over 35 years.

As a result of this long period of service, we have provided continuous support to our clients both landlords and tenants.

We manage properties in North London and other areas within the M25, owned by the directors of the company and a small number for outside clients. Whilst we own the majority of properties let through our business, we also offer management services to landlords.

Some of our clients have been with us since we started our business in 1980. More importantly, we maintain costs at a reasonable practical level for good practice and there is no wasteful expenditure. Recently we have expanded our business in Spain, the USA and Pakistan.



Investor in People

We welcome any enquiries. If you would like your property managed by a long established award winning company, please contact Azad, Joanna or Elena by email or telephone.

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[www.azadayub.co.uk](http://www.azadayub.co.uk)

Tel: +4420 8348 3135  
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# LANDLORDS

## SAVE TIME & MONEY AT TRADEPOINT

As a landlord, you're eligible for free TradePoint membership, giving you access to huge savings on materials, tools, kitchens and bathrooms. TradePoint, which can be found in over 300 B&Q stores nationwide, supply all products needed for building and maintenance under one roof at handy locations.

At TradePoint, we stock all the top trade paint brands at trade prices – including Valspar, Dulux, Leyland and Hamilton – so you have everything you need to get the job done. Whether it's paint mixing and colour matching, ready-mixed paints or decorating accessories, we've got you covered.

Many of the trade brands we stock won't be found on the B&Q shop floor, so make sure you speak to a TradePoint member of staff first and they'll guide you in the right direction. You'll find that our prices, published online or in our free in-store TradePoint catalogue, remain competitive, fixed and Ex-VAT.

If it's a kitchen project you're working on, TradePoint has the latest trade range of kitchens to choose from across the Cooke & Lewis and IT brands. We've recently made life easier for our customers by introducing one kitchen cabinet to fit all of our kitchen ranges. With the innovative TradePoint Spaces software, you can even design a kitchen or bathroom within 15 minutes using the auto design feature.

For ease and efficiency, TradePoint offers a range of bathroom suites along with four convenient cube packs, which include a toilet, basin, basin taps, bath taps and waste, so you can save time and money. For your customer's peace of mind, our bathrooms have up to a 10 year guarantee and are fitted with Fluidmaster fittings.

Aside from all of the building supplies, TradePoint also offers a number of trade services, including; free paint mixing, brick matching, timber cutting, bulk delivery (am or pm slots), and kitchen & bathroom design.



Join 1.6million other TradePoint members and sign up online for free at [tradepoint.co.uk](http://tradepoint.co.uk), referencing "UKLAP" at the end of your business name in the company name field.

### DON'T FORGET...

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## Changes to the Immigration Bill

Members of Parliament have approved measures that will give greater protection to landlords wanting to evict illegal immigrants.

Changes to the Immigration Bill proposed by the Government will provide protection for landlords who take reasonable steps in an appropriate time frame to terminate tenancies of tenants in the country illegally.

Previously under the Bill, landlords would face immediate criminal sanctions upon discovery that they failed to ensure their tenants had the right to rent property before having the chance to evict them.

The RLA has campaigned hard for the change to the Government's Right to Rent scheme.

RLA Policy Director, David Smith said: "The RLA warmly welcomes the Government's pragmatic changes to its Right to Rent scheme that will provide protection for good landlords from the unintended consequences of the policy. It is particularly helpful that the changes were approved by MPs without a vote, a sign of cross party support for the measure."

For more info, visit: <http://news.rla.org.uk>

## Rent increases

### When can you increase rent?

For a periodic tenancy (rolling on a week-by-week or month-by-month basis) you can usually only increase the rent once a year. For a fixed-term tenancy (running for a set period) you can only increase the rent if your tenancy agreement permits this. Otherwise, you can only raise the rent when the fixed term ends.

### How can you increase the rent?

If a fixed-term tenancy agreement says how the rent can be increased, you must stick to this. For a periodic tenancy, you can: agree a rent increase with your tenants and produce a written record of the agreement that you both sign use a '[Landlord's notice proposing a new rent' form](#), giving your tenant at least a month's notice.

