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Welcome to the latest edition of the London Landlord

I have recently chaired the first meeting of The Advisory Working Group on Domestic PRS Regulations which has been set up by the Department of Energy and Climate to consider the new regulation proposed for the private rented sector (PRS). The group is made up of representatives of Government, landlord and tenants groups and environmental charities and will make recommendations for the Secretary of State to consider on the format of the forthcoming regulations.

The recently launched Green Deal comes along with the promise of additional regulation for the PRS which will affect both residential and commercial lets.

For the residential PRS by no later than April 2016 tenants will be able to request energy improvements which if “reasonable” the landlord will not be able to refuse.

The “reasonable request” regulations apply to all premises irrespective of the whether current energy performance rating is good, bad or indifferent. The second set of regulations is due to come into force no later than April 2018. These regulations will prohibit the renting of properties with poor energy rating. Where works are required they must be able to be paid for through GD or ECO i.e. at no cost to the landlord, for the regulations to apply.

The Working Group will be considering the details of when the regulations should come into force and the requirements which will apply to their implementation.

The successful bid by UKLAP for funding from the Department of Energy and Climate Change (DECC) has allowed a series of subsidised training courses to be offered and will provide cash back to landlords who have Green Deal (GD) assessments carried out. The money came from the £200 million made available by HM Treasury to support the Green Deal. The training courses explain the operation of the Green Deal finance and how it works with the “grant” money available from the Energy Company Obligation (ECO) to allow energy improvements to be carried out at no upfront cost to the landlord (or owner).

Landlords who have a Green Deal assessment carried out before the end of the financial year will received a £50 cash back from UKLAP and those who have attended the courses, will get a £75 cash back. It is hoped that several “show homes” can also be set up to help demonstrate the type of works that can be funded and encourage others to use this opportunity to carry out works.

Although launched in October last year, with the first green deal plan signed last month, there are, at the time of writing, several issues which will affect the private rented sector (PRS) which still need to be finalised and the civil servants at DECC have stated that they are working hard to sort them out. Hopefully this will be soon as there is quite a lot of interest being shown by the sector and it will be unfortunate if the lack of certainty affects uptake.

I hope you enjoy this edition.

Dave Princep (Chair of LLAS & UKLAP)

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GAS SAFETY

As a landlord, you are legally responsible for the safety of your tenants in relation to gas safety. By law you must:

- Repair and maintain gas pipework, flues and appliances in safe condition
- Ensure an annual gas safety check on each appliance and flue
- Keep a record of each safety check. You should also keep your tenants informed about their responsibilities while they are staying in your property.

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DepositGuard is an exclusive service, only available to members of the Residential Landlords Association. It allows you to hold onto the deposit and provides you with a more cost effective alternative to other insurance based deposit protection schemes.

Under the provisions of the UK Housing Act 2004 if you have a tenancy that started after April 2007, and you take a deposit, then the landlord or agent must protect the deposit using a government authorised tenancy deposit scheme or risk fines of three times the deposit.

The Residential Landlords Association has teamed up with the Tenancy Deposit Scheme (TDS) – the largest government approved scheme in England & Wales – to bring members deposit protection for the life of their tenancy agreement.

MAIN FEATURES

- ▶ You hold the deposit
- ▶ Free registration
- ▶ Low cost deposit protection fees
- ▶ Easy to use online registration service
- ▶ Tenancy-life protection – covers periodic tenancies



Comparison of scheme costs for RLA members

	DepositGuard (Insurance based deposit scheme)	The Deposit Protection Service (Custodial Scheme)	My Deposits (Insurance based deposit scheme)
Can landlord keep hold of the deposit?	YES	NO	YES
Cost to Join	Free	Free	£60
Fee per Deposit	Deposit up to £500 = £15.00 Deposit over £500 = £22.50	Free The DPS keeps the deposit for the length of the tenancy	Deposit up to £300 = £17.50 Deposit over £300 = £30

Includes free access to the Alternative Dispute Resolution (ADR) service, which deals with disputes quickly and seeks to issue adjudications within 28 days of receipt of evidence. Also ensuring deposits are returned to either landlord or tenant fairly.



Get ready for your next tenancy renewal by
creating your DepositGuard account today at
www.rla.org.uk/depositguard

Solicitor Tessa Shepperson answers landlords FAQ, This issue: What are my rights regarding inspections?

Inspections can be a bit of a flash point between landlords and tenants. Landlords need to view the property from time to time. Tenants sometimes consider this to be an intrusion. What is the law and what your rights?

