

54th Edition February 2024

LLAS & Partners Training, Networking & BBQ Event
Thursday 11 July 2024
From: 11:30am to 6pm

[BOOK HERE](#)

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Welcome to the latest edition of the PReSs

Normally for the first newsletter of a new year I would say welcome to the New Year. But is 2024 going to be a good year?

It's certain to be a year of turmoil for landlords. We are pretty much guaranteed an election this year, technically the Prime Minister could call one for the end of January 2025, but that would mean canvassing over Christmas and New Year – surely the quickest way to annoy the electorate.

It is fair to assume that both parties will go on a charm offensive, with all sorts of promises. The Conservatives have the advantage that they can actually do something before the election, so wait to see a generous Budget on March 6th, probably held early so new taxes can commence in the new tax year, starting April 6th. Am I, cynical or realistic?

And what can we expect? Probably more money in our pocket by way of cutting Income Tax, there has also been calls for abolition of Stamp Duty for landlords. iHowz called for:

1. Rescind Section 24 of the 2015 Finance Act.
2. Allow Registered Landlords to reclaim Supplemental 3% SDLT on rental properties.
3. Remove the requirement to pay Supplemental 3% SDLT on lease extensions.
4. Index the Supplemental 3% SDLT threshold or link it to the standard SDLT threshold.
5. Extend the period for filing CGT return to 6 months.
6. Make residential letting property a qualifying asset for CGT roll-over relief.
7. Remove 8% surcharge CGT for rental properties, or some sort of retirement relief.
8. Energy Efficiency costs:
 - a. 100% write down of costs in year of spend.
 - b. Grants with a long-term scheme which recognises a realistic approach (fabric first + achievable measures)
9. Zero VAT rating should apply to Conversion, Refurbishment and Retrofit Works to match new build.

It is also likely that we will have a whirlwind of last-minute legislation. We already know the following are in the pipeline:

1. Renters Reform Bill. Abolition of the Section 21 notice; no Fixed Terms; 2 months' notice by tenant; Decent Homes Standard to apply to PRS, landlords to be registered, etc.
2. Leasehold and Freehold (Reform) Bill, if enacted, could extend lease terms to 990 years, eliminate the so-called 'marriage value', and restrict ground rent.
3. Probably new rules for holiday lets.

And Labour has 'promised':

1. Abolition of Section 21
2. Apply Decent Homes Standard to apply to PRS.
3. Build more homes, especially affordable housing.
4. Upgrade all homes to EPC rating C "within a decade".
5. A plan to end "automatic evictions for rent arrears".
6. Introducing a four-month notice period for landlords.
7. Including the right for renters to have pets as well as making "reasonable" alterations to a property.
8. Schemes to make tenancy deposits "more portable".

So, pretty much the same as the Conservative manifesto!

A recent survey of landlords revealed their main worries to be:

1. An increase in costs, especially mortgages, insurance, materials.
2. Tenants unable to pay the rent.
3. New laws causing even more grief for landlords.

And at LLAS/ATLAS what do we recommend? The same as always, be professional; carry out your let correctly; keep communicating with your tenants; keep aware of changes to laws/regulations/licensing.

The best way of keeping informed? Attend our next Training, Networking & BBQ on Thursday 11 July 2024 when we will bring you up to date with all changes. I will be hosting it and look forward to 'seeing' many of you there.

Hope you enjoy this edition.





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Investor in People



Specialist landlord & tenant lawyer -Tessa Shepperson

Answers landlords' FAQ: Why you need to worry about e-bikes batteries.

We all know that e-bikes and e-scooters can help you reduce your carbon footprint. However, what is less well known is that their lithium batteries can cause dangerous fires.

The problem generally occurs when the batteries are being charged. Most will be fine. However, if the battery has been damaged or the correct charger is not being used, they can suddenly explode with devastating consequences, as the resultant fires can be hard to put out. You can see this by searching YouTube where you will find a number of Fire Brigade videos showing the explosion and fire. So, this is something you need to guard against when renting out your property. For example, many tenants will be delivery drivers, and no doubt many of these will use their e-bikes for work.

What you need to do

There are a number of ways you can approach this.

- You can put a clause in your tenancy agreement prohibiting storage of ebikes/escooters and their batteries in the property save with your written consent (which should not be unreasonably refused). Then when tenants ask for permission make it subject to conditions.
- Or you can just put those conditions in your tenancy agreement, or perhaps better in a 'house rules' document.
- Or you can provide tenants with guidance (but not have this in the tenancy agreement) and hope they follow it.

In most cases tenants probably will take precautions as no doubt they will not want all their possessions burnt and their family's lives put at risk. However, it is probably a good idea to discuss this issue with them when they apply to be tenants, or maybe when they sign up. Just so you know they are aware of it.

What conditions should you impose?

These should be safety conditions and could usefully include the following:

- All batteries and chargers should meet official safety standards.
- All chargers used should be the official correct charger for the battery.
- Batteries should be allowed to cool before charging.
- Manufacturer's instructions to be followed at all times.
- Batteries should not be tampered with or modified.
- Batteries should be checked carefully before charging to make sure that they have not been damaged (e.g. by being dropped) and that there are no cracks, dents, or leaks in the battery casing.
- Batteries be kept clean - as dust and dirt build-up on the battery contacts can cause them to overheat.
- Batteries are not left to charge unattended and be unplugged as soon as they have finished charging.
- Batteries be disconnected when not in use and kept in a battery case or fireproof bag.

Other points and precautions

If at all possible, you should provide some sort of outbuilding or shed (which can be locked) where the e-bikes can be stored so they are not kept on the property. If these can have electricity connected, then you can require batteries to be charged there which will not put your property at risk. Then the presence of e-bikes is something else you should check when doing your regular property inspections. If you see an e-bike or e-scooter then talk to the tenants to make sure they are taking proper precautions when charging and follow this up with a letter. You should also check your insurance to make sure you are covered in the event of a fire. Tenants should be told that your insurance cannot cover their possessions, so they will need to take out their own insurance. Provided all proper precautions are taken, e-bikes and e-scooters are a Good Thing and help the climate. But you must make sure that your tenants are aware of the risks and follow all safety procedures.

Tessa Shepperson.