The rent increase must be fair and realistic, i.e. in line with reasonable rents on the open market. If your tenants think the rent increase is unfair, they can [ask the First Tier Property Tribunal](#) to decide the right amount.

## Weekly Updates Sponsor



LONDON PROPERTY LICENSING

London Property Licensing is a housing consultancy offering simple, impartial and expert advice on property licensing and regulation of private rented homes. We assist both landlords and letting agents.

Established in 2015, the business has already been awarded 'Best Service Provider in the Private Rented Sector 2016' by the UK Landlord Accreditation Partnership.

### Our website

[www.londonpropertylicensing.co.uk](http://www.londonpropertylicensing.co.uk)

contains a wealth of information to help landlords make sense of housing regulation. Landlords can sign up to our free fortnightly **newsletter** and can search for goods and services in our **Landlord Suppliers Directory**. We are here to help!

For further information contact:

[info@londonpropertylicensing.co.uk](mailto:info@londonpropertylicensing.co.uk)

## Paying tax and National Insurance on Rented Properties

When you start renting out property, you must tell HM Revenue and Customs (HMRC) and you may have to pay tax. If you don't, you could be charged a penalty.

### Running a property business

You'll also have to pay [Class 2 National Insurance](#) if what you do counts as running a property business, e.g. if all of the following apply:

- being a landlord is your main job
- you rent out more than one property
- you're buying new properties to rent out

You don't pay National Insurance on your rental income if you're not running a property business - even if you do work like arranging repairs, advertising for tenants and arranging tenancy agreements.

### Property you personally own

You must report income from property rental on a [Self-Assessment tax return](#) if it's:

- £2,500 to £9,999 after allowable expenses
- £10,000 or more before allowable expenses

If it's less than £2,500 a year, call the [Self-Assessment Helpline](#).

### Declaring unpaid tax

You can declare unpaid tax by [telling HMRC about rental income from previous years](#). If you have to pay a penalty it'll be lower than if HMRC find out about the income themselves. You'll be given a disclosure reference number.

You'll then have 3 months to work out what you owe and pay it

### Property owned by a company

Count the rental income the same way as any other business income.

### Costs you can claim to reduce tax

There are different tax rules for:

Residential properties

Furnished holiday lettings

Commercial properties

### Residential properties

You or your company must pay tax on the profit you make from renting out the property, after deductions for 'allowable expenses'

**Allowable expenses are things you need to spend money on in the day-to-day running of the property, like:**

- letting agents' fees
- legal fees for lets of a year or less, or for renewing a lease for less than 50 years
- accountants' fees
- buildings and contents insurance
- interest on property loans
- maintenance and repairs to the property (but not improvements)
- utility bills, like gas, water and electricity
- rent, ground rent, service charges
- Council Tax
- services you pay for, like cleaning or gardening
- other direct costs of letting the property, like phone calls, stationery and advertising
- Allowable expenses don't include 'capital expenditure' - like buying a property or renovating it beyond repairs for wear and tear.

### **Furnished residential lettings**

You can claim 10% of the net rent as a 'wear and tear allowance' for furniture and equipment you provide with a furnished residential letting. Net rent is the rent received, less any costs you pay that a tenant would usually pay, e.g. Council Tax.

### **Furnished holiday lettings**

For furnished holiday homes, you may be able to claim:

- plant and machinery [capital allowances](#) on furniture, furnishings, etc in the let property, as well as on equipment used outside the property (like vans and tools)
- [Capital Gains Tax](#) reliefs - Business Asset Rollover Relief, Entrepreneurs' Relief, relief for gifts of business assets and relief for loans to traders

You can only claim these if all the following apply:

- the property is offered to let for at least 210 days a year
- it's let for more than 105 days a year
- no single let is more than 31 days
- you charge the going rate for similar properties in the area ('market value')

If you own the property personally, your profits count as earnings for pension purposes.

You can download help sheets to help you with your tax return:

[Capital allowances](#)

Furnished [holiday lettings](#)

### **Commercial properties**

You can claim plant and machinery [capital allowances](#) on some items if you rent out a commercial property - like a shop, garage or lock-up.

