

48th Edition February 2022

LLAS/ATLAS Training, Networking & Live BBQ Returns on Thursday 7 July 2022

Taj Hotel, Central London
From 12pm to 6pm Training

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Welcome to the latest edition of the PReSs

iHowz Landlord Association have been proud to support accreditation since its inception as LLAS. We continue that support now it has expanded into ATLAS and I am especially pleased to be to take over the chairmanship from Dave Princep.

Dave was working at Camden when LLAS was formed in 2003 continuing in that role even when he started as an independent consultant. Not many people know that, as well as an experienced, and qualified Environmental Health Officer, Dave also has a law degree. He was able to use all that experience to help formulate the early LLAS, and through to LLAS/ATLAS.

Dave, we will miss you, and realised that you are far too young to retire, but retired he is.

I start my first foreword with a warning to all landlords and Local Authority staff to ensure they remain up to date with training, much has changed over the past few years, and much is promised. So don't delay, book that CPD course you keep promising to do, but don't get round to it. There is a great selection on the website - www.londonlandlords.org.uk

The biggest change coming up will be a White Paper on the PRS. First mentioned in the Conservative 2019 manifesto, an early hint was in the Queens Speech in 2021, when she said her government would help more people to own their own home while "*enhancing the rights of those who rent.*" No more than that was said.

More recently, the Levelling UP Secretary, Michael Gove, announced plans on '*Levelling Up The UK*' in which there was a paragraph on the PRS:

To deliver our mission to improve housing conditions, we will introduce new legislation to improve the quality and regulation of social housing, give residents performance information so that they can hold their landlord to account and ensure that when residents make a complaint, landlords take quick and effective action to put things right. And we will publish a landmark White Paper in the spring to consult on introducing a legally binding Decent Homes Standard in the Private Rented Sector for the first time ever, explore a National Landlord Register and bring forward other measures to reset the relationship between landlords and tenants, including through ending section 21 "no fault evictions".

Whilst we all must wait to see what the Government proposes, it is important that all landlords start to consider a life beyond the Section 21.

We can't be sure, but it is unlikely the legislation is backdated, i.e., would only apply to new tenancies after the new law commences. So, effectively it will be the end of the Assured Shorthold Tenancy (AST), and all tenancies will become Assured Tenancies, with no end date – but as I said, until we see the actual White Paper in 'the Spring' we won't know. We are now aware that **Stuart Andrews** became the new Housing Minister in February 2022, meaning yet another housing minister, and a potential holdup to the White Paper.

Now you can see why I say it is vital to stay up to date with everything going on in the PRS.

Finally, I look forward to seeing many of you at the first in person event after 2yrs of the pandemic, when the annual Training, Networking & Live BBQ resumes on Thursday 7th July 2022, from 12pm to 6pm, at the Taj Hotel, Central London.

Hope you enjoy this edition.

Peter Littlewood (LLAS & ATLAS Chair)



Peter Littlewood, iHowz Director
For more info on iHowz Landlord Association, visit <http://ihowz.co.uk/>



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Limited Company Buy to Let mortgages

Becoming a limited company landlord

Investing in property through a limited company has become a popular choice for many landlords. According to research by estate agency Hamptons, in 2020 a total of 41,700 new limited companies were set up for Buy to Let businesses, an increase of 23% on 2019*.

The growth of limited company Buy to Lets looks set to continue, but is it right for all landlords? Let's look at some of the factors you need to weigh up when considering such a decision:

Tax benefits

Landlords operating within a limited company are able to claim 100% **limited company mortgage interest relief** and benefit from a lower rate of Corporation Tax, rather than Income Tax, on profits. This is seen as a major benefit when compared to private landlords, where mortgage interest relief is restricted to the basic rate of income tax and all earnings from rental income are subject to taxation. However, as mortgage interest rates tend to be higher, the benefits of setting up a limited company for Buy to Let property generally favours higher income taxpayers or multiple property landlords. Always speak to a tax adviser about your circumstances.