Tessa is a specialist landlord and tenant lawyer and runs the Landlord Law online information service at www.landlordlaw.co.uk. You can sign up to her free weekly bulletin (and get a free ebook) at www.landlordlaw.co.uk/bulletin.



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English Housing Survey 2022 to 2023

In The latest findings from the English Housing Survey on people's housing circumstances and the condition and energy efficiency of the English housing stock was published on 14 December 2023. There are six chapters. This summary focusses on the private rented sector (PRS) but makes comparisons with other sectors for context.



Profile in tenure

In 2022-23 the PRS reached 4.6 million, some 19% of households. Looking back at the 1980s and 90s, the proportion of private rented households is steady until it doubled in size from the early 2000. PRS has continued to experience steady growth to 2022-23.

The social rented sector has remained the smallest tenure for some years now and currently counts 16% of households.

Owner occupation has not significantly changed over the last ten years but remains the highest group, with around 65% of all households. The trends reveal that outright home ownership has been on a steady increase since 1980 whereas buying with a mortgage dropped between 2014-17 but has started to increase.

Housing costs

Unsurprisingly, social and private rents are higher in London than elsewhere. The average private rent in London was £356pw, compared to £190pw outside of London. The average social rent by comparison was £140pw in London. In terms of rent arrears between 2022-23, just over 29% of tenants are finding it either difficult or very difficult to afford their rent a similar proportion to the previous year. The proportion of private renters receiving housing support remains the same as the previous year. The amount of housing support received by private renters is £113pw on average.

Hazards

The report also examines the prevalence of hazards under the Housing Health and Safety Rating System scheme (HHSRS). These are hazards, which are risks to the health and safety of occupants.

Such issues were more prevalent in the PRS (12%) compared with owner occupiers (9%) and social rented (4%) homes. The survey points out that since 2019, there has been a decrease in the proportion of homes with HHSRS hazards in the social sector and for owner occupiers. Unfortunately, the decrease for PRS is quoted as: "insignificant".

Damp

Statistical data related to issues with damp are only included in the survey if a surveyor has considered this to be significant when carrying out an HHSRS assessment.

Overall, around 1 million dwellings had a damp problem (4%) in 2022. Although issues with damp reduced considerably between 1999 and 2011, problems with damp has been on the rise since 2019, with an increase of 3%. This is not surprising, considering the UK entered into Covid-1 lockdowns, which resulted in that people stayed more at home and fewer maintenance / repairs were carried out.

The survey explains the differences between the housing segments with that PRS housing stock is generally older and more likely to have defects.

Energy Efficiency

Overall, English housing stock has improved its energy efficiency, with an average SAP rating in 2022 of 67 points, compared to 45 in 1996. However, the PRS has the lowest score with an average rating of 65 points.

Upgrading a dwelling's heating system and/or install/increase insulation are the two most significant measures in order to increase a dwelling's energy efficiency.

However, only 52% of homes in England have cavity or solid wall insulation, and 38% have 200mm or more of loft insulation. The PRS is lower than in the social rented sector, which may reflect the age and type of dwellings in each sector.



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How Landlords Can Help to Prevent Common Types of Housing Disrepair

In the UK, flats often face issues of housing disrepair, posing health and safety risks to residents. In many cases, these problems stem from landlords' failure to maintain the property, breaching their legal duty to ensure the flat is suitable for living.

To avoid legal consequences and give their tenants a pleasant place to live, landlords should take proactive steps to help prevent common instances of housing disrepair. Below, we outline some of these problems and how you can put measures in place to reduce them.

Faulty Plumbing

Ageing pipes in older buildings are a common cause of plumbing issues as they can corrode over time, leading to leaks or bursts. External factors like tree roots, construction activities, or extreme weather can also damage pipes, causing leaks or blockages. If these systems are improperly installed, they are more likely to be prone to malfunctions such as leaks or inconsistent water pressure, and regular maintenance is essential to prevent problems like clogs, leaks, and inefficient water heating.

The impacts of faulty plumbing are wide-ranging. Leaks can lead to significant property damage, ruining floors, walls and personal belongings. Standing water from leaks can become a breeding ground for mould and bacteria, leading to respiratory issues and allergies. There's also a safety hazard with water leakages near electrical systems creating risks of electrocution, and wet floors being a slip hazard. Moreover, ongoing plumbing issues can lead to inflated water bills and costly repairs if not addressed promptly.

Signs of faulty plumbing include visible leaks, such as damp patches on walls or ceilings and pooling water. Unusual noises in the plumbing, like banging, whistling, or dripping sounds, are also indicators. Low water pressure can signal potential blockages or leaks in the system, and persistent foul odours can suggest blocked or broken pipes.

To address these issues, tenants should report any signs of plumbing problems to their landlords without delay, as landlords are legally obliged to address these problems promptly. Annual checks by certified plumbers can identify potential issues before they escalate. Regular cleaning of drains can prevent clogs and blockages, and insulating pipes, especially in colder months, can prevent freezing and bursting. Monitoring water pressure for sudden changes can also indicate hidden leaks.

Landlords should inform tenants about proper plumbing care and the importance of reporting issues early. In older properties, updating the plumbing system can be a long-term solution to recurrent problems.

Electrical issues

Electrical problems can lead to hazardous situations that can compromise the safety of residents. These issues are not just a matter of inconvenience but can pose severe risks such as fires, shocks, and even life-threatening situations.

The causes of electrical problems vary. Faulty, old and improperly installed cables can become a fire hazard, as can exposed or frayed wiring. Loose or damaged electrical outlets can lead to electrical shorts. Overloaded circuits are a frequent issue in modern homes where the demand for electricity often exceeds what the system was originally designed to handle.

The risks of electrical issues are usually heightened when there are visible signs like flickering lights, burning smells, smoke, hot outlets, and buzzing or humming noises. Such signs indicate that the electrical system is overstressed or damaged and requires immediate attention.

To mitigate these risks, landlords must take certain proactive steps:

- Having a qualified electrician inspect the electrical system regularly can help identify and rectify potential hazards before they escalate.
- Any identified electrical problems should be fixed immediately. Delayed repairs not only put the residents at risk but can also lead to more extensive and costly damage.
- Being aware of the load on each circuit and avoiding overloading them is crucial. This includes understanding which outlets are connected to which circuit breakers and distributing high-wattage appliances accordingly.
- Using surge protectors can safeguard appliances and electronics against sudden spikes in voltage, which can occur during storms or power outages.
- Checking and maintaining electrical appliances, cords, and outlets can prevent deterioration that might lead to hazards.
- It's important to use electrical appliances as intended and follow safety guidelines. This includes not tampering with electrical wiring or attempting DIY repairs without proper knowledge and tools.