### **Working out your profit**

You work out the net profit or loss for all your property lettings (except furnished holiday lettings) as if it's a single business. To do this, you:

- add together all your rental income
- add together all your allowable expenses
- take the expenses away from the income

Work out the profit or loss from furnished holiday lettings separately from any other rental business to make sure you only claim these tax advantages for eligible properties.

**Making a loss:** You can offset your loss against: future profits by carrying it forward to a later year and profits from other properties (if you have them). You can only offset losses against future profits in the same business.

For more info visit <https://www.gov.uk/renting-out-a-property>

## General Event Sponsor



Shawbrook Bank is committed to helping property investors grow their portfolios. They are a specialist savings and lending bank, offering a straightforward, no-nonsense alternative to the high street.

Their range of products has been designed specifically for property professionals, landlords and small and medium-sized enterprises (SMEs) looking for short or longer term funding against a range of residential, mixed use and commercial property assets. Shawbrook believe they have one of the most rounded investor propositions in the market.

Since launching in 2011 they have lent over £1.5bn to individuals and SMEs across the UK. They have ambitious lending plans and they understand just how important it is for investors to partner with a lender that can deliver competitive pricing alongside quick execution".

Website URL:

<https://www.shawbrook.co.uk/commercial-mortgages/customers/>

## A Networking & Summer BBQ Event 15 July 2016, 12-6pm

**Tony Gimple- Managing Director, Less Tax for Landlords** will look at how to balance the contradictory demands of Capital Gains Tax, Corporation Tax, Inheritance Tax, Stamp Duty and Income Tax and pay less tax

**David Whittaker- Managing Director, Mortgages for Business** will speak on forthcoming changes to the tax regime, the stricter underwriting rules for buy to let mortgage lending, the potential impact of the changes, & will look at how landlords can adapt and thrive, and identifies the financing options available.

## Post Event Highlights Newsletter



FastKlean is a successful, growing company that has been operating since 2001. We provide a range of cleaning services to both commercial and residential customers.

We have been honoured with 16 accreditations and these are the result of our commitment to continuous improvement in order to meet and exceed client expectations and industry standards.

Over the years, we have worked with many reputable property management companies, including KFH, Winkworth, Barnard Marcus, Chain Residential and many more, as an approved supplier and trusted cleaning provider. This has helped us to establish strong business links and accumulate specific knowledge and experience.

For more info, please visit

<https://www.fastklean.co.uk/>

## A Networking Event with a Difference

15 July 2016, from 12 to 6pm

To book tickets, follow the Link

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

You can also Phone LLAS/UKLAP staff on **0207 974 2839** & pay over the phone OR

Send a cheque via post to LLAS C/Private Sector Housing Team, Camden Town Hall, London WC1H 9JE (all Cheques are *made payable to the London Borough of Camden*, .

Any questions email [llas@camden.gov.uk](mailto:llas@camden.gov.uk)



## Private Landlord's Incentive Scheme (PLIS)

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- Landlords may be eligible for grant funding from the Council towards major works in their rented property
- No commission fees. You keep 100% of your rent
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- ◆ A gas safety certificate
- ◆ An Electrical Safety Certificate

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01375 652 820



[PrivateLandlords@Thurrock.gov.uk](mailto:PrivateLandlords@Thurrock.gov.uk)



<https://www.thurrock.gov.uk/private-landlords/private-landlord-incentive-scheme>



## Crackdown on London's short-let landlords: Kensington and Chelsea council gets tough on Airbnb-style rentals as neighbours lodge noise

Across London, local residents are being plagued by noisy holidaymakers staying in short-let rentals. Following a string of complaints, one council has taken the unusual step of issuing an "enforcement notice" against the occupants of a west London property thought to have exceeded the 90-day quota limit. A warning shot has been fired across the bows of Londoners hoping to boost their income by renting out rooms on short-let sites such as Airbnb and Booking.com this summer.

Kensington and Chelsea council has issued an "enforcement notice" against the occupants of a flat in St Ann's Road, Ladbrooke Grove, after fielding complaints from neighbours that the property was regularly being let to a succession of holidaymakers.