Inspections for disrepair

Under s11 of the Landlord & Tenant Act 1985 landlords are bound by various repairing obligations, for example to keep in repair the structure and exterior of the property and the installations for the supply for essential services, such as electricity, heating and water.

However with this obligation comes the right to carry out inspections for the purpose of viewing the condition and repair of the property, provided at least 24 hours written notice has been given to the tenant.

Landlords sometimes think that because their right to enter the property is written in the statute and also in their tenancy agreement, they have the right to go in, whether the tenants want this or not. But this is not the case. A tenant always has the right to exclude you from the property (save in cases of real emergency) – if this prevents you from carrying out inspections this will put him in breach of his tenancy agreement, but he can still do it.

Sometimes he will be justified. For example if you want to carry out an inspection on the afternoon of his daughters 5th birthday party, or if he wants to be present but has an appointment at that time.

However if a tenant appears to want to exclude you permanently from the property then you should write to them and explain that you do have a right of inspection and by denying you this, they are in breach of their tenancy agreement. There are three arguments that might make them change their mind:

- If they have an accident due to some disrepair at the property, you will have a perfect defence to any claim for personal injury as had they let you in, you would have carried out repairs and the accident might never have happened
- If the disrepair gets worse due to neglect (because you have not been allowed in to do repairs) you will be able to claim compensation for this from their deposit and
- If they continue to exclude them, you will be unwilling to allow them to stay in the property long term and will be serving a section 21 notice.

If you write a letter pointing out these three items, you may find that they change their mind!

Gas inspections

There are similar issues here. You are legally obliged to do the work, but can't if they don't let you in. You need to make at least three efforts to make an appointment, and keep records of this, just in case someone complains about the lack of gas safety certificates.

I would suggest you write to them along similar lines as suggested above, saying:

- The gas inspection is for their benefit – to ensure that the property is safe for them
- You cannot be held responsible if there are gas related accidents if the reason is their failure to allow you in to inspect and do the work
- If they continue to refuse access you may not be able to let them stay at the property

Note that if you suspect that there might be a gas leak, contact the **National Gas Emergency number on 0800 111 999**.

Viewings for new tenants or property sale

Unlike the previous two situations, you do not have any legal right to carry out inspections unless this is specifically mentioned in your tenancy agreement.

So if your tenant is refusing access, you need first to check your tenancy agreement and see what it says.

Any clauses must provide for you to give not less than 24 hours written notice or they are likely to be invalid under the Unfair Terms in Consumer Contracts Regulations 1999.

Even if your tenancy agreement does provide for these inspections, again you cannot go in unless the tenant agrees. Many tenants are not willing to allow this, or are not willing to allow it as often as the landlord wants. This is understandable, and indeed if a landlord requests very frequent inspections this could be considered harassment.

As the only way to force an unwilling tenant to allow inspections is by getting a court injunction (which the Judge may not be prepared to agree to in all circumstances) it behoves landlords to work with tenants on this and not antagonise them.

Note also that if the tenants have told you that they are not vacating the property – you will be unable to evict them anyway without a court order for possession, so the tenant may be justified in feeling that inspection visits with prospective tenants is unreasonable!

© Tessa Shepperson 2013

Tessa Shepperson is a solicitor and author, and runs the popular Landlord Law site at www.landlordlaw.co.uk. She also blogs at www.landlordlawblog.co.uk



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

Landord Law Conference 2013

Friday 15 March 2013, Bury St Edmunds, Suffolk



PROGRAM:

- 09.30am Registration
- 10.00am Tessa Shepperson - Introduction/Tenancy agreements
- 10.30am Simon Parrott - Agency law
- 11.15am Break
- 11.45am David Smith - HMO law
- 12.30pm John Murray - Residential property tribunal
- 01.00pm Lunch
- *****
- 02.00pm Tom Derrett - Deposits
- 02.45pm Ben Reeve Lewis - Harassment
- 03.30pm Break
- 04.00pm Tessa Shepperson - Eviction
- 04.45pm Any questions and summing up
- 05.00pm Ends!

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Energy Performance Certificates

Energy performance certificates (EPCs) give potential buyers an upfront look at how energy efficient your property is, how it can be improved and how much money this could save.

EPCs for homes were first introduced in 2007 as part of home information packs (Hips) for home sellers. Hips were scrapped in 2010, but if you're selling your house you're still legally required to have an EPC in place.

You must have at least commissioned the energy performance certificate when you put your home on the market and can arrange it through your agent or directly with an EPC provider. EPCs were introduced to the rental market in 2008. In most cases, landlords marketing their properties for rent must have an EPC available for prospective tenants to view or risk a fine.

What is an energy performance certificate?