In the event of electrical problems, tenants should immediately contact their landlords. Landlords are responsible for ensuring the electrical safety of their properties. If a tenant notices signs of electrical problems, like flickering lights or burning smells, they should turn off the power to the affected area and avoid using the electricity until a professional has resolved the issue.

Remember, handling electrical problems requires expertise and should not be attempted by unqualified individuals. When in doubt, it's always safer to consult a professional electrician.

Damp and mould

Damp and mould are particularly prevalent in older buildings and can lead to a range of adverse effects on both the property and the health of those living within.

The primary causes of damp and mould include:

- Insufficient ventilation, which can lead to the accumulation of moisture in the air. This is especially common in areas like bathrooms and kitchens where there is a lot of steam.
- Leaks from plumbing, roofs or walls, as they introduce excess moisture into the structure of the building.
- Poor insulation that can cause condensation, which in turn leads to damp patches and mould growth.

Exposure to damp and mould can cause respiratory problems, allergies and skin irritation. For individuals with pre-existing health conditions, such as asthma or eczema, the presence of mould can exacerbate their symptoms. Beyond health issues, damp and mould can damage the property, leading to peeling paint, warped wood, and a general deterioration of building materials.

To combat damp and mould, any leaks from plumbing, roofs, or walls should be addressed as soon as they are identified. Ensuring the flat is well-insulated can reduce the occurrence of condensation, a common cause of damp.

If damp and mould are persistent problems, it may be necessary to have the property assessed by a professional. They can identify the root causes and recommend appropriate solutions. Regularly checking for signs of damp and mould, such as musty smells, discoloured patches on walls or ceilings, or peeling wallpaper, can help in early detection and prompt action.

Landlords have a responsibility to ensure their properties are free from these issues and should take appropriate action to resolve any problems that arise. In cases where damp and mould are neglected, it can lead to more severe health issues and property damage, making it essential to address them in a timely manner.

Unsafe flooring

The primary types of unsafe flooring that can be negated by a landlord's actions include:

- **Loose or damaged carpets:** carpets that are not properly secured or are worn can create tripping hazards. Edges that are frayed or curled up can catch on feet or cause someone to stumble.
- **Uneven flooring:** over time, floorboards can warp, or tiles can crack and become uneven. This unevenness can be subtle but still significant enough to cause someone to trip.
- **Poorly maintained floor coverings:** rugs and mats that are not properly maintained can also pose risks. They can slip if they do not have adequate grip on the underside, or they can roll up at the edges, creating a tripping hazard.
- To mitigate these risks and ensure the safety of residents, landlords should conduct regular maintenance of the property and its floors, opt for non-slip mats when decorating, carry out repairs as soon as possible and make sure flooring is properly installed.

Pest Infestations

Common pests such as ants, cockroaches, rodents like rats and mice can cause illness, property damage and are generally unpleasant to live around. Bed bugs can cause skin irritation and allergic reactions, and various insects like silverfish and moths can infest different parts of a flat, damaging fabrics, papers, and contaminating food.

To prevent pest infestations, landlords should seal any cracks and openings in walls, floors, and around pipes, and carry out periodic checks in potential problem areas like kitchens, bathrooms and basements. In cases of persistent or severe infestations, professional pest control services may be necessary to effectively address the problem.

Landlords are generally responsible for pest control and ensuring that the property remains habitable. Quick action can prevent pests from reproducing and making infestations more difficult to control over time. Effective pest management in flats requires collaboration between tenants and landlords, maintaining cleanliness and promptly addressing issues to prevent and manage pest infestations.

What can tenants do if their landlord neglects their responsibilities?

In case of flat disrepair, tenants primarily rely on landlords for resolution. If landlords fail in their duties, tenants might consider a housing disrepair claim. Experts in [housing disrepair compensation claims](#) can provide tenants with legal advice on how to resolve their problems, handle disputes and secure compensation for their damages.

Author: *Written by Nadeem Vali* who has over ten years of experience specialising in a range of legal sectors, including representing tenants in disputes with landlords. At Graham Coffey & Co. Solicitors, he leads the housing disrepair claims team to support private and social housing tenants, representing those who are really in need of access to justice.

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How to spot Japanese knotweed before it is too late.

Estate agents are all too aware of the potential problems caused by invasive plant species such as Japanese Knotweed, with a number of property sales collapsing over the years as a consequence of the much-feared visitor to our gardens.

With concerned homeowners, gardeners, and agents on high alert, it is not uncommon for other garden plants such as bindweed, dogwood and lilac for to be mistaken for highly invasive Japanese knotweed, according to new research.

Analysis of data from Environet's Free ID Service, which invites members of the public to send in a photo of any suspicious plants in their garden for expert identification, has shown that bindweed is by far the plant most commonly confused with knotweed, accounting for one in four (26%) of all the photos received. Knotweed was identified correctly in just 16% of cases.



Bindweed shares a number of characteristics with knotweed, including rapid growth and vivid green heart-shaped leaves, but the key difference is that while knotweed is self-supporting, bindweed needs to wrap itself around other plants, walls or structures. When it comes into flower, bindweed has large, trumpet-shaped flowers while the small cream-white flowers of knotweed, appearing only in late summer, grow in dangling clusters. Whilst a nuisance, bindweed has no capacity to cause damage to property.

Dogwood, meanwhile, which accounted for 9% of the photos sent in for identification during 2023, is a woody shrub with bright red stems. It is easily mistaken for knotweed, the stems of which are flecked or tinted with red during the growing season.

Other plants commonly confused with knotweed include lilac, Russian vine, dock, buddleia, bamboo, Himalayan balsam and even common ivy, which is found in most British gardens. At this time of year, when new growth begins, the red shoots of knotweed also look very similar to peony.

Failure to identify and treat Japanese knotweed as soon as it appears will result in it spreading and quickly becoming established.