Across the capital local residents are finding themselves plagued by streams of noisy visitors disturbing their peace, thanks to the popularity of short-let rentals. In the worst cases, the properties are used for huge parties, disrupting entire blocks.

Experts say the potential profits of short lets are tempting landlords to shun Londoners looking for accommodation for the long term in favour of holidaymakers, thus reducing the supply of rental property in the capital, and pushing up rents.

The St Ann's Road flat was offered for rent on booking.com, according to Kensington and Chelsea council, but the listing now appears to have been removed.

Central London is popular for short lets. There are currently three properties advertised to let in St Ann's Road on Airbnb — two offering rooms at £40 and £50 per night respectively, and one offering an open-plan loft apartment for £250 per night. Other websites, including Onefinestay, also offer the facility to rent out properties for a few nights at a time.

The use of the property for the purposes of temporary sleeping accommodation... is unacceptable because it leads to an unsustainable loss of permanent residential accommodation within the Royal Borough of Kensington and Chelsea," reads the notice issued by Graham Stallwood, the council's executive director for planning. "It is also liable to adversely affect the quality of life and amenity of nearby residents, for example by reason of noise and disturbance."

A Kensington and Chelsea spokeswoman confirmed the council had taken the unusual step of issuing an enforcement notice — more commonly issued against home owners making illegal alterations to their properties, and against unlicensed businesses — after being alerted to the situation by complaints from a series of neighbours

Londoners are legally allowed to rent out their properties for up to 90 non-consecutive nights, but it is thought that the St Ann's Road property had exceeded this quota. Breaching the rules could result in fines of up to £20,000 and even court action.

Recent research by the Residential Landlords Association found that almost two thirds of listings for London property on Airbnb offer lets of more than 90 days. And 15 per cent of landlords have discovered their tenants subletting rooms without their permission.

"The growing popularity of holiday letting sites... raises serious questions about their potential for abuse," said Alan Ward, chairman of the RLA, calling for the Government to step in. "Ministers must act to clamp down on those property owners using the website to deny tenants safe, legal and secure accommodation. Landlords also need support to address illegal subletting of properties by their tenants

For more info visit <http://www.homesandproperty.co.uk/property-news>



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



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# Housing and Planning Act – what happens next

Rogue landlords can be banned from renting homes under new rules brought in by the Government's Housing and Planning Bill. New legislation also includes plans for the creation of database of criminal landlords and agents – as well as powers to impose civil penalties of up to £30,000.

The Government's Housing and Planning Bill finally received Royal Assent last week after a prolonged period of Parliamentary ping pong. So what happens next?

The Act applies to landlords in England. The sections affecting private renting survived largely unchanged, with the addition of two enabling amendments that will allow the introduction of electrical safety standards and checks, and a requirement to agents to hold client money protection. The new Act includes six measures designed to tackle rogue landlords and property agents:

- Banning orders for most prolific offenders
- Database of rogue landlords/property agents
- Civil penalties of up to £30,000
- Extension of Rent Repayment Orders
- Tougher Fit and Proper Person test for landlords
- Tenancy Deposit Protection Scheme data sharing.

It also includes a new mechanism allowing landlords to legally recover abandoned properties without needing to go to court. **So what happens next?**

## **Banning Orders and 'Rogues' Database**

The Government has promised an autumn consultation on what offences could result in a banning order, with draft regulations published in early 2017 and the measures coming in to force in October 2017.

The database of rogue landlords and agents will be held by DCLG and updated by local authorities. Currently, only local authorities are proposed to have access to the register.

The RLA has raised concerns that the reputation of membership bodies for landlords and agents could be undermined if they are not be able to check if new or existing members are on the register. Again, regulations are required to establish what information will be held on the register, with implementation expected in October 2017.

## **Civil Penalties, Rent Repayment Orders and Fit and Proper Person Test**

The Government expects to publish guidance on these aspects of the Act in March 2017, with the measures taking force in April 2017.

## **Sharing Tenancy Deposit Scheme Data**

Local authorities will be able to request data from tenancy deposit protection schemes to help identify private rented property and landlords, take action against rogue landlords and enforce housing standards.