Rising interest rates

Low interest rates have kept finance costs down over recent years. However, with the Bank of England having recently increased the base rate for the first time in three years we expect the market to move towards a rising interest rate environment. This will have a financial impact on many landlords because their repayments are likely to increase when their current fixed rate comes to an end. Factoring this into your projections will help smooth any potential financial fluctuations in the future.

Market trends

Another emerging change is the way people live and work. Since the pandemic there's been a shift in demand for housing from big cities towards more provincial towns and villages. Look at local trends to choose the best location for your investment.

Limited liability

As a limited company landlord, your personal finances are largely protected. If something goes wrong your liability is limited to the value of your financial investment in the business. You can further mitigate this risk by taking out professional indemnity and personal liability insurance.

Strict recordkeeping and reporting

There is more administration when operating as a limited company set-up and you must keep accurate financial records throughout the year. You are required to file company accounts and an annual tax return for the business at Companies House as well as your usual self-assessment Income Tax return. This all adds up to higher accountancy fees.

And from 1 April this year, as part of the digitisation of UK Tax, it'll be mandatory for all VAT-registered businesses to keep digital records and submit their VAT return through Making Tax Digital (MTD).

Planning for the future

Think about what you want to do with your property in the future. If you plan to transfer ownership to a family member, then it's simpler and more tax efficient to do this through a limited company. A professional tax adviser will be able to talk you through the implications for Inheritance Tax, Stamp Duty and Capital Gains Tax.

Arranging the right mortgage finance

Competition amongst lenders to offer mortgage finance to limited company landlords has intensified in recent years, so speaking to an independent bro more important. Even though interest rates can differ between **Buy to Let limited company mortgages** and those deals on offer to landlords taking out a mortgage in their own name, at Vincent Burch, we have access to both. Limited company mortgage rates for Buy to Let properties are typically higher than those taken out by individuals but because we deal directly with specialist lenders, we can find you the best deal for your specific circumstances.

It's also worth noting that whatever your situation, **limited company mortgage criteria** requires the company to be set up as one of the following:

- Special Payment Vehicle (SPV) – a company created for a specific purpose, in this instance for the purchase and management of Buy to Let properties.
- ker to find the right mortgage has become even

- Trading company – typically an existing company looking to invest in a Buy to Let property to add to a current portfolio of assets.

Unlimited mortgage advice

As an independent mortgage broker with extensive experience, we're happy to talk to you about all aspects of your mortgage finance. We understand the Buy to Let market and have access to a wide range of **Buy to Let limited company mortgages** from specialist lenders, including many that are not available on the high street.

Our friendly team will find you the **best limited company mortgage rates** available and help you make the right choice for your finances and your business. Call 01603 851534 or email advice@vincentburch.co.uk Web: <https://www.vincentburch.co.uk/buy-to-let-mortgages/>

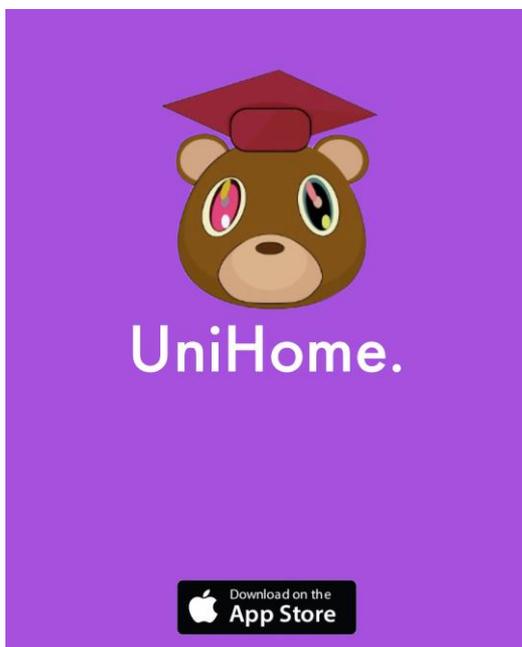
*Source: Hamptons, December 2020 Lettings Index

UniHome Student Accommodation Mobile Phone App

An accommodation mobile app called UniHome has been developed which is designed to streamline the process of off-campus accommodation for university students and landlords. Students are able to search for properties listed by the landlords. This app eradicates the hassle of students having to contact numerous estate agents in order to find a property as well as landlords having to pay several fees. They can essentially achieve this using **UniHome**