Knotweed has the power to damage buildings, sheds, walls, patios, as well as underground services such as pipes and drains. Mortgage lenders will offer loans on affected properties, but only if a professional treatment plan is in place with an insurance-backed guarantee. Knotweed can also leave homeowners at risk of litigation from neighbours if they allow it to spread from their garden into an adjoining property.

Despite the fact that people struggle to recognise knotweed by sight, general awareness is high, with a YouGov survey undertaken in 2023 indicating that 77% of people in the UK have heard of the plant. Awareness is highest amongst the 55+ age group (92%) and, geographically, in areas where the spread of knotweed has been most prolific according to Environet's live Japanese Knotweed Heatmap, such as the South West (87%), Wales (84%) and the Midlands (80%).

Environet director, Emily Grant, said, "While most people have heard of Japanese knotweed, identifying it correctly is another matter. Very soon, when the ground temperature begins to rise in March or April, knotweed will emerge from the ground and by early summer it will be growing rapidly – in some cases as much as 10cm every day. The longer it's left, the further its underground root system will spread and the more it will cost to remove.

The best way to protect your property is to research knotweed identification online and be vigilant, particularly if a new plant appears this spring that you don't recall seeing before. Those buying and selling property should also carry out thorough checks or commission a professional survey for complete peace of mind."

How to identify Japanese knotweed

+ In early spring, when the ground begins to warm up, reddish-purple spear-like shoots emerge and grow rapidly, forming canes. Heart-shaped leaves unfurl and turn green.

+ Between May and July, knotweed grows rapidly, supported by hard, bamboo-like hollow canes with a distinctive purple speckle. Green leaves grow in a zig-zag formation along the stem. Mature plants form dense stands up to 3 metres high, covered in clusters of cream-white flowers from late summer.

+ In autumn, the leaves fall turn yellow, then brown, and eventually fall to the ground. The canes lose their fleshy green appearance, turning brown and brittle.

+ During winter, all that remains are the dead canes which remain standing, and the plant's distinctive crowns – a woody mass of rhizome which is usually visible in the ground.

Source: [Click here](#)

Thank you Sponsors.



Azad Ayub is a civil engineer with an MSc & Diploma of Imperial College (DIC) from the Imperial College, London. He has worked on and led numerous design and construction projects both within the United Kingdom and overseas. He now focuses more on his property ownership, management and development business, which was established over 40 years ago and has been operating successfully since, catering to the niche student and young professional accommodation market and employing around 20 people, with assets in the UK, USA, Spain and Pakistan. Azad continues to maintain strong associations with well-known local and international professional organisations and regularly supports charities and engages in charitable projects both locally and abroad. Over the years, both Azad and his business have won numerous awards for their continued commitment to green issues, staff training and talent development.

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What is a Live-in Landlord?

Live-in landlords, sometimes called resident landlords, rent out part of their home to one or more tenants. To be classified as a resident landlord, the property you share with tenants must be your only or primary place of residence.

While rental properties typically serve as a primary source of income for traditional landlords, live-in landlords often take on the role more casually. Many people choose to rent out a spare room or unused space in their home to supplement their income, while others appreciate the company that having a lodger provides. In addition, the government's Rent a Room Scheme offers a financial incentive for letting out extra space in your home, allowing landlords to earn up to £7,500 tax-free if they do so.

Live-in Landlord and Tenant Rights and Responsibilities

Whilst landlords renting out a room in their own home may be subject to fewer rules and regulations than a traditional landlord, it is equally important to understand and comply with all relevant laws and best practices.

Having a sound understanding of live-in landlord laws and regulations can help to prevent misunderstandings, conflicts, and potential legal issues whilst enabling landlords to establish a fair and amicable living arrangement with their tenants. Failure to comply with the relevant regulations could result in legal disputes, penalties, or even prosecution.

Responsibilities When Establishing Yourself as a Live-in Landlord

Before live-in landlords welcome their first tenant, they should ensure they have informed all the relevant people of their plans; this may include:

Getting Permission to Let

If you own your home outright, you can skip this step. Those with a mortgage should inform their mortgage lender of their plans to let out part of their property. Leaseholders should check with the freeholder if the terms of their agreement allow them to let part of the property. Tenants should not sublet any rooms without first getting their landlord's consent.

Checking Your Entitlement to Benefits and Discounts

The additional income you earn from letting a room in your home could affect your entitlement to any benefits or discounts on council tax you currently receive. For help determining whether becoming a live-in landlord is a good financial option for you, [contact Citizen's Advice](#). You should also inform your local benefits office if you currently receive any benefits and plan to rent a space in your home.

Live-in Landlords: Understanding the Different Tenancy Types

As a live-in landlord, you must understand and respect your tenant's rights to provide a fair and lawful service and avoid disputes. Both tenants and live-in landlords have different rights and responsibilities depending on the living arrangements. Let's examine some of the most common tenancy types and their meaning.

Tenant or Lodger?

Although these terms are sometimes used interchangeably, there is a distinct difference between the two. An occupier is a tenant if they have exclusive use of at least one room within the property. This means the live-in landlord cannot enter their bedroom or the space they rent within the property without giving the occupier advance notice.

If the landlord, or someone else, has unrestricted access to the whole property, then the occupier is a lodger. Rather than having a tenancy, a lodger has a licence to occupy.

Excluded or Non-excluded?

A tenant's rights depend on whether their licence to occupy or tenancy is excluded or non-excluded. This depends on several factors, including the terms of the agreement and the nature of their occupation. Generally, excluded licences and tenancies have less protection than non-excluded ones because they are not protected by specific legislation such as the Housing Act 1988 or the Protection from Eviction Act 1977.

Excluded Tenancy

The tenant shares some areas of their accommodation, such as living spaces, the kitchen and bathroom, with their landlord or a member of their family but has exclusive possession of the room they rent.

Excluded Licence

The lodger shares all or part of a property with their landlord. They do not have exclusive access to any part of the property; the landlord has unrestricted access to all rooms.

Non-excluded Tenancy

The tenant shares a building with their landlord but has exclusive access to their accommodation and doesn't share any areas other than stairs or storage with their landlord.

Non-excluded Licence

The tenant lives in a self-contained flat, but the landlord has unrestricted access to clean it or the right to choose tenants to share the flat with them. This arrangement is quite unusual.