## **Electrical Safety and Client Money Protection**

The Secretary of State can now bring forward proposals to ensure property agents (i.e. letting and managing agents) that hold client money, such as rent or service charges, belong to a client money protection scheme; and require that rented properties in the PRS meet acceptable electric safety standards. DCLG will consult on details of these proposals before regulations are published.

## **Abandonment**

The Act includes a new statutory code enabling landlord to recover property if the assured short-hold tenant has abandoned it, without the need to serve a section 21 notice or obtain a possession order.

- Tenant must owe more than two months' consecutive rent and must, of course, have left the property.
- Landlord must give at least three warning notices on the tenant and two of those must be sent to the tenant and others too, including a deposit payer.
- The first notice can only be served if the rent is at least one month in arrears and the second notice must be served between two and four weeks after that notice, but the arrears must by then be two months.
- The third notice must be affixed to the property like the front door- at least 5 days before the landlord repossesses.
- Landlord must give at least eight weeks for the tenant to respond to the notices.
- Only if none of these notices are responded to saying the property is not abandoned and/ or no rent at all is paid can the landlord repossess the property.

### Extension of Mandatory HMO Licensing

Last year the Government consulted on proposals to extend the scope of mandatory licensing of HMOs. Ministers are still considering their response, but changes to include two storey buildings, flats above shops seem likely, as well as reducing the people/households threshold. Minimum room sizes may also be stipulated. Any changes are expected to be implemented in October 2017

For more info please visit <http://news.rla.org.uk>

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**BARNET**  
LONDON BOROUGH

### Medway Landlord Forum

**Date:** 18 October 2016

**Venue:** Gun Wharf, Dock Road, Chatham, ME5 0HZ

**Time:** First session 1pm - 4pm, registration from 12.30pm **Time:** Second session 5.30pm - 8.30pm, registration from 5pm. For further info & to book a place, please email **Lenka Wyatt** at

[lenka.trent@medway.gov.uk](mailto:lenka.trent@medway.gov.uk)

# Right to Rent - Immigration checks by landlords

**From 1 February 2016 Right to Rent checks will have to be carried out by any landlord or agent who let privately rented accommodation- this will apply to the whole of England.**

## Why do landlords have to check the immigration status of prospective tenants?

Checking that a tenant has a right to be in the country is a new legal requirement that the government has introduced for private landlords. Landlords who let private rented accommodation must check that the tenant(s), and any other adult(s) who'll be living there, are in the country lawfully.

Anyone who rents accommodation to someone who isn't in the country lawfully without carrying out the checks may receive a civil penalty up to £3,000 for each adult living in their property who isn't a relevant national or has no right to rent.

Agents must carry out the checks if they're acting on a landlord's behalf and have agreed to do them. The checks also apply when people rent out all or part of their home, for example, when taking in a lodger or when subletting.



## Who do the rules apply to?

The rules apply to landlords or agents who let private rented accommodation to someone as their **only or main home**. For a home to be an only or main home it must be either:

- the only property that the person lives in, or
- the property that they use for personal, legal or family matters.

A landlord shouldn't let accommodation to an adult who isn't a relevant national or who doesn't have a 'right to rent' under the new rules.

## Who is a relevant national?

Relevant nationals are British citizens, EEA nationals and Swiss nationals. All of these people can rent accommodation but will still have to show evidence that they fall into one of these groups.

## Who has a right to rent?

Someone who isn't a relevant national but who has leave to enter or remain in the UK has a right to rent accommodation. Leave to enter or remain means that the person has permission from the Home Office to be in the UK.

There is also a limited right to rent when a person's leave to enter or remain in the UK is for a limited period of time. People with a limited right to rent can rent accommodation but the landlord must do follow-up checks, usually when the person's leave is due to expire. In all cases, evidence of leave to enter or remain must be provided to the landlord who must keep a copy.

## Do the rules only apply to tenancies?

There are certain types of accommodation that the rules don't apply to, including student halls of residence, accommodation provided by universities and colleges for their students including nominations for accommodation, care homes, hospitals and hospices.

## What documents might a landlord want to see?

Typical documents that a landlord can check include a passport, national identity card, residence card or certificate of registration or naturalisation. If none of these are available two other specified documents will satisfy the checks. There is a full list of acceptable documents in a Code of Practice produced by the Home Office.