This document is valid for 10 years and shows how good – or bad – the energy efficiency of your property is. It grades the property's energy efficiency from A to G, with A being the highest rating. If you have a brand new home it's likely to have a high rating. If you have a second-hand home it's likely to be around D or E.

The energy performance certificate also lists ways to improve the rating - such as installing double glazing or loft, floor or wall insulation. The theory is that the better the rating your property gets, the more attractive it should be to a tenant as it indicates lower energy bills.

Energy performance certificate costs

Costs can range from around £60 to £120. They can vary widely within the same area, so shop around. If you go directly to an EPC provider rather than getting it through an estate agent, the costs of EPCs are generally cheaper. To find the best deal, get a quote from your estate agent, search for firms online and visit the energy performance certificate register online to find accredited energy assessors in your area to get quotes. You can also check whether an individual assessor is accredited on the site.

Changes to EPCs for the Green Deal

The government's 'Green Deal' scheme started in October 2012, and EPCs are changing as a result. The Green Deal is an initiative that will enable you to borrow money to make energy-saving improvements to your home, which will be repaid through your gas and electricity bills.

The Green Deal will have a clause called the 'Golden Rule'. This means that the repayments of the money you've borrowed will not exceed the savings you make from the improvements to your home. If you move home, the Green Deal and any repayments will be passed to the new owner of the home and will not move with you. The introduction of the Green Deal, Energy Performance Certificates have been updated to make it much clearer to consumers how much they might save from making greener home improvements. Features of the new certificate include the following.

- Potential costs of heating, lighting and hot water after home improvements made.
- Total potential savings and the potential energy performance rating you might receive after making improvements to your home
- Recommended actions to take (like increasing loft insulation and draught proofing).
- The potential cost of undertaking these improvements and the typical saving over a three year period.
- Whether or not the recommended actions are available under the Green Deal.
- If the recommendations in the EPC are available under the Green Deal, you will see a green tick next to them. If you have to pay money upfront, you will see an amber tick next to the measure.

Energy Performance Certificate (EPC)



17 Any Street, District, Any Town, B5 5XX

Dwelling type: Detached house
Date of assessment: 15 August 2011
Date of certificate: 13 March 2012

Reference number: 0919-9628-8430-2785-5996
Type of assessment: RdSAP, existing dwelling
Total floor area: 165 m²

Use this document to:

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

Estimated energy costs of dwelling for 3 years	£5,367
Over 3 years you could save	£2,865

Estimated energy costs of this home

	Current costs	Potential costs	Potential future savings
Lighting	£375 over 3 years	£207 over 3 years	
Heating	£4,443 over 3 years	£2,073 over 3 years	
Hot water	£549 over 3 years	£222 over 3 years	
Totals:	£5,367	£2,502	

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy use for running appliances like TVs, computers and cookers, and any electricity generated by microgeneration.

Energy Efficiency Rating

	Current	Potential
Very energy efficient - lower running costs		
(92 plus) A		
(81-91) B		
(69-80) C		76
(55-68) D	49	
(39-54) E		
(21-38) F		
(1-20) G		
Not energy efficient - higher running costs		

The graph shows the current energy efficiency of your home.

The higher the rating the lower your fuel bills are likely to be.

The potential rating shows the effect of undertaking the recommendations on page 3.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years	Available with Green Deal
1 Increase loft insulation to 270 mm	£100 - £350	£141	✓
2 Cavity wall insulation	£500 - £1,500	£537	✓
3 Draught proofing	£80 - £120	£78	✓

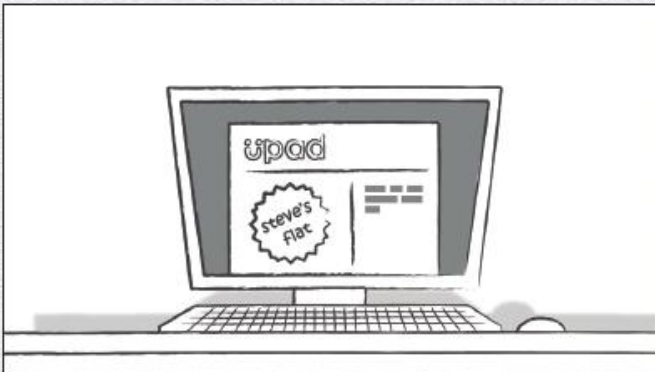
See page 3 for a full list of recommendations for this property.

To find out more about the recommended measures and other actions you could take today to save money, visit www.direct.gov.uk/savingenergy or call 0300 123 1234 (standard national rate). When the Green Deal launches, it may allow you to make your home warmer and cheaper to run at no up-front cost.

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Should tax incentives be given to landlords?

This thorny old issue just won't go away.

Back In November the government introduced the Homelessness (Suitability of accommodation) Order (England). A statutory instrument that effectively blocks the old tried and trusted homelessness application route to social housing.

Now a council can discharge its duty towards the homeless by offering accommodation in the private rented sector, provided the accommodation is suitable, the most pertinent element of suitability for our purposes here is that it must be affordable to the applicant.

As you all know the difference between market rent levels and housing benefit caps in London is wider than the Firth of Forth. Add to that a growing mistrust among the PRS landlord community that councils are seeing landlords as cash cows to be milked and licensed and you merely add to the reasons why landlords choose to go it alone.

I have written before in this newsletter about my ideas for councils to offer all they can to assist landlords and make working with councils a more attractive prospect but certain things are out of our control.

Back in December I was invited by Len Duvall of the London Assembly to give my views to the committee on problems and solutions for the PRS as part of Boris Johnson's plans to look into accreditation for London's landlords and agents. A three hour grilling ensued where twenty five assembly members put me and four others through the wringer.

I had a much needed pint with David Lawrenson of Lettings Focus afterwards to wind down.

One thing that came up on several fronts was the need for tax breaks to incentivise landlords to partner up. This topic was again raised in January by the organisation 'London Councils' chaired by executive member for housing and Mayor of Lewisham Sir Steve Bullock.

Talking to the CLG sir Steve said:-

"While local authorities have been doing their very best to mitigate the impacts, we need a concerted effort by central government departments and councils to take action to ensure a supply of good quality, affordable homes in the private rented sector."

This comes at a time when it is being revealed that many London boroughs have staggeringly high amounts of families lounging in expensive bed and breakfast accommodation because they have no other properties to put them in.

PRS rents would have to come down for the properties to be affordable and to be considered suitable discharge of a homelessness duty to the masses of people currently making homeless applications.

We councils can offer a range of services and I'm a great fan of that but they will only ever be additional considerations for London's landlords, the bottom line will always be the money, in an environment where London rents show no signs of slowing down.

The other element of suitability is the location of the property, so councils have the option of rehousing the homeless outside of London, a politically sensitive and unpopular choice. If councils don't operate a system of what is called "Out of borough placements" then they will have to meet the difference between the housing benefit cap and the market rent out of discretionary housing payments (DHP).

In February 2013, several London councils were told to participate in a pilot scheme where DHP would be used to top up rents. They were given more money by government to do this but it won't be enough. The participant councils announcing that they would run out of DHP in four months.

West Somerset Council was the first to go down in December 2012. Deciding to lay off all their staff and simply continuing as a voted in commissioning body. Effectively they have gone bankrupt.

Will this fate also hit London councils if they can't discharge their homelessness duty without PRS landlord assistance?

Steve Bullock is right. Government need to provide tax incentives to landlords to help meet demand, then it's up to the individual councils to come up with strategies to make it work. It would give us a fighting chance.

Tax incentives are given to businesses all the time, so it's hardly a radical proposal especially when, in the alternative the cost, not just financially to society as a whole has the very real potential of being disastrous.

Ben Reeve-Lewis,
Is a Tenancy Relations Officer for a London Authority

COUNCIL GETS SELECTIVE LICENSING COURT BACKING

Following a High Court ruling, Thanet District Council has won its right to introduce a selective licensing scheme in parts of the district's most deprived wards – Margate Central and Cliftonville West.



The proposal to introduce a selective licensing scheme was agreed by the council

at an extraordinary Cabinet meeting on 12 January 2011, in a bid to tackle anti-social behaviour and low housing demand and improve the management of privately rented properties.

The move followed an extensive consultation exercise by the council's Housing Regeneration Team in 2010, which generated more than 700 responses.

But last year the Southern Landlords Association approached the High Court and requested a judicial review, on the grounds that the council had failed the legal tests by basing its decision of factual inaccuracies, irrelevant considerations and unsubstantiated assertions.

The High Court hearing took place over 30 and 31 October 2012, with Mr Justice Cranston handing down his Approved Judgement today (Tuesday 13 November).

He concluded that the Southern Landlords Association had 'failed to establish any error of law in the council's assessment and designation of its Margate Central and Cliftonville West wards as a selective licensing area'.

The decision represents a significant victory for the council, being the first local authority in Kent to use this power to help regenerate an area.

The council's Cabinet Member for Housing and Planning, Cllr David Green, said: "The High Court decision is wonderful news for the people of Thanet, and I'm delighted with the ruling.

"The council is dedicated to the regeneration of Margate Central and Cliftonville West, and the selective licensing scheme represents a powerful legislative tool to help us do this. Throughout the process of High Court judgment, we've always been on the side of local people, and I'm very pleased that our stance has been vindicated."

For more information on this story, please contact: **Steve James, (Communications Officer), Thanet District Council. Tel: 01843 577 034 Email: Steve.james@thanet.gov.uk**



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Selective Licensing in Margate

In November 2012, Thanet District Council successfully defended its decision to implement a selective licensing scheme in an area of Margate. The High Court dismissed the Southern Landlords Association's judicial review as the council had proved that the area was an area of low housing demand and that some of the anti-social behaviour problems experienced in the area were linked to the private rented sector. The council strongly believes that the decision will help with the regeneration of Margate and will benefit everyone, including landlords, in the long term.

Every residential property which is privately let to one or more tenants within the designated area must be licensed, unless it is subject to exemption. Licences require landlords to manage their properties effectively, and include conditions relating to maximum levels of occupation, tenant referencing, the use of written agreements, anti-social behaviour, waste, general management, and safety matters (including furniture, electrical, gas and fire safety).

Landlords who, without a reasonable excuse, fail to licence, or breach their licence conditions, will be subject to criminal prosecution. The maximum fine for not having a licence is £20,000; the maximum fine for a licence breach is £5,000. Furthermore, landlords who operate unlicensed premises are unable to serve section 21 notices and may be required by law to repay the rents received.

Licence application fees are due to rise on 01 April 2013; as such, landlords are urged to apply now to avoid the price increase. Landlords who are members of the Kent Landlord Accreditation Scheme (or any UKLAP affiliated scheme) are entitled to a discount of over £100 per licence. Landlords who are not accredited, but commit to becoming accredited within 12 months of their licence application can also receive the discount (a licence condition will make accreditation mandatory for such applicants).

The scheme is being enforced now. More information and advice can be obtained from the council's Housing Regeneration **Team on 01843 577437 or online at www.thanet.gov.uk/housing.aspx**

MEDWAY LANDLORDS FORUM

Date: Monday 11th March 2013

Venue: Medway Council, Gun Wharf, Dock Road, Chatham, ME4 4TR

The forum will be facilitated twice on the same day to give landlords/agents a choice. From 1-4pm & again from 5:30pm to 8:30pm

The First Session of the forum

Start time: Registration, teas/coffees from 12.30pm – 1pm & **forum starts: from 1pm – 4pm**

The 2nd Session of the Forum

Start time: Registration, tea/coffee 5.00pm – 5.30pm & **forum starts from 5.30pm – 8.30pm**

This is an excellent opportunity for private landlords and managing agents to meet up with other landlords and officers of the Council to discuss local matters and what else is going on nationally in the private rented sector.

The agenda includes: presentations on The Green Deal, Council Tax, Houses in Multiple Occupation (HMO) and Welfare Benefit Reform.

To register your interest, please email **Lenka Wyatt** email: lenka.wyatt@medway.gov.uk or call on **01634 333053**.



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LANDLORD FORUM 2013

TUESDAY 16 APRIL
5PM – 8PM

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To register and for more information

www.UoLLandlordforum.co.uk



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London Borough of Tower Hamlets 2013 Landlor Forum Dates

Dates: Tuesday 5 March 2013, Thursday 6 June 2013 & Wednesday 9 October 2013

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

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

Refreshment and lunch will be provided.

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

London Borough of Hillingdon Private Sector Landlords Forum 2013 Dates

Meeting Time is 18:00 - 21:00 hours

Tuesday 12th March 2013

Tuesday 11th June 2013

Tuesday 10th September 2013

Tuesday 3rd December 2013

All forums will be held in Committee
Room 6

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

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

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

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

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

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LAS-0012

Don't make your home a target!

As you would expect, crime rates in London are among the highest in England. Across the UK burglary makes up 13% of all crime committed.

With millions of Brits planning on going on holiday this year, how can you keep your home safe while on holiday?

You should take every precaution you can to secure your property and protect your possessions. Insurance Advisor, Stuart Read, from Coversure Insurance Kennington provides some top tips on how you can keep your property secure.



Lock the windows and doors

In 20% of burglaries, the culprit doesn't even have to use force, getting in through a window or unlocked door. Admittedly, this may seem one of the more obvious pieces of advice, albeit one that is sometime inadvertently overlooked.

Commenting on this, Coversure Insurance Kennington's Insurance Advisor, Monika Pik, added "Today, having the right locks and additional security is as important as getting the correct level of cover for your home insurance policy and may reduce your premium too. Most insurers will ask for 5 lever mortise deadlocks, conforming to British Standard 3621, on all final exit doors. Patio Doors would require, in addition to central locking devices, key operated bolts at the top and bottom of the doors. Finally, windows, insurers normally ask for key operated security locks to all ground floor and other accessible windows."

Don't forget the garage/shed

Expensive equipment is normally kept in your garage or shed and in most cases, it will not be fitted with an alarm or even sufficient locks. You should treat these with the same courtesy you do your

house. What's more, some properties adjoin to their outhouses and these connecting doors are often not of a good construction. There is a good chance that many burglars would enter from this way, as the garage would provide added shelter.

Set the burglar alarm

Many burglars will want to take the easier option and even though an alarm is not an obstacle for an intruder, it can be seen as an unnecessary risk, drawing attention to their crime. Ms. Pik recommends, "If you state you have an alarm or the insurer has a requirement for one; insurers will expect the burglar alarm is in full and effective operation whenever the home is left unattended. The alarm system will be required to be maintained in good order under a maintenance contract with a company which is a member of NACOSS (National Approved Council of Security Systems) or similar body."

Hide the valuables

It sounds simple, but if you are going to be targeted, you don't want to make it easy for them to steal your valuables. It may be wise to invest in a safe. Check with your insurer/broker what type is required to meet policy conditions.

Turn the lights on and off

Not all burglaries are opportunistic. Many properties are subject to surveillance before being targeted. Either set some strategically positioned lamps throughout the house and set them on timer switches to come on at certain times in the evening or ask a close friend or relative to pop round every evening and switch on some lights.

Inform a friend or relative

Having someone looking after your home can be particularly useful for things like picking up your post and mowing your lawn, telltale signs of a vacant property. Commenting on this Ms Pik says, "Being a member of the local Neighbourhood Watch Scheme could also result in a lower premium from some insurers."

Cancel your milk and papers

Many people forget to do this, but a collection of milk bottles outside the front of your house or a newspaper only pushed half way through your letterbox will not only leave you with sour milk,

but is a green flag for potential burglars. Following these tips cannot guarantee to prevent your property from being burgled; however, they will act as deterrents and make it less likely that you are targeted.

If you are unfortunate enough to find your property has been burgled, you need to ensure you have the right cover. Mr Read suggests, "For valuable items over £1,500, we recommend you obtain an up to date valuation at least every 3 years, however be smart. Valuables are subject to market fluctuation and it is important to be aware of this. With the price of gold roughly quadrupling in the last 2 years there is never been a more important time to ensure these are valued up to date and insured correctly".

Insure adequately

On 1 February 2012, criminals broke into a customer's property and stole several electronic items and a significant amount of jewellery.

The insurance company appointed a Loss Adjuster to act on their behalf and a company was instructed to value the jewellery. The jewellery alone was valued at £47,000. The standard limit of indemnity for high value items, including jewellery, on the policy was only £14,000, which was all the insurance company would pay.

The customer also had to face the prospect of a reduced cash settlement for the electronic goods as they declined the offer of replacement items. With the value of the jewellery far outreaching the limit of indemnity, the customer was fortunate not to have had the claim declined completely.

If you do find yourself in the unfortunate situation of being burgled, inform the police immediately and contact your insurer/broker. For more advice call Stuart, Monika, Tom or Rajan on 0207 998 0102 and they would be happy to provide quality advice and great service at a fair premium.

Coversure Insurance Kennington
220 Kennington Park Road, SE11 4DA
Open Mon to Fri 9 to 5:30

Crime statistics quoted have come from the Home Office, Police Statistics and British Crime Survey reports.



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For advice or help contact **Monika Pik, Tom Roe, Stuart Read or Rajan Amin** today

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Quote ref LLAS05

Email: kennington@coversure.co.uk

Fax: 020 7820 3888

220 Kennington Park Road, London, SE11 4DA

Office Hours: Monday to Friday 9:00 am to 5:30 pm


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Your property must be licensed.

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

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

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

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



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To find out more call us now 020 8547 5491



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

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

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

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Environmental Health Department
Council Offices
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Bookings, payments and enquiries: 020 7361 3002
Email: publichealth.training@rbkc.gov.uk
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Our website is: www.georgeellispropertyservices.co.uk
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Landlords and Rent Guarantors



Checking and referencing tenants is a crucial part of the management process, but ordinarily checking out student tenants, or young people on low incomes, is often a waste of time and money.

First, most young people have no credit history, no bank accounts, and credit cards; so credit checks will return no results. Also, with no work history or track record of maintaining payments for a previous tenancy, references are likely to be pretty useless as well.