Essential Tenant Health and Safety Obligations for Live-in Landlords

When it comes to basic tenant safety and wellbeing, the law makes little distinction between landlords who own multiple rental properties and those who let out a spare room in their home to a lodger.

Provide Adequate Facilities

According to general housing law, all live-in landlords must provide tenants or lodgers with kitchen facilities, a sink with hot and cold water, and a separate room with washing and toilet facilities. If the property is classed as an HMO, landlords must provide adequate facilities for the number of people in the property as stated in HMO regulations.

Fire Safety

[The Furniture and Furnishings Regulations 1988](#) state that all furniture and furnishings should meet fire resistance requirements. However, these regulations apply to landlords letting a property primarily as a source of income rather than as their home, meaning they do not always apply to live-in landlords. However, abiding by the regulations anyway is in the best interests of everyone in the property. Live-in landlords should install smoke alarms in the property, ideally one on each floor. Landlords should also consider keeping a fire blanket and fire extinguisher in the kitchen.

Gas Safety

According to the [Gas Safety \(Installation and Use\) Regulations 1998](#), all gas appliances must be in good working order, safe, and well-maintained. All landlords should arrange for a Gas Safe engineer to carry out an annual safety inspection, keep a record of all safety checks, and provide any tenants/lodgers with a copy of the safety certificate within 28 days of the inspection.

Electrical Safety

All landlords, including live-in landlords, must ensure that electrical installations and appliances are safe for use in the property they are letting. [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations](#) do not apply to resident landlords with lodgers, so there is no legal requirement to have an electrical inspection every five years. However, it is still recommended as you could be held liable if the electrics are unsafe and an accident occurs.

Property Repairs and Maintenance Rights and Responsibilities

Live-in landlords are responsible for ensuring that the property they are letting to tenants or lodgers is safe, free from hazards, and fit for habitation.

Equally, all tenants and lodgers have a duty to look after the property, and they are responsible for repairing damage caused by their failure to do so. Landlords can protect themselves from disputes over damages by clarifying these terms in the licence agreement.

Under the Landlord and Tenant Act 1985, the landlord is responsible for taking care of any major repairs and maintenance the property requires. However, in the case of lodgers, while the landlord is responsible for property maintenance and must keep the property fit for habitation, they are not obliged to replace or repair any damage to the property.

Tenancy Agreement or Licence to Occupy?

Live-in landlords are not legally required to supply a tenancy agreement to tenants or lodgers unless the tenancy is for a fixed term of more than three years. However, in most cases, it is in everyone's best interests to lay out the terms of the agreement and the rights and responsibilities of each party in a written agreement to reduce the risk of disputes arising later down the line. This allows the landlord to set out any rules regarding matters like music, parties, and having guests over. Having the terms of payment set out within a tenancy agreement or licence to occupy agreement can also be helpful to landlords if they run into any problems with non-payment of rent.

Right to Rent Checks

All private landlords, including resident landlords, are required by law to check the immigration status of potential tenants or lodgers before they move in. This check is called a 'Right to Rent' check. You can find out more information about [how to perform a Right to Rent check](#) on the government website.

Deposits for Live-in Landlords

Live-in landlords are not required to take a deposit from their tenants or lodgers, but doing so can provide the landlord with some financial security if the tenant were to cause any damage to the property or stop paying rent. Unlike assured tenancies, live-in landlords are not required to protect the deposit under a tenancy deposit protection scheme. Still, they are advised to keep it in a separate bank account.

Access Rights for Live-in Landlords

The access rights that both live-in landlords and tenants have depend entirely on whether they have entered into a licence to occupy or a tenancy. For tenancies, the landlord must give at least 24 hours' notice before entering the tenant's room or space within the property. No notice is required for licences to occupy where unrestricted access has been agreed upon. However, landlords must note and respect that all tenants and lodgers have a right to 'quiet enjoyment' and should not be subject to unnecessary or unreasonable interference.

Eviction Proceedings for Live-in Landlords

Landlords who welcome tenants or lodgers into their homes may find themselves in an uncomfortable or vulnerable position if their relationship with the tenant breaks down or the tenant stops paying rent. For this reason, live-in landlords have more freedom when it comes to ending a tenancy early and evicting a tenant.

The eviction process varies depending on the tenancy type and the terms of the agreement. It is an offence to evict an occupier before their tenancy or licence has been appropriately brought to an end. If landlords do not follow the correct eviction procedure, they may infringe on their tenant's rights and face penalties or legal disputes.

Evicting a Lodger with an Excluded Licence

Lodgers with an excluded licence have less protection than those with a non-excluded tenancy or fixed-term agreement. Landlords only need to give 'reasonable notice' of eviction to lodgers with an excluded licence. Reasonable notice should usually be equal to the length of the rental payment period, i.e. one week or one month. With excluded licences, there is no requirement for a landlord to apply for a court order to evict the lodger if they refuse to leave. However, they can apply for one if they need to.

Source : [Click here](#)

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Email:

Helen.burke@lbbd.gov.uk

Angela.nicholson@lbbd.gov.uk

Wayne.samuels@lbbd.gov.uk

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Damp and mould Health risks

Damp and mould primarily affect the airways and lungs, but they can also affect the eyes and skin. The respiratory effects of damp and mould can cause serious illness and, in the most severe cases, death (see 'Health effects of damp and mould'). The tragic death of Awaab Ishak was the result of a severe respiratory condition due to prolonged exposure to mould in a home with inadequate ventilation.

The presence of damp and mould can also affect tenants' mental health. This could be due to worries about the health impacts of damp and mould, unpleasant living conditions, and destruction of property and belongings, among other concerns.

Everyone is vulnerable to the health impacts of damp and mould, but people with certain health conditions, children and older adults are at greater risk of more severe health impacts (see 'People at increased risk from damp and mould').

Regulation on damp and mould in social and private rented properties

Private and social landlords must adhere to a number of regulations related to damp and mould (see 'Legal standards on damp and mould in rented homes'). A lack of compliance can place a landlord at risk of prosecution or financial penalties. The legislation and standards are sometimes different for social and private rented landlords, but include:

- [Housing Act 2004](#)
- [Environmental Protection Act 1990](#)
- [Homes \(Fitness for Human Habitation\) Act 2018](#)
- [Landlord and Tenant Act 1985](#)
- [Decent Homes Standard](#)
- [Minimum Level of Energy Efficiency standard](#)

Works to the heating and ventilation systems and replacement of windows are all controlled work. When undertaking controlled work, landlords must comply with the [Building Regulations 2010](#).