The landlord must take a copy of the documents provided. Landlords have to keep these copies for as long as the tenancy lasts and then for at least one year afterwards. Documents containing personal or sensitive data must be securely stored. Landlords aren't allowed to keep originals of documents.

## Can a tenant be evicted if they are not a relevant national or do not have a right to rent?

A landlord must still follow the proper legal process to evict a tenant who isn't a relevant national or who does not have a right to rent.



**For more information please visit [www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice](http://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice)**

There is also a Landlords Helpline: **0300 069 9799**.

# Do you own an empty property in Brent?



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Email **[landlords@help2let.co.uk](mailto:landlords@help2let.co.uk)**

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



## Rogue landlord's failed eviction plans cement his place in court

A rogue managing agent who tried to force out his tenants by filling the stopcock chamber with cement so that they would have no running water has been sentenced in court.

Gurdial Singh Bains admitted four charges relating to a home he was managing on behalf of his mother in Glebe Road, Sandy, in 2013 when he appeared at Luton Crown Court.

The 41-year-old, of Dunkerley Court, Birds Hill, Letchworth Garden City, was given an eight-month suspended prison sentence, ordered to complete 100 hours of unpaid community service and handed a three-month curfew from 9pm to 7am each day.

Bains was brought to justice following a joint investigation between Central Bedfordshire Council's Housing Solutions and Trading Standards teams.

The investigation found that he had failed to issue a tenancy agreement to the tenants at the semi-detached house in Sandy and when he wanted them to leave he failed to give them adequate notice to vacate.

Instead, he tried to force them out by attempting to change the locks and also filling the stopcock chamber with cement so that they would have no running water, before parking his car over the water mains.

However, council officers and the water authority were able to restore the supply within 24 hours.

Bains pleaded guilty to four counts under the Protection from Eviction Act 1977 and the Consumer Protection from Unfair Trading Regulations 2008 at Luton Crown Court last month.

His prosecution followed his mother, Jaspal Kaur Bains, being prosecuted in relation to the same property 12 months earlier.

He was prosecuted for failing to supply the council with documents relating to the tenancies at Glebe Road, failing to issue a tenancy agreement and not giving the tenant her contact details.

After pleading guilty to four offences under the Local Government Miscellaneous Provisions Act 1976 and the Consumer Protection from Unfair Trading Regulations 2008 she was ordered to pay a total of £4,313.24 in fines, court costs and a victim surcharge.

Councillor Carole Hegley, Executive Member for Social Care and Housing, said:

"Cases like these can be notoriously difficult to bring to court, so I am delighted at this excellent result and that mother and son have now been brought to justice. Outrageous treatment of tenants like this will not be tolerated in Central Bedfordshire. Residents who rent privately should be able to do so with confidence and not have to worry about their own personal well-being and safety. That is why we will vigorously pursue landlords and managing agents who threaten and intimidate tenants, as well as those who fail to produce the correct legal documentation".

## Sponsorship Opportunities Available!

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Whether you are an experienced Property Investor or just starting your journey, networking not only brings businesses together, it also allows you to meet the potential clients and contacts that are often integral to the growth of your business. Choose your package & be associated with a Unique Networking plus BBQ Event in London & the South East and start benefiting from your sponsorship.

**Tickets are: £50.00 for accredited landlords, agents, & Regular tickets are: £65 [CLICK here](#) to book your sponsorship online & purchase tickets. You can also call on 02079742839 or email [llas@camden.gov.uk](mailto:llas@camden.gov.uk)**

# Do you have a property to let in Lewisham?

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# Councils advising tenants to “Stay Put”

Councils advising private tenants not to leave their accommodation, when they have been served a valid notice by their landlord, and when the tenants are seeking help from the council, is a story we hear quite a lot these days.

In my experience it is often a shock for landlords to find that councils advise private tenants not to leave when their landlord has asked them to do so, usually for quite legitimate reasons – rent arrears being the most common one. Tenants who seek re-housing by the council when they are being asked to leave are often told to “stay put” until they are physically evicted.