Features include:

- ✓ Messaging - Students can message landlords and potential housemates.
- ✓ Landlords/Students can send documents via messaging.
- ✓ Listing - Landlords can list up to 5 properties. *The first property is free.*
- ✓ Rental payments - Students can place a deposit and make monthly rental payments to their landlord using **UniHome** in a safe and secure manner.
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Specialist landlord & tenant lawyer -Tessa Shepperson Answers landlords' FAQ: Energy Efficiency Standards, what is the Problem?

Energy Efficiency Standards – a looming problem for landlords

What is the problem?

As you may be aware, there is a climate crisis approaching and we all need to do all we can to reduce emissions and our carbon footprint. One of the biggest issues is our housing stock – much of which was built in the first half of the last century and much of which has poor insulation. At the moment all rented properties must have an Energy Performance rating of E or more. However, the government is proposing to increase this to C for new tenancies in 2025 and for all tenancies in 2028.

For many landlords this is going to be a tough call, and it is estimated that, unless substantial help is provided, it could cost landlords in the region of £6,000 or more to do the necessary works. Depending on the age and condition of the property.

What should landlords do now?

The best thing for landlords to do now is to take stock and make a plan.

So what things should you consider first?

Is there a flood risk?

In some areas if the world the problem is excessive heat and desertification. In others it is fire. In England the biggest risk is probably flooding – and you may have noticed increasing reports of flooding in the news over the past few years. So, if you are looking to invest in a new property you need to be really careful to avoid any which are at risk of flooding. You can do a check [on this government website](#). A big problem is that builders are still building properties on flood plains – which is not a good idea. If your property is at risk of flooding, then you can try to reduce the risk by ensuring that it is surrounded by plants and grass rather than concrete so surface runoff can drain away. However, if the risk is serious it may be best to cut your losses and sell up now before it becomes unsaleable.

Look at your EPC Certificate

This will indicate what you need to do to bring your property up to level C. However, there is a problem here – at the time of writing, the EPC matrix is based more on what it will cost to heat a property than what will reduce its carbon footprint. So, for example installing heat pumps, which are acknowledged as being a good way to improve your carbon footprint, may actually increase your energy rating, as they use electricity rather than gas.

Government have acknowledged that EPCs are currently a problem and are apparently looking to update the EPC standards. So, until this is done, you should only undertake expensive works with caution and after taking advice.

Works you can do now

Bearing in mind the problems with EPCs, it may be best to deal first with insulation. This is unlikely to be affected by any changes in EPC standards and will make a big difference to your tenant's comfort and heating costs. Cheaper options are to provide thick thermal curtains and draft excluders. The more expensive and intrusive options which include are installing loft and cavity wall insulation or solid wall insulation for older properties, are probably best left until the property is empty during voids between tenants.

You should also at that time consider replacing external doors and windows and perhaps laying thicker carpets.

Heating options

If the property is sufficiently well insulated, you may need to worry less about this. Your current EPC will probably recommend installing gas central heating or getting a new boiler. However, as gas is scheduled to be phased out in domestic dwellings over the next few years, this is not going to be a long-term solution. However, until the problems with EPCs are resolved it may be your best option for now. Although the moment, it may be best to leave changing the heating system at all (and concentrate on improving the insulation) until we know what is going to happen with EPCs.

Obtaining funding

You have probably heard of the ill-conceived 'Green grants' scheme which was launched and then withdrawn last year. However, this is not the only funding available – if you look around there are quite a few grants and loans available – often via your Local Authority. To help, we have published a small eBook 'Energy Efficiency: A Guide for Landlords 2022' which lists most of the sources of grant aid available to landlords and householders. This is a good place to start. It is available via the Landlord Law Shop or [here](#). There is also [a series of posts](#) on the Landlord Law Blog giving links for grant aid available via the different Local Authorities.

And finally

This issue is not going to go away, so, if your property has a rating of between E and C it is best to start considering things now and making a plan of action. Another problem is going to be sourcing trades people to do the work, so if you know what you want to do, you will need to source and book them fairly soon. Bearing in mind that others will be doing the same! And keep an eye on the landlord news (including of course the LLAS Newsletter!) to keep in touch with developments, and news of new government projects and grant aid schemes.

You should also sign up to my free weekly bulletin for weekly tips and news items:

<https://landlordlaw.co.uk/bulletin>

Tessa Shepperson.

Tessa is a specialist landlord and tenant lawyer and runs the Landlord Law online information service at www.landlordlaw.co.uk

Online CPD Courses: Book online at www.londonlandlords.org.uk

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Terminology: Lease/tenancy or licence?

An agreement for renting out residential property is either a lease/tenancy or a licence. The main difference between a lease/tenancy and a licence is that the former usually gives more protection from eviction, and contains certain requirements set out in statute to protect occupiers from unscrupulous or ill-informed property owners and agents.



Lease or tenancy?

In law there is no significant difference between the meaning of the words lease and tenancy; however, in more recent years, legislation relating to residential properties tends to refer to the word tenancy rather than using lease. The outcome is that the word lease is generally used in commercial situations or where the period exceeds seven years in domestic lettings.

What is a licence?

A licence is a grant of permission to enter a property; without this, it would amount to trespass. The use of a licence for residential occupancy was common historically; however, legislation has now given occupiers greater protection because it is agreed that a home is an essential or basic human right, so occupiers should have protection from eviction. The document setting out the terms of an occupancy may be titled a licence or something else, but the judgement will be made on the position of the parties. If it looks like a tenancy, the courts will always treat it as a tenancy. If it is judged to be a tenancy, the landlord must comply with the law, in particular, the Housing Act 1988 amended in 1996, effectively making the vast majority of residential lettings, ASTs.

Types of licence

A licence gives no legal interest in a property but it can be for a fixed term or periodic. There are two main types:

- Bare licence – a person is given permission to occupy a property i.e., to come and live with a family in a shared home; or
- Contractual licence – the person occupying the premises will usually pay for the accommodation but the conditions for a Housing Act tenancy are not created. The contract can be created verbally or in writing.

Tenancy or licence?

The title is of less importance than the actual circumstances. A licence could apply where there is no intention to enter into a tenancy or where there is no exclusive occupation. Typical examples are accommodation provided by a charity as a temporary hostel, hotel accommodation and nursing homes, living with a family or resident landlord or in a home tied to employment. The occupant can be evicted without a court order in these cases.

A tenancy is more likely if it is dependent in part, on having exclusive possession. Exclusive possession amounts to more than sole occupancy because if a tenant has exclusive possession they have the right in common law to exclude others, including the landlord, from the property.

Common misconceptions

Some landlords assume that because an occupier, such as a student, has only exclusive possession of a room; they have to go outside of the room for basic amenity, so this means it is a licence only. If the landlord is resident in the same building that may be true, but in most cases such an arrangement will create an AST. So, for letting individual rooms, the courts have tended in recent years to define this as an AST.

Conclusion

The upshot of this is that the term licence may be applied, but if it looks like a tenancy, the courts will treat it as a tenancy. If it is judged to be a tenancy, the landlord must comply with the Housing Acts and other regulations because the occupier has protection from eviction.



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New guidance abolishes Japanese knotweed 'seven-metre rule'

The Royal Institution of Chartered Surveyors (RICS) has published a new Guidance Note for surveyors that has abolished the 'seven-metre rule' valuers use when determining whether Japanese knotweed poses a threat to a property.

The industry body has issued a 36-page guidance note that "reflects an improved understanding" of the fast-growing weed, which can sometimes make a mortgage application or selling a property more difficult.

The move comes following a 2019 report by the House of Commons Science and Technology Committee where MPs said mortgage lenders' approach to Japanese knotweed is "over cautious".

RICS' new guidance states: "The so-called 'seven-metre rule' focused more on what has been demonstrated to be an overstated risk of Japanese knotweed to buildings, rather than its sometimes-serious impact on amenity."