Responding to reports of damp and mould

When responding to reports of damp and mould landlords should:

- respond sensitively and assess the issue with urgency to identify the severity of the damp and mould and potential risks to tenants.
- always tackle the underlying issue promptly, and act with urgency when concerns have been raised about tenant health. Landlords should not delay action to await medical evidence or opinion - medical evidence is not a requirement for action.
- ensure tenants are informed about the steps that will be taken to remove mould and address any underlying issues and the timeframes for the work.
- prior to the removal of the mould, photograph and document the location of the mould, to help identify the source.
- remove the mould, to address the health risk to tenants, using a qualified professional when appropriate.
- identify and tackle the underlying causes of damp and mould, including building deficiencies, inadequate ventilation and condensation. Simply removing surface mould will not prevent the damp and mould from reappearing.
- inspect the home at least 6 weeks after remedial work has been carried out, to ensure that the issue has been fixed and damp and mould have not reappeared. If damp and mould have reappeared, further investigation and intervention should be pursued.

Taking a proactive approach to reduce the risk of damp and mould.

Landlords - irrespective of whether they own one or multiple homes - should adopt a proactive approach to the identification and tackling of damp and mould. This should include:

- having clear processes in place to document, manage and act on reports of damp and mould and to identify common issues and trends in their housing stock
- understanding the condition of their homes and using this to adopt a preventative approach to dealing with damp and mould, making the necessary interventions to ventilation, energy efficiency and building deficiencies before damp and mould occur
- understanding that some homes are more difficult to heat, either due to their energy efficiency or cost of living pressures, and that this can make damp and mould more likely to occur. Landlords should consider what support they can provide or signpost tenants to
- supporting tenants to understand what they can do to reduce damp and mould, where applicable and appropriate. This must never be a substitute for addressing the underlying causes of damp and mould
- building relationships with health and social care and other frontline professionals supporting tenants to ensure that every opportunity to identify tenants living in homes with damp and mould is utilised, 'making every contact count'.
- ensuring staff and any external contractors are aware of the significant health risks associated with damp and mould, the need to address the underlying causes of the issue and not just remove visible mould, are aware of any processes associated with reporting and addressing damp and mould and understand the importance of being sensitive to tenants' circumstances and vulnerabilities.
- building relationships with tenants, ensuring that tenants feel encouraged to report damp and mould.

Source: [Click Here](#)

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David d'Orton-Gibson- CEO of Training for Professionals (TFP).

David has worked for many years in the letting industry and has first-hand experience of most roles involved in lettings. For over 30 years he has worked full time running training and consultancy for landlords and agents throughout England and Wales. He teaches public courses as well as running In House courses for local authorities, letting agents, landlord associations, housing associations, colleges and other bodies. Widely respected for his technical knowledge and teaching style, David combines an authoritative understanding of the legal framework with practical suggestions on working with people and presents in an engaging style. **For more info visit:** [Home - TFP Online](#)



Tessa Shepperson- The Managing Director of the Landlord Law company- solicitor & writer.

Tessa has run the popular [Landlord Law service](#) for the past 20 years which provides legal information and documents for private residential landlords. She also blogs at [the Landlord Law Blog](#). Tessa's main business was her solicitor's practice. She started it as a way for landlords to find out their legal rights and obligations at reasonable cost, as she could see that many landlords were ignorant of the legal rules but did not want to incur the expense of consulting a traditional solicitors firm. This was before the internet was fully developed and there were few online information services available. Landlord Law was one of the first. Landlord Law is now owned by Landlord Law Services Ltd, a company registered in England and Wales. Although Tessa is a solicitor and is herself regulated by the Solicitors Regulation Authority, Landlord Law Services the company, is not a regulated solicitor's firm.

For more info visit: <https://landlordlaw.co.uk/>



Guy Horsington- Deputy Director for PRS – Renters Reform Team- Senior Civil Servant in the Department for Levelling Up, Housing and Communities (DLUHC).

Guy is a Senior Civil Servant in the Department for Levelling Up, Housing and Communities (DLUHC). Over his career he has worked on developing policies from civil partnerships to consumer rights and supporting Ministers in Downing Street and the Cabinet Office. Most recently he led the passage of the Agriculture Act 2020 that replaces subsidies for farmers with payments for environmental goods. He now leads on the landmark reforms to the private rented sector, through the Renters Reform Bill.



Peter Littlewood- Founder & Director of iHowz & LLAS/ATLAS Trainer

Peter has been involved in the rental market since the early 80's – so has a wealth of knowledge. Peter is anxious to rid the industry of its negative views, especially that it is full of 'rogue landlords'. In his view there are three types of landlords: - those who know what they are doing; those who don't, but try hard – they to be trained through LLAS; and those who won't do as they are supposed to do, even if they know. They are not 'rogues' but criminals and should be prosecuted. The industry does not want them. **For more info visit:** www.ihowz.uk



Emily Smith- Policy Advisor - Compliant Environment & Enforcement Unit (Home Office)

Emily has worked in policy for almost two years and have recently joined the Compliant Environment and Enforcement Unit of the Home Office , covering the Right to Work and Right to Rent Schemes. And now lead on the civil penalty increases in both of the schemes, specifically engaging with landlords, letting agents and employers to ensure they are aware of the changes coming into force and how they can protect themselves.



Richard Tacagni MCIEH CEnvH- Founder and Managing Director of London Property Licensing.

Richard is a Chartered Environmental Health Practitioner and housing specialist with over 30 years' experience. He acts as a civil expert witness on housing regulation and recently joined the Chartered Institute of Environmental Health's Housing Advisory Panel. He often represents clients in First-tier Tribunal proceedings and has a strong track record in negotiating settlement.

For more info visit: <https://www.londonpropertylicensing.co.uk/>



Tony Gimple – MSWW- Principle and founder of Chancery Law Group & Tax Limited.