This is also the case when a tenant requests a notice to leave from their landlord, when they intend to seek council funded housing.

At first sight it would seem another of those examples of where landlords feel the law is firmly on the side of the tenant, yet if you ask tenants they will tell you the exact opposite is true.

Laws are there to protect both parties, but in particular the weak and the vulnerable. Tenants who are struggling to pay their rent will no doubt find themselves in a difficult position and will probably be approaching the council for re-housing. You’ve got to feel for some innocent tenants in this situation, but also for those landlords with a genuine reason to evict; exasperated because their nightmare tenants owe them a small fortune and those “heartless” council officials don’t seem to care.

Tenants will be advised to “stay put” because if they leave of their own accord the law says they have made themselves “intentionally homeless”. This means that if a tenant leaves accommodation that they could have stayed in, or fails to pay rent when they could afford it, the council will look very carefully into the reasons the tenant chose for leaving a “settled home”.

On the one hand the landlord wants the tenant/s out as quickly as possible when the situation is going from bad to worse; no rent coming in, often damage to the property, and the landlord has a mortgage to pay. On the other hand, councils are strapped for cash and under pressure from central government’s Audit Commission to reduce homelessness: every person they take responsibility for is another statistic they must answer to central government for.

Consequently, regardless of the landlord’s pain, the council will often use every tactic in its book to avoid or delay the inevitable: taking responsibility to re-house an evicted single tenant or a family.

The result is that some councils are insisting that landlords go through the “Full Monty”; the three stage Section 21 eviction process: minimum of 2 months’ notice, applying to the court for a possession order and finally applying again for a warrant of execution for the court bailiff to evict. The whole process usually takes between 3 and 6 months, or even longer in some cases, and costs the landlord at least £1000.

The chances of tenants getting a permanent council property are very slim, and what tenants often overlook is that by forcing the landlord through the legal process - and councils don’t tell them this - they become liable to legal costs at each stage: the section 21 possession claim, and the bailiff’s warrant of execution. They could end up with a County Court Judgement (CCJ) and an eviction record preventing, them from getting future private tenancies, if the landlord chose to pursue a personal claim.

Recent reports based on surveys done by The National Landlords’ Association (NLA) say that in general councils’ advice to tenants is often wrong. That an “alarming number of private tenants are being told by their local council to ignore eviction notices served by their landlords” They are being told to wait for bailiffs to turn up before moving out in order to qualify for rehousing support.

Results from the NLA survey showed that 49 per cent, or very nearly half of tenants who have been served with a section 21 notice by their private landlord are saying they have been told to ignore it by their local council, or by other advice agencies such as Shelter or the Citizen’s Advice Bureau (CAB).

This goes against the government's own "Homelessness Code of Guidance for Local Authorities" (Department for Communities and Local Government (DCLG) 2006) which clearly instructs councils not to do this:

*"The Secretary of State considers that where a person applies for accommodation or assistance in obtaining accommodation, and:*

*(a) the person is an assured shorthold tenant who has received proper notice in accordance with s.21 of the Housing Act 1988;*

*(b) the housing authority is satisfied that the landlord intends to seek possession; and*

*(c) there would be no defence to an application for a possession order; then it is unlikely to be reasonable for the applicant to continue to occupy the accommodation beyond the date given in the s.21 notice, unless the housing authority is taking steps to persuade the landlord to withdraw the notice or allow the tenant to continue to occupy the accommodation for a reasonable period to provide an opportunity for alternative accommodation to be found."*

Councils can and do ignore the guidance, which some say is not legally binding, when they simply don't have the resources to cope. But now the Housing Minister, Brandon Lewis, has written to all local councils in England to underline government guidance on the advice that councils give to tenants when seeking re-housing on the grounds of "homelessness" when faced with an eviction notice.

The landlord associations have been lobbying the Minister for some time about what they see as erroneous guidance given by many local councils to tenants when they are seeking re-housing.

Surely it would be far better that councils assist tenants in seeking housing benefit, and help them with finding alternative private accommodation, saving the tenants and the landlord a lot of unnecessary expense, plus future problems in obtaining a tenancy.