"Research has demonstrated, and it is now generally accepted, that Japanese knotweed poses little or no risk of structural damage to robust buildings with substantial foundations such as dwellings, as opposed to less sturdy structures with shallow foundations, such as conservatories, garages or boundary walls," it adds.

The industry body continues: "There is also a recognition that the most appropriate objective when Japanese knotweed is encountered is to ensure an appropriate level of control rather than to automatically strive for eradication."



In some circumstances, for example when construction is proposed, proper control may involve physical removal but in many domestic situations effective control can be achieved by the managed application of herbicides.

"As part of normalising expectations in relation to Japanese knotweed, the assessment directs the valuer or surveyor to outcomes related to the management of Japanese knotweed rather than emphasising risk to buildings."

Nic Seal, founder and MD of invasive plant specialist Environet UK, has welcomed the new guidance.

He commented: "The new Guidance Note is cautious and sensible, recognising the very real risk Japanese knotweed poses to homeowners and lenders, and giving greater clarity to surveyors."

"The blunt 'seven-metre rule' has rightly been scrapped in favour of a more nuanced approach that allows surveyors to use their own professional judgement in determining the potential impact of Japanese knotweed. I'm pleased to see the focus is no longer only on the structure of the property and the risk of damage, which is rare, but also on amenity value – in other words, the effect of knotweed on the use and enjoyment of the garden.

"Equally importantly, it also recognises the problems that can result from encroachment of knotweed from adjoining land, requiring surveyors to flag infestations within 3 metres of the boundary on neighbouring properties.

"If there's any criticism, it would be that the Guidance Note suggests control of knotweed may be a more appropriate goal than eradication.

While herbicide treatment can be an effective approach in certain cases, there are often very good reasons to make eradication the goal – and by settling for 'control'

the bar is lowered for the sake of a lower initial cost. Herbicide treatment is particularly inappropriate where the plant's location could impact neighbouring properties and be subject to potential legal claims, or on more valuable properties where the diminution of value justifies the higher cost of removal."

Source: [New guidance abolishes Japanese knotweed 'seven-metre rule' – Property Industry Eye](#)

LLAS/ATLAS Training, Networking & Live BBQ Returns on Thursday 7 July 2022 You are invited.

A must attend event for anyone involved in the PRS wanting to keep up to date on the latest PRS legislation and housing related news. This year's event will be held on:

**Thursday 7 July 2022 in Central London, from: 12pm to 6pm. At: TAJ
HOTEL St. James' Court, 54 Buckingham Gate, London, SW1E 6AF**

Never have there been so many changes to the private rented sector. This has to be the most important time for landlords, property investors, agents, local authorities PRS staff and anyone thinking of becoming a landlord or an agent to be well briefed and stay up to date with all these legal changes that happened during the pandemic and PRS changes that are on the way. ***If you don't know all of these changes, you need to attend this event to ensure you are not caught out.***

Book your tickets at www.londonlandlords.org.uk

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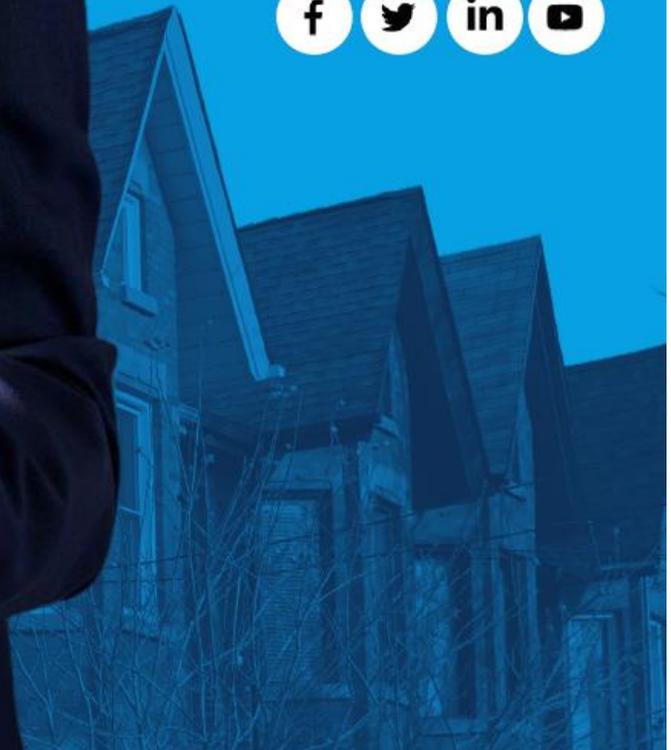
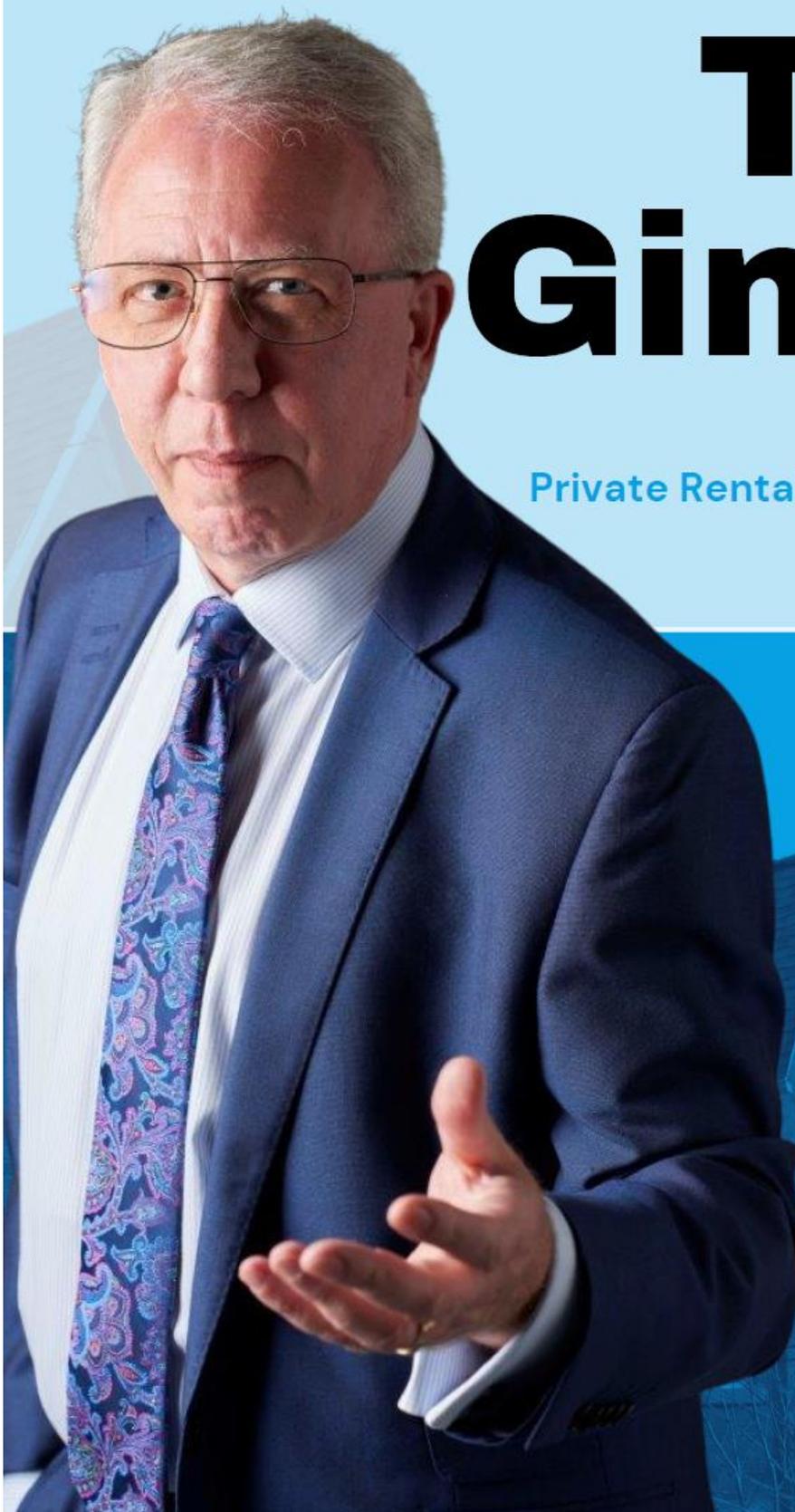
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Radical rental reforms announced as part of new government proposals

The government's new Levelling Up White Paper, revealed this morning, includes a radical reshaping of the private rental sector.

Section 21 eviction powers will be scrapped, all properties in the private rental sector will have to meet a new minimum Decent Homes Standard, a new consulting on introducing a landlords register will be launched, there will be a fresh effort to clampdown on rogue landlords, more will be done to help get people on to the housing ladder, while there will be as greater focus on creating more affordable social housing.

The Levelling Up Secretary Michael Gove will unveil the government's flagship Levelling Up White Paper today. This document will, according to the government, "set out a plan to transform the UK by spreading opportunity and prosperity to all parts of it".

he White Paper will set out a complete 'system change' of how government works that will be implemented to level up the UK.

At the heart of this new way of making and implementing policy will be 12 bold, national missions – to be achieved by 2030. This includes: "By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas."

You can view the 12 missions by [clicking here](#).

Among some of the other missions will see: "hundreds of thousands more people completing high quality skills training every year, gross disparities in healthy life expectancy narrowed, the number of poor quality rented homes halved, the most run down town centres and communities across the country rejuvenated, a significant decrease in serious crime in the most blighted areas, and every part of England getting a 'London-style' devolution deal if they wish to."

Among the various commitments pledged this morning, the government says it will support 20 of our towns and city centres, starting off with Wolverhampton and Sheffield, undertaking ambitious, King's Cross-style regeneration projects, transforming derelict urban sites into beautiful communities. This work will be spearheaded by Homes England, which will be repurposed to, in addition to its existing functions, regenerate towns and cities.

The '80/20 rule' which leads to 80% of government funding for housing supply being directed at 'maximum affordability areas' – in practice, London and the South East – will be scrapped, with much of the £1.8bn on brownfield funding instead being diverted to transforming brownfield sites in the North and Midlands. The Metro Mayors will be allocated £120 million of this funding.

The government will announce a plan that for the first time ever, all homes in the Private Rented Sector will have to meet a minimum standard – the Decent Homes Standard. Section 21 'no fault' evictions will further be abolished, ending the unfair situation where renters can be kicked out of their homes for no reason. We will consult on introducing a landlords register, and will set out plans for a crackdown on rogue landlords – making sure fines and bans stop repeat offenders leaving renters in terrible conditions.

Home ownership will be boosted due to a new £1.5bn Levelling Up Home Building Fund being launched, which will provide loans to SMEs and support the UK government's wider regeneration agenda in areas that are a priority for levelling up.

The government will further commit to building more genuinely affordable social housing. A new Social Housing Regulation Bill will deliver upon the commitments the government made following the Grenfell tragedy in 2017.

Levelling Up Secretary Michael Gove said: "The United Kingdom is an unparalleled success story. We have one of the world's biggest and most dynamic economies. Ours is the world's most spoken language.

We have produced more Nobel Prize winners than any country other than America.

“But not everyone shares equally in the UK’s success. For decades, too many communities have been overlooked and undervalued. As some areas have flourished, others have been left in a cycle of decline. The UK has been like a jet firing on only one engine.

“Levelling Up and this White Paper is about ending this historic injustice and calling time on the postcode lottery.

“This will not be an easy task, and it won’t happen overnight, but our 12 new national levelling up missions will drive real change in towns and cities across the UK, so that where you live will no longer determine how far you can go.”

Prime Minister Boris Johnson commented: “From day one, the defining mission of this government has been to level up this country, to break the link between geography and destiny so that no matter where you live you have access to the same opportunities.

“The challenges we face have been embedded over generations and cannot be dug out overnight, but this White Paper is the next crucial step. “It is a vision for the future that will see public spending on R&D increased in every part of the country; transport connectivity improving; faster broadband in every community; life expectancies rising; violent crime falling; schools improving; and private sector investment being unleashed.