The answer is, as most student landlords know, to get mummy and daddy to guarantee the rent of their "little darlings"! Ideally, in each case you want a house owner able to qualify on a quality credit check and referencing system, such as the long-established www.TenantVERIFY.co.uk

Having parents as guarantors is usually an ideal solution as most parents would be horrified if their Jane and Johnny were not paying their rent properly. Most will readily agree to become guarantor to support their deserving heirs. However, landlords should know that getting the process and the paperwork right is key to a successful outcome. It's far from easy to set-up a valid guarantor arrangement, one that stands up in court: get it wrong and your guarantee agreement is not worth the paper it's written on.

There are basically two ways of creating a guarantee arrangement: (1) by incorporating this into the tenancy agreement itself, so, in effect, the guarantor becomes a party to the contract. Or, (2) having a separate (usually just one or two pages) deed of guarantee which the guarantor signs in front of an independent witness.

The advantage of the former is that the guarantor cannot say at some later stage s/he did not read the tenancy agreement or understand its obligations as s/he has actually signed the tenancy document. However, in the case of student lets, where there are several students and guarantors involved, sending the original tenancy agreement around perhaps 5 or 6 lots of parents, scattered around the country, is not only very time consuming, the document is likely to get lost at some point.

The preferred method therefore is to use a deed of guarantee document for each guarantor. These can be given or posted to each set of parents individually, for signatures, ideally to be independently witnessed – to properly execute a deed of guarantee it is important that it is independently witnessed. This basically means that the witness should not be a party to the agreement, therefore a close relative or spouse should not witness, but a friend or neighbour giving full name, address and occupation is fine. Bear in mind, witnesses can be called to give evidence.

Any deed of guarantee should include the declaration that the guarantor has read and understood the tenancy agreement before signing, and ideally having their signature witnessed, A copy of the tenancy agreement must be attached to the guarantor agreement for this purpose. If landlords want to satisfy themselves as to whether a guarantor is indeed a house owner, it is possible for just a few pounds to check on-line any UK address at the Land Registry for proof of ownership, without the home owner knowing. Go to: www.landregistry.gov.uk/public/property-ownership

All guarantors should be given a guarantor application to complete – download one here: www.tenantverify.co.uk/notices-forms.htm

This process establishes the accurate information needed to do credit checks and referencing; it also gives formal permission to do the checks and the statement of truth and declaration forms a record for any further court action, should any false statement be made.

Quality checks and referencing are most important to ensure that you are not taking on a serial debtor as a guarantor, or someone who does not have the wherewithal to pay, should the worst happen.

It's a good idea to remind your young tenants and especially students and your guarantors (in writing) of the importance of budgeting their money when grant payments or parent contributions are made, so that to avoid eviction rent payment is treated as an absolute priority before all other costs.

Always, notify the guarantors in writing as soon as you become aware of a problem with rent payments, damage to the property or any other breaches of the tenancy contract. If you don't keep the guarantors informed, giving them the opportunity to put matters right at an early stage, this could jeopardise any legal claim you may subsequently bring.

Beware of forged guarantor and witness signatures: it is not unheard of for students to forge their parents' signatures, so always post off the agreement to the parents direct. This is another good reason for doing credit checks, which to some degree (not 100%) verifies identities - face to face contact and sight of identity documents is always preferable, but not always possible. Fortunately, as experienced student landlords will testify, most tenancies go off without difficulty as by far the majority of students are responsible people, as are their parents.

Difficulties can arise where changes are made to the tenancy agreement mid-term, such as for example a rent increase or when the tenancy ends and it is renewed. In these cases any deed of guarantee will be no longer valid. In the case of student lets this is not normally a problem as a new tenancy is created each year. If the students (or some of them) stay on, and therefore a new tenancy agreement is put in place, and new set of deeds of guarantee would be needed or at least the originals re-validated.

A joint tenancy means that once a group of people enter into the agreement they, in legal terms, become one person "the tenant". Therefore, should any one tenant give notice to leave, then this brings the whole tenancy to an end and a new tenancy agreement is needed, with either a replacement tenant, or just the remainders. Any variation in the agreement, including this situation where a tenant leaves, the fixed-term coming to an end and tenancy renewal, if done without the guarantor's consent, will discharge the guarantor's liability. Having guarantors is a great way for landlords to protect themselves in the case of young tenants, students or those on low incomes. However, it is far from easy to create a legally binding guarantor arrangement – you must get the detail right.

For a more detailed Landlord Guide to Guarantors go : <http://www.landlordzone.co.uk/agreements.htm>
Tom Entwistle is Editor of LandlordZONE.co.uk and an experienced landlord.