**Tom Entwistle is Editor of LandlordZONE® and an experienced landlord of residential and commercial property.**

## Name the crooks say landlords in London

Criminal landlords in London should be named and shamed according to a new RLA survey in which members backed Sadiq Khan's plans to create a rogue landlord database.

The vast majority of landlords are supporting the proposals – which would publicly name those landlords bringing the Private Rented Sector into disrepute.

The findings are based on one of the first surveys of landlords following the election, in which 75% of respondents supported publicly naming bad landlords. With the Mayor committed to developing new homes, 37% of respondents said they would consider investing in new properties to rent if the London boroughs identified small plots of unused public sector land for the development of such housing.

The survey also found that 59% of landlords support plans to force letting agents to publish a breakdown of what their fees cover and 49% support capping the fees charged by letting agents to tenants and landlords.

The RLA survey was based on a survey of 372 landlords who rent property out in London.

RLA Policy Director, David Smith, said: "Landlords are ready and willing to work with the new Mayor to develop workable solutions to ensure the safe, legal and secure homes to rent we all want to see. The majority of landlords who provide decent housing and a good service to their tenants are fed up with the minority who provide sub-standard accommodation "



Newham London

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Telephone: 020 3373 1149

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

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## LB Of Islington Landlord Forum

**Date:** 14 July 2016

**Time:** 6-8pm

**Venue:** Islington Town Hall, Committee Room 1, Upper Street, N1 2UD 6-8pm

Light refreshments will be provided on the day

For further information and to register your interest please email **Ian Tagg (Procurement and Development Manager)** at [ian.tagg@islington.gov.uk](mailto:ian.tagg@islington.gov.uk) or call 020 7527 6078

## 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)

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.offt.gov.uk](http://www.offt.gov.uk)

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

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THESE FREE ONE DAY EVENTS FOR LANDLORDS & INVESTORS COVER:



LEGAL SERVICES

TAX ADVICE

INSURANCE

MORTGAGES

REFERENCING

INVESTMENT OPPORTUNITIES

SEMINARS

DEPOSIT SCHEMES

LANDLORD ASSOCIATIONS

NETWORKING OPPORTUNITIES

EXPERT PROPERTY ANALYSIS ON THE LOCAL AREA

THOUSANDS OF LANDLORDS & INVESTORS ATTENDING

NETWORK WITH PROPERTY PROFESSIONALS

IDEAL FOR FIRST TIME BUYERS & SEASONED LANDLORDS

SEMINARS DELIVERED BY INDUSTRY EXPERTS

UP TO 80 COMPANIES SHOWCASING THEIR SERVICES

ALL ASPECTS OF THE PROPERTY SECTOR COVERED

OVER 50 SEMINARS HELD BY LEADING INDUSTRY EXPERTS:

<p><b>CLIVE EMSON</b> CLIVE EMSON AUCTIONEERS</p> <p>An Auctioneers Lot!</p>	<p><b>MARK CHICK</b> BISHOP &amp; SEWELL</p> <p>What to look for when buying a leasehold property as an investor</p>	<p><b>PAUL MERRICK</b> PROPERTY MASTERY ACADEMY</p> <p>People:Process: Property</p>	<p><b>PAUL SHAMPLINA</b> LANDLORD ACTION</p> <p>How to Avoid a Bad Tenant and Make Your Property Pay</p>	<p><b>RICHARD BOWSER</b> PROPERTY INVESTOR NEWS</p> <p>Find, Fund, Fix, Fill or Flip + one more 'F' to succeed in property in 2016</p>	<p><b>SIMON ZUTSHI</b> PROPERTY INVESTORS NETWORK</p> <p>Is it still worth investing in property?</p>	<p><b>TONY GIMPLE</b> LESS TAX 4 LANDLORDS</p> <p>Tax Planning for Investment Property Owners</p>
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TO REGISTER YOUR ATTENDANCE OR FOR MORE INFORMATION, PLEASE CALL 0208 656 5075 OR VISIT:

[WWW.LANDLORDINVESTMENTSHOW.CO.UK](http://WWW.LANDLORDINVESTMENTSHOW.CO.UK)

SUPPORTED BY:

