

Post event edition July 2017

Welcome to the Post Event Newsletter

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Summer Networking & BBQ event 2017

Thank you to everyone that attended the UKLAP/LLAS Networking and BBQ event on 7 July 2017. I hope you found it both educational and enjoyable.

The event hosted for the 3rd year running, took place at the Taj Hotel set in the heart of Westminster, near Whitehall, Big Ben and House of Parliament. St. James Courtyard, one of the Capital's most idyllic spaces, set around a historic cherub-ordained Victorian Fountain.

We had 170 delegates on the day, which included our sponsors, landlords, agents, local authority staffs and professionals from the private rented sector.

As the delegates took their seats in the Edwardian room, the event began with an introduction from both Dave Princep (Chair of LLAS/UKLAP) and Peter Littlewood (SLA Director) Master of Ceremony. They thanked all the sponsors who had contributed towards the summer networking event and the support from all our members and stakeholders.

We had presentations delivered by our speakers. David d'Orton Gibson who did his presentation on Legal Update, Dave Princep talked about Brexit and Chris Bailey did his presentation on Tax. All three presentations were well received, and from the positive feedback established from delegates, everyone found it very informative and learnt something new on the day.

Following on from the presentations, Marie Parris led the PRS Quiz which was educational and very much enjoyed by everyone. Congratulations to the three tables with highest scores that won the quiz and enjoyed their well-deserved chocolate prizes. The delegates were given the opportunity to put their questions to our expert panellist during the Q & A session, and these were expertly dealt with.

Following on to the courtyard, everyone enjoyed the fabulous and scrumptious selection of food. And I am pleased that the feedback received from our delegates with regards to the venue and food has also been excellent. Everyone was networking around the fountain, many posed for pictures in front of the "Selfie Mirror" using props, signing their photos, and having an instant print to take away with them. The weather was on our side, with the sun beaming at 29 degrees. There was laughter, networking, enjoyment of each other's company and more drinking.

Overall, it was yet another very successful event. Thank you all for your continued contribution to our success and we look forward to seeing you again in 2018

I hope you enjoy this special edition of the **PReSs**

Thank you

Fatima Begum – Marketing and Communications Officer

Still worried about Section 24?

As a Landlord facing the removal of financing costs as a legitimate business expense, apart from putting up rents and compounding the tax problem, you have four options: -

Option 1 - Sell Up

Take the CGT hit and mortgage penalties, and either spend the lot or invest the money elsewhere.

Option 2 - Do Nothing

Accept the changes and put up with less cash in your pocket.

Option 3 - Incorporate

Jump on the band wagon and incorporate, ending your section 24 concerns, but opening up further difficulties as laid out in our guide: It4I.uk/UKLAP

Option 4 - Run a Highly Tax-Efficient Professional Property Business

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Now is the time to chose, but whatever you do, don't simply bury your head in the sand!

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Mandatory grounds for possession

There are eight mandatory grounds for possession. The first five require the landlord to have given notice to the tenants before the tenancy began, informing them that possession may be sought for the stated reason the remaining three do not require notice to be given.

Ground 1: This states that the property may be repossessed if it was previously used as the landlord's principal home and is to be used so again.

Ground 2: This states that a possession order may be issued when a mortgage provider will be repossessing the property.

Ground 3: Possession may also be used if the fixed term of the tenancy is no more than eight months and the property had been used as a holiday let at some point in the twelve months before the start of the tenancy.

Ground 4: This allows further and higher education providers to seek possession provided the fixed term was for no more than twelve months.

Ground 5: The property may be repossessed for the purpose of being available for occupation for a minister of religion, providing that the court is satisfied that it is required for this purpose.

Ground 6: A landlord can apply for possession if substantial building works are to be carried out on the property although it must be proved that the tenants will need to leave the property for the building works to be carried out.

Ground 7: The landlord can also regain possession should the tenant of the property die.

Ground 8: This concerns serious rent arrears and for this to be successfully used to gain possession, the tenant must be at least eight weeks in arrears for paying rent. If the paperwork is correct, the tenant will be unable to prevent the possession order being granted. This is the most common ground cited for possession.

Discretionary grounds for possession

A landlord may also seek a possession order on discretionary grounds or more subjective grounds that concern the tenancy agreement between the landlord and the tenant. In these cases, a possession order may be granted at the discretion of the court.

Ground 9: This allows for the landlord to seek possession provided that suitable alternative accommodation is available for the tenant, or will be available when the order of possession takes effect.

Ground 10: This may be used by the landlord if the tenant was behind with his rent when the landlord served notice that they wished to seek possession and when court proceedings began.

Ground 11: This may be used in cases where the tenant has persistently provided late rent payments, even if the tenant is not behind in rent payments when proceedings begin.

Ground 12: This allows for possession in cases where the tenant has broken one or more of his obligations under the tenancy agreement.

Ground 13: The landlord can file for possession due to deterioration of the condition of the property since the start of the tenancy. Whilst you must bear in mind that there will be a certain level of wear and tear when a property is occupied, damage may go beyond this and be caused to the interior or structure of the property.

Ground 14: This can be used in cases where anti-social behaviour has been committed by the tenant, any other person living at the property or anyone visiting the property if they have been guilty of conduct likely to cause a nuisance or have been convicted of using the property for immoral or illegal purposes.

Ground 15: This can be used to file for possession in cases where the condition of any furniture in the property has deteriorated due to ill treatment from the tenant or any sub tenant of the property, if the tenant has not taken reasonable steps to remove them.

Ground 16: This can be used should be used in cases where the tenant was granted the property in order to fulfil their employment duties and are no longer employed by the landlord.

Ground 17: This applies to cases in which the tenant or one of the persons to whom the tenancy was granted caused the landlord to grant the tenancy by a false statement made knowingly or recklessly by a tenant or someone acting on their behalf.

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is delighted to sponsor the
LLAS & UKLAP
Summer Networking & BBQ Event



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Department for
Communities and
Local Government

Melanie Dawes CB
Permanent Secretary

**Department for Communities and Local
Government**
2 Marsham Street
London SW1P 4DF

20 June 2017

This letter is intended for owners, landlords and managers of private residential blocks in England. Representative bodies for the private residential sector have kindly agreed to disseminate this letter to their members, and we are grateful for their assistance.

Following the horrific fire at Grenfell Tower in North Kensington last week, we want to ensure you are aware of help that is available in checking your buildings.

There has been much public concern and comment about potential flaws in the cladding that was on Grenfell Tower. While the exact reasons for the speed of the spread of fire have yet to be determined, we have concluded that there are additional tests that can be undertaken with regard to the cladding. We have asked local authorities and social housing providers to identify whether any panels used in new build or refurbishment of their own housing stock are a particular type of cladding made of Aluminium Composite Material (ACM). These checks will be relevant to privately owned and managed residential buildings too, so please can you consider carrying out these checks on your buildings.

More details on how to identify this cladding are in Annex A attached. It is important to stress that ACM cladding is not of itself dangerous, but it is important that the right type is used. If you identify that cladding on any of your buildings is made of ACM, then a sample can be tested. This testing facility is also being made available to blocks that are privately owned, and your local authority may already have been in touch to make you aware of this. The procedures for taking up this offer of testing, which will be paid for by DCLG, are set out in the annex. We are prioritising buildings over six storeys or 18 metres high. The offer is for the initial testing only and the cost of any remedial action will be the responsibility of the owner of the building. The information from the checks will be available to DCLG from BRE. Please contact us at PRShousingchecks@communities.gsi.gov.uk if you have any queries

Where the entire block is not owned and managed by the same party, please ensure that only one sample is provided and that any necessary permissions are obtained for taking and sending off the sample. We would not expect individual leaseholders within a building to send off samples for testing.

As well as this work it is of course important that owners / landlords have robust fire assessments for their properties.

Thank you for your cooperation in this important work

MELANIE DAWES

Annex A – Protocol for Sampling of Aluminium Composite Material Cladding

Identification of Aluminium Composite Material Cladding

Aluminium Composite Material (ACM) is a type of flat panel that consists of two thin aluminium sheets bonded to a non-aluminium core, typically between 3 and 7mm thick. The panels can have a painted or metallic finish (eg copper or zinc effects). It can be differentiated from solid aluminium sheet by looking at a cut edge whereby the lamination is visible. It may be necessary to cut a hole in a panel if a cut edge is not readily accessible.

On buildings with a floor over 18m above ground level, where ACM panels are identified, it is necessary to establish whether the panels are of a type that complies with the Building Regulations guidance ie the core material should be a material of limited combustibility or Class A2.1

Testing of ACM

To allow for the identification of core materials, we are putting in place Government-funded testing capacity that will allow a small sample of the cladding to be tested and its type identified. If you wish to take up this offer, then you will need to submit samples for testing.

Where the surveyor undertaking assessment of a composite panel determines that it is necessary for cladding to be subjected to laboratory screening they should follow this procedure:

1. Cut out two samples of at least 250x250mm in size from each location sampled. Take photographs as necessary to identify the location of the sample. You should take samples from above and below 18m above ground level as appropriate and check different multiple panels where you have concern that material specification varies.

2. Using an indelible ink pen, note the building name / number, postcode and a unique identifier (i.e. name of building owner followed by unique sample number e.g. ABC/001) traceable to the specific location within the building of each sample. Add a direct dial telephone or mobile contact number to be used in the event that there are any queries on the sample.

3. You must make good by closing the hole using a non-combustible sheet such as steel fixed with self-tapping screws or rivets.

4. Complete the data return form attached to this letter and include a hard copy of it with the sample. You should provide as much information as is readily available, but not if this will delay submission of samples for testing.

5. Place one of the samples from each location in a padded envelope with a copy of the data return form (attached below). Clearly mark the envelope URGENT – CLADDING TEST SAMPLE.

6. Send the test samples by recorded delivery or courier to:

BRE Bucknalls Lane Garston Watford Herts, WD25 9XX

For any testing related queries please email material.screening@bre.co.uk

7. Retain the second sample from each location for your own records or for testing in the event that samples are lost or misplaced in transit



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Landlords and letting agents have a reasonable right of entry after using the correct notice

While tenants hold the ultimate authority to control the access of their home, landlords also have a right to enter, as they need access to uphold their responsibilities for repairs and maintenance and scheduled inspections.

[Section 11 from the Landlord And Tenant Act 1985](#) states:

In a lease in which the lessor's repairing covenant is implied there is also implied a covenant by the lessee that the lessor, or any person authorised by him in writing, may at reasonable times of the day and on giving 24 hours' notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

This means that unless your landlord or their letting agent has served you with at least 24h notice before they want to come visit, you're under no obligation to accommodate their wishes and can arbitrarily sever their access to the property.

What is a correct notice for requesting access:

- It is served and accepted at least 24 hours before the time of entry
- The visit happens at a reasonable time of the day and allows the tenant to be present
- Contains details about who will enter the property and for what reason
- Respects the tenant's right of quiet enjoyment of the property

What are legitimate reasons for landlord's entry?

Move in / Move out inventory – Right at the beginning and right at the end of your tenancy, your landlord or letting agent will need to come in and benchmark the condition of the property. You can request a copy of each report and have a right to accompany the inspection or comment on the report's statement.

Requested or scheduled inspection of the property – Your landlord has a right to inspect the property on reasonable intervals throughout the tenancy. This gives them a chance to catch damage and deterioration before it turns into an expensive renovation project. Furthermore, when you request repairs to the property, the landlord must again enter to assess and confirm the issue and take on their repair responsibility.

Repairs and maintenance – Your landlord is responsible to maintain and repair the property after the tenant reports a problem, or an inspection has detected one. To do that however, the landlord will need to go inside the property.

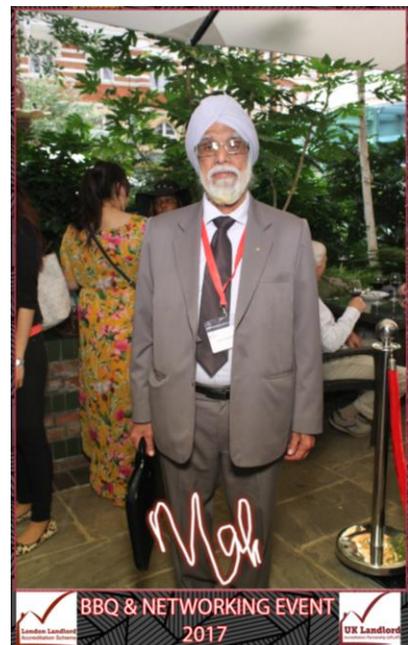
Allow access to workers for repairs and maintenance – When the landlord needs professional work done in the property, he can authorise workers to come in and do the necessary repairs. They will need access to the property to do their work.

Annual gas safety check – Your landlord is required by law to renew the gas safety certificate by performing an annual check to the gas installation and appliances. The safety check needs to be done by a certified Gas Safe Register engineer. He will need to access the property to perform this check.

Arrange viewings near the agreed end of the tenancy – When you've arranged the end of your tenancy, they may want to begin marketing the property to prospective tenants in efforts to miss void months. They will need to access and show the property around. It's reasonable to expect that the property is in tidy condition for the viewings.

Landlords have a right to enter the property in cases of emergency -In an emergency, your landlord or their representatives will need immediate access to your home. At such times, they do not need your permission to access the property. This is very rare and usually only happens when safety issues are at stake. For example:

- There is a fire in the property
- There is a smell of gas
- Flooding coming from the property
- There has been structural damage which urgently needs attention
- There is the suspicion of a violent or criminal incident



Half of landlords unlikely to let to tenants without a British passport, claim

Almost half of landlords are less likely to rent homes to tenants without a British passport as a result of Right to Rent. The claim comes from the Residential Landlords Association, which says this has implications for the 17% of British citizens who don't own a passport.

The RLA says that many are likely to be some of the poorest in society and who now find it more difficult to access private rented housing. The proportion of landlords less likely to consider letting to people who are currently outside the UK is 51%, said the RLA.

With uncertainty still surrounding the status of EU nationals in the UK, 22% of landlords have said that they are less likely to rent property to nationals from the EU or the European Economic Area. The landlords took part in an online poll of RLA members. In December last year, criminal sanctions were introduced for agents and landlords breaching the Right to Rent requirements when they know, or "have reasonable cause to believe", that the tenant does not have the right to be in the country.

The RLA is supporting an application for a judicial review of the right to rent policy by the Joint Council for the Welfare of Immigrants and will be taking part alongside the JCWI as an interested party. It is doing so on the basis that it discriminates against those who cannot easily prove their status, even if they have the right to rent property.

RLA policy director David Smith said: "These figures show the damage that the right to rent scheme is causing for those who might have the right to rent property, but cannot easily prove their identity. "The added threat of criminal sanctions is clearly leading many landlords to become even more cautious about who they rent to. "This is a dangerous and divisive policy that is causing discrimination. It must be scrapped."

Article by [Rosalind Renshaw](#) Property Industry Eye





What is an HMO

(Houses in Multiple Occupation)

A house in multiple occupation (HMO) is defined as a property occupied by three or more persons (including children) who form more than one household. This includes buildings converted into self-contained flats (which do not meet the standards of the 1991 Building Regulations).

A household may be a single person or several members of the same family. For example:

- a) A house occupied by a brother, sister and one other unrelated occupant would form two households;
- b) Three unrelated persons would form three households.

The tenancy agreement is not relevant in determining if a house is an HMO. Nor is the size of the property (e.g. the

Properties that require an HMO license. There are two types of HMO license:

Mandatory license

This applies to large HMOs that are three or more storeys in height occupied by five or more unrelated people who share facilities (e.g. kitchen, bathroom or toilet). It also includes a property with flats, which do not have all amenities behind their own lockable front door.

When counting the number of floors, you must count all storeys in residential occupation, even if they are self-contained. This includes basements, loft conversions and attics if they can be occupied or are used in connection with the occupation of the HMO. Also any floors used by a resident landlord and their family, and any business premises or storage space on the ground floor or other floor.

This is a national scheme introduced on 1 April 2006 under the Housing Act 2004.

Additional license

This includes all other HMOs (including flats in multiple occupation) occupied by three or more persons who form more than one household. The number of storeys is not important. This includes buildings converted into self-contained flats, those that do not meet the standards of the Building Regulations 1991 (or later) and 50 percent or more of the property is rented. Further information can be found under s257 of the Housing Act 2004. www.gov.uk

Useful links

LLAS – www.londonlandlords.org.uk

UKLAP- www.uklap.org.uk

RLA – www.rla.org.uk

SLA – www.southernlandlords.org

Landlord Law – www.landlordlaw.co.uk

TDP (The Deposit Protection Service) – www.depositprotection.com

Landlordzone – www.landlordzone.co.uk

Accreditation Network UK (ANUK) – www.anuk.org.uk

Landlord's useful links and information – www.landlords-uk.net

Fire Protection Centre – www.fireprotectioncentre.com

Direct Gov UK: Advice for tenants and landlords – www.direct.gov.uk

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

HM Revenue & Customs – www.hmrc.gov.uk

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

The Office of Fair Trading – www.offt.gov.uk

The Department of Business Innovation & Skills – www.berr.gov.uk

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