Advertising opportunity With the LLAS

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

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Legislative Changes to Tenancy Deposit Protection (TDP)

Landlords who take a deposit from a tenant under an assured shorthold tenancy in England or Wales which started on and after 6th April 2007 have a legal duty to protect the deposit in an approved tenancy deposit scheme and provide within 14 days the tenant with key information about the tenancy and how the tenants deposit is held.

The legislation has been changed to make it clear that penalties for non-compliance apply to a tenancy that has come to an end after 6th April 2012. The changes mean that landlords and agents will have more time to protect deposits in one of the government approved schemes and more time to provide the tenant with the prescribed information, telling them which scheme the deposit has been protected with. Both these deadlines are now 30 days.

The information that has to be provided to the tenant has not changed. If your tenant's tenancy deposit is not properly documented, you may not be able to obtain possession at the end of the tenancy agreement and you may be subject to a substantial penalty payment.

WELFARE REFORM HOUSING BENEFIT CAP

A summary of the key changes

There have been and will continue to be significant changes to the welfare system. The changes began in 2011 and are expected to continue through to 2017. The majority of benefits will be affected in some way.

The reforms include measures to simplify the system, introduce more stringent rules, criteria and sanctions, emphasise making work pay, frequent reassessments, benefit rate freezes, caps to a range of benefits and new payment methods amongst other things.

Changes to housing related benefits have been introduced first whilst the big changes to income benefits are expected to come into effect from 2013 onwards. The table below summarises the key proposals affecting private sector tenants

April 2011

- Local Housing Allowance (LHA) caps Introduced
- 30th percentile introduced to set local LHA rates
- Increase in non-dependant deduction charges (1st stage)

January 2012

- Single person between 25 & 35 no longer entitled to LHA for a one bedroom flat
- April 2012** LHA rates are now set for 12 months
- Non- dependent deductions have increased (2nd stage)

April 2013

- Cap on total amount of benefits a workless household can receive (likely to be £500 PW, for couples and single parents. £350 PW for single claimants)
- LHA rates will be increased with the Consumer Price Index and not the local rental market
- Increase in non-dependant charges (3rd stage)
- October 2013** working age benefits and tax credits will be replaced by one payment of Universal Credit starting now and completed in October 2017



Weir Housing Ltd is one of Birmingham's leading private sector providers of Interim accommodation and management services. We provide full property management solutions for local authorities throughout the West Midlands.

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We have an in house maintenance team, cleaning team and decorators, all properties are inspected by the local authority's private sector leasing officers and carry the relevant safety certificates.

If you are a Local Authority please call to discuss any temporary accommodation schemes that Weir Housing Ltd can offer and tailor to suit your specific needs

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

HMO Licensing & HMO Management Regulations :-

www.lbhf.gov.uk > Housing > Multiple occupancy homes > Houses in multiple occupation (HMOs)

Select:

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

Fire Risk Assessments :-

www.lbhf.gov.uk > Housing > Private Housing > Private Housing & Health Service > Regulating Fire Safety > Fire & Gas Safety

Select:

Fire Risk Assessment – A Guide (To help you carry out assessments yourself)

Example Fire Risk Assessment

Blank Fire Risk Assessment form – To complete yourself

Landlords Fire Safety Precaution Record

If you have any queries about the above, please call 020 8753 1221 to be transferred to the appropriate officer.

Advertising opportunity With LLAS

Landlords and Agents can advertise their services with the LLAS at discounted rates in the LLAS Newsletter and on the UKLAP/LLAS website. For further info email LLAS@camden.gov.uk

Visit the website: www.londonlandlords.org.uk or Telephone: 020 7974 1970/020 7974 6975

Useful Links

LLAS: www.londonlandlords.org.uk

RLA www.rla.org.uk

SLA www.southernlandlords.org

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

Landlord Law: www.landlordlaw.co.uk

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

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

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

Accreditation Network UK (ANUK)

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

Landlords UK Links, guides, forums and information

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

Fire Protection Centre

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

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

Direct.gov.uk

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

Gas Safe Register: www.gassaferegister.co.uk

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

www.niceic.org.uk

Online planning and building regulations

Resource www.planningportal.gov.uk

The Residential Property Tribunal (RPTS)

www.rpts.gov.uk

Health and Safety Executive

www.hse.gov.uk

Office of Fair Trading www.oft.gov.uk

HM Revenue & Customs www.hmrc.gov.uk

The Court services www.hmcourts-service.gov.uk

The Office of Fair Trading www.oft.gov.uk

The Department of Business Innovation & Skills

www.berr.gov.uk