Tony founded the original Chancery Law Group that in large part set the tone and model for the Legal Services Act 2007 and Alternative Business Structures. Tony ghost wrote the record response breaking Sunday Telegraph guide to Wills, Trusts and Inheritance Tax, and regularly appears on SKY's Property TV channel as part of the Property Summits team. Renowned for his down to earth no-nonsense approach and straightforward manner, Tony has pioneered and developed multiple client centric advice collectives throughout the professional services sector. **For more info visit:**

<https://www.bel.gb.net/>



Ashleigh Dewbery-Lugg FCCA- Founder and owner of The Entrepreneurs Accountant and Ripple Consultancy Limited.

Ashleigh spent over 6-years at Deloitte as a Private Client Manager and, since leaving them in 2013, has been running her own accountancy firm making a name for herself working with SMEs, fellow Entrepreneurs, and the Private Rented Sector in particular helping them to minimise the impact of S24. She especially caters for individuals, partnerships, LLPs, Limited companies etc supporting them with their day-to-day needs such as payroll, VAT and bookkeeping, business mentoring, all the way through to year end compliance and forecasts.

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Are you familiar with upcoming Right to Rent changes?

All landlords and their agents have a legal responsibility under the Immigration Act 2014 legislation to prevent those without lawful immigration status from accessing the private rented sector

Landlords and agents who knowingly rent their properties to unauthorised migrants will currently face penalties of up to £5,000 per lodger and £10,000 per occupier for a first breach, up from £80 and £1,000 respectively. Repeat breaches could cost them up to £10,000 per lodger, up from £500, and a maximum of £20,000 per occupier, up from £3,000. But that is all about to change.

As of 13 February, the penalties for violating Right to Rent rules will increase significantly from £80 per lodger and £1,000 per occupier for a first breach to a substantial £5,000 per lodger and £10,000 per occupier. Repeat breaches will incur even steeper fines, reaching up to £10,000 per lodger and £20,000 per occupier, a substantial increase from the previous £500 and £3,000 respectively.

Agents and landlords are advised to familiarize themselves with the new draft code of practice, currently available in draft form and scheduled to take effect next month. This updated version outlines the heightened penalties for failing to comply with Right to Rent requirements, underscoring the government's commitment to enforcing these regulations.

Landlords and agents are reminded that, in addition to the hefty fines, failure to check the occupier's right to rent status may result in potential imprisonment. With the looming changes, it is imperative for landlords to stay informed and ensure full compliance with the revised regulations to avoid severe financial consequences and legal ramifications.

The code of practice for Right to Rent, issued by the Home Office, can be [accessed here](#).



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Last minute government U-turn on HMO licensing requirements

The government has withdrawn plans to exempt asylum seekers in Home Office accommodation from house in multiple occupation (HMO) licensing.

A controversial policy proposed the removal of houses in multiple occupation (HMO) regulations for landlords accommodating asylum seekers in their buy-to-let properties.

The government argued that by removing the requirement for landlords to abide by HMO regulations, officials could increase the availability of housing available to accommodate asylum seekers.

Under the changes, which will now not go-ahead, landlords of asylum seekers in England and Wales would no longer have to register with local authorities.

The rules would allow landlords to house asylum seekers for two years without obtaining a HMO licence – a standard requirement for any landlord renting to more than one household in a single property.

But eight asylum seekers challenged the draft regulations and, hours before a high court hearing yesterday, the government withdrew the policy. It will now revert to the previous position that everyone living in an HMO has the same rights to protection.

The plans were put forward by Suella Braverman, the former home secretary, and Michael Gove, the housing secretary.

However, documents disclosed in the course of the case show that Gove expressed opposition to the plans in a letter he sent to the prime minister dated 10 November 2022.

He wrote: “Finally, I understand Home Office and No 10 are interested in removing the need for Houses in Multiple Occupation (HMO) to get licences when providing accommodation for asylum seekers. [words redacted].

“Landlords of larger HMOs – and in some areas, smaller HMOs – must be licensed and properties must meet standards. This is for safety reasons, for example there is a significantly higher risk of fire in HMOs.

“Home Office officials have suggested that this licensing system may be a barrier to housing asylum seekers and have requested exempting HMOs from licensing requirements.

“I have seen no evidence on how licensing is a barrier, and this move [words redacted] risks incentivising lower quality housing. [words redacted].”

The eight asylum seekers argued that the government had acted unlawfully in adopting the policy and that Gove had no power to make the draft regulations, which frustrated the purpose of the licensing scheme.

Jeremy Bloom of Duncan Lewis solicitors, representing the asylum seekers, said: “The government’s last-minute withdrawal of regulations that would have reduced protections for asylum seekers housed by the Home Office is a spectacular U-turn.

“The asylum seekers now have the enduring protection that they will not be placed in accommodation which does not meet licensing standards, which are so vital to fire safety and to prevent overcrowding.”

The Chartered Institute of Environmental Health (CIEH), which provided evidence for the legal challenge, welcomed the government U-turn.

Louise Hosking, an executive director at the institute, said: “These draft regulations risked creating a two-tier system for enforcement of standards in HMOs. They could also have incentivised unscrupulous landlords to move into the supply of asylum-seeker accommodation.

“We are immensely proud to have supported the legal challenge to these draft regulations on behalf of our members and to have played an important part in bringing about a successful outcome.

“We were able to provide a unique perspective on the issue as the body representing the people responsible for HMO licensing enforcement.”

A government spokesperson commented: “Our success maximising the use of existing sites and delivering alternative accommodation means it is no longer necessary to pursue the removal of licensing requirements for houses in multiple occupation.

“We are making significant progress moving asylum seekers out of hotels, which cost UK taxpayers £8.2m a day. We have already returned the first 50 to their communities and we will exit more in the coming months.

“We continue to keep all policies under review as we work with local authorities to identify alternative accommodation options which are more suitable for local communities.”

Source: [Click here](#)

Land Registry to end conveyancers' updates chasing to speed up transactions.

HM Land Registry has started providing lenders with direct access to their application data, showing the status of all applications to register their mortgage security, provided the lenders' unique reference (known as an 'MD' reference) is entered into the application.

This will stop the chase process, where lenders and lender panel managers contact conveyancers routinely to understand the progress of their many applications to register mortgages.

A weekly update will be shared with each lender to ensure their information remains up to date. This pilot phase includes the 10 mortgage lenders who represent the vast majority of the market, as well as two panel managers. If the pilot is successful, HM Land Registry will explore the opportunity to extend it to other lenders with an MD reference.

Mike Harlow, deputy chief executive and director of customer and strategy at HM Land Registry, said: “Lenders want to know that their mortgages are either registered or in the proper process of being registered. This new direct service completes the picture of where the registration of their mortgage has got to.

“Now they do not have to chase conveyancers unless something is genuinely at risk. This should save the industry millions of pounds a year and give time back to conveyancers.”

The ten lenders included on the pilot, representing over 85% of residential lending in the UK, are Lloyds Banking Group, NatWest Group, Nationwide Building Society, Santander UK, Barclays, HSBC Bank, Coventry Building Society, Yorkshire Building Society, Virgin Money, and TSB Bank.

Meanwhile, the two conveyancing panel managers are LMS and Decision First.

Rob Stevens, head of property risk at Nationwide Building Society, commented: “Getting direct access to mortgage application data is a breakthrough moment and is the culmination of many months of work between Nationwide, HM Land Registry and other lenders. It will really help to automate the unregistered charges process and save both lenders and conveyancers time by reducing the amount of back and forth between the two.”

A spokesperson for Yorkshire Building Society said: “Conveyancing processes are notoriously complex, fast-paced and, sometimes, stressful, so any innovation which helps to make the process less time-consuming is to be welcomed.

“We are constantly looking for ways to make our processes even more efficient for customers and are looking forward to experimenting with this new system and exploring how we can maximise its potential – which includes access to real-time Land Registry updates – to help with that.”

Charles Roe, Director of Mortgages at UK Finance, commented: “This is a welcome initiative, which should improve the home buying and selling process for lenders, conveyancers and buyers. We look forward to working with HM Land Registry and the lenders involved in the pilot to help make this a success, with a view to rolling the system out more widely in due course.

Justin Parkinson, managing director of Decision First, which operates Lender Exchange, added: “This is a very welcome initiative; we look forward to working with HM Land Registry in the coming months. Getting direct updates on the status of our mortgages will significantly streamline our work and that of the conveyancers we work with.”

Source : [Click here](#)

Letting Legally



Permitted Payments

It is illegal to charge certain fees to tenants, unless they are classed as ‘permitted payments’.

These are the **ONLY** payments you are permitted to charge:

- ✓ Rent
- ✓ Holding deposit (capped at 1 weeks rent)
- ✓ Tenancy deposit (capped to 5 weeks rent)
- ✓ Utility bills and council tax
- ✓ Default fees – including key loss and rent arrears (reasonable charges)
- ✓ Changes to a tenancy at the tenant’s request - £50 / reasonable costs
- ✓ Fees for leaving a tenancy early, known as termination charges (to cover actual loss suffered by the landlord)

To work out the weekly rent, multiply the monthly rent by 12 then divide this sum by 52.

It is safer to receive payments in a traceable manner, but if you are paid in cash, always provide a receipt.



Prohibited Payments

You can ‘no’ longer charge the following:

- X Administration fees
- X Contract negotiation fees
- X Application fees
- X Inventory charges
- X Set up fees
- X Referencing fees
- X Check-in and check-out fees unless by mutual agreement, e.g. for an out of office hours checkout
- X Credit check fees
- X Renewal fees
- X Guarantor fees
- X End of tenancy fees
- X Permitted occupier fees
- X Default professional cleaning fee
- X Right to Rent fees

This list is not exhaustive and if the payment is not permitted within the Tenant Fees Act 2019 then it will be deemed prohibited. You should no longer make reference to these fees in your tenancy agreement or property adverts - they cannot be charged.

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Michael Gove pledges to end Section 21 evictions before general election.

Housing secretary Michael Gove has insisted that Section 21 evictions will be “outlawed” in England by the next general election.

The Conservative party’s 2019 manifesto pledged to end the right of landlords to evict tenants without needing a reason in 2019.

However, the legislation has been continuously delayed, leading housing campaigners to question the government’s commitment.

But the government has previously said a ban cannot be enacted until the court system is improved – a position supported by the National Residential Landlords Association.

In October last year, MPs started debating the Renters (Reform) Bill, which includes a ban on Section 21 evictions in England, but the legislation has not yet completed its passage through Parliament.

Asked if he could guarantee the practice would end by the time of the next general election, which must take place by the end of January 2025, Gove told the BBC’s Sunday with Laura Kuenssberg programme yesterday: “We will have outlawed it and we will have put the money into the courts in order to ensure that they can enforce that.”

Gove’s legislation has faced significant opposition from within his own party, as almost one in five Conservative MPs are also landlords. It is worth noting that there are a plethora of landlords across other political parties, including Labour.

Late last year, a series of Conservative MPs voiced their opposition to the Renters Reform Bill, saying it would add “to the burden of landlords”.

In the Commons, Conservative former minister Sir Edward Leigh told MPs: “Banning no-fault evictions will make the rental market even more stagnant and will lead to a further drying up of it.”

He added: “And apart from adding to the burden of landlords, we don’t want a situation that happened in Ireland, where the regulatory burdens on landlords is such that the rental sector has shrunk massively and governments have paid the price in terms of popularity.”

Conservative MP Sir Geoffrey Clifton-Brown also said the bill would have a “disastrous effect” on areas including his constituency “in reducing the number of rental properties, and therefore increasing the price of rent, and for youngsters this is really serious”.

The housing secretary also said he is doing everything he can “short of laying siege” to the chancellor’s home to persuade him to put more money into housing in the spring Budget.

Responding to Gove’s comments yesterday, Labour’s deputy leader Angela Rayner, who is also the party’s shadow housing secretary, said: “These are yet more weasel words from Michael Gove after years of broken promises.”

She added: “Having broken the justice system, the Tories are now using their own failure to indefinitely delay keeping their promises to renters in the most underhand way.”

Liberal Democrat deputy leader Daisy Cooper commented: “It is shocking that this Conservative government has repeatedly chosen to delay their promised ban on no-fault evictions.

“Michael Gove’s words will ring hollow for those who have waited for so long for this urgently needed reform.”

She added: “This government has turned a blind eye to the housing crisis in this country, 16 housing ministers later, people are still facing the same problems.

“Renters shouldn’t have to face losing their homes through no fault of their own any longer. Rishi Sunak and Michael Gove must stick to their promise before more and more families get caught up in these devastating consequences.”

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