“It is the most comprehensive, ambitious plan of its kind that this country has ever seen and it will ensure that the government continues to rise to the challenge and deliver for the people of the UK.”

Source: [Radical rental reforms announced as part of new government proposals – Property Industry Eye](#)

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Safe and healthy properties mean peace of mind for all

Capital Letters works with councils in London to improve standards in the private rented sector. That works for landlords too, says **Sue Coulson**.

Is your property healthy and safe for tenants? Most landlords can honestly say yes.

We work on behalf of two-thirds of the councils in London to find homes for low-income families. If a family moves into a property that is unsafe or unsuitable, they can soon end up back on the council's housing list, which is also bad for landlords.

Our housing negotiators reject properties when landlords are unwilling or unable to carry out necessary safety improvements, such as fitting fire doors or window restrictors. But most landlords quickly sort out any issues highlighted by our inspections.

Anhar Ali, one of our newer landlords from Tower Hamlets, found the inspection was useful. "You have to keep tenants safe and make sure you are within the law," he said. "I learned a lot from Capital Letters about how to make sure my property is up to standard."

Quality standards in the private rented sector have steadily improved over the last decade. But there are still too many non-decent homes out there! The reputation of the private rented sector is undermined by properties that no one would live in if they had a choice. Sadly, people on the edge of homelessness do not.

As demand for affordable housing continues to rise, councils know that a partnership with the private rented sector is essential. But they also want to ensure properties are safe and push up the quality of private rented properties in their area.

To support that goal, our housing negotiators are trained in the requirements of the Housing Health and Safety Rating System



(HHSRS) when they inspect properties, which helps landlords ensure they comply with the 2004 Housing Act.

Everyone agrees that HHSRS could be simpler. Following a consultation with landlords in 2019, the government is now reviewing the guidance.

Gordon Hinchcliffe of Foundations UK is a long-time HHSRS expert who trained our negotiator team. He explains the government designed HHSRS so councils can take enforcement action against landlords who do not provide properties of a good enough standard.

Most landlords we work with are relieved to have one of our negotiators deal with the detail of HHSRS for them. We see inspections as an opportunity to help landlords meet their legal obligations and offer a safe property.

Why not book a free inspection with one of our trained negotiators?

Sue Coulson is chief executive of Capital Letters. Find out more about our free tenant finder service and landlord incentive payments of up to £4k at:

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Save Tax: Adjusting the split of property income between couples

The Income Tax Act 2007 (section 836) allows for income from properties that are jointly owned by married couples or civil partners that live together, to be legally split 50/50.

However, whilst most landlords are aware that income can be shared equally by married couples for tax purposes, we receive many phone calls at Less Tax 4 Landlords from landlords who are not aware of the possibility to make changes to this arrangement.

Changes to the default 50/50 split on property income can be declared using what's known as Form 17.

Form 17 enables landlords to make changes to the default 50/50 split for tax purposes to reflect the actual ownership of the underlying assets. This is known as 'actual basis'.

Where the partners have unequal income tax rates, it might make sense for the partner paying more tax to reduce their proportion of income by transferring a greater share of the beneficial interest in their property to their spouse or civil partner.

Given the section 24 tax changes, this can even result in the difference between a tax bill that the couple can afford to pay and one that sees them making a post-tax loss.

So what does Form 17 do?

You can submit Form 17 if you want to change the split of income to reflect your actual share of ownership, rather than being treated as if you own the property 50/50.

In order to change the split, you'll need to provide evidence that your beneficial interests are unequal in the form of a declaration or deed.

Here are the facts:

- Form 17 is only used if the beneficial interests are unequal
- Form 17 can be used on any type of property provided it is held 'jointly' (excluding beneficial joint tenants)
- Form 17 cannot be used to change the income split back to 50/50
- The evidence of the unequal split e.g., declaration of trust can be years old
- You can do a deed of trust more than once
- The change in beneficial interests does not affect capital gains tax for married couples and civil partnerships though **Stamp Duty Land Tax (SDLT) MAY arise** if the transaction involves 'chargeable consideration' in the form of say a cash payment or transfer of debt

Form 17 should not be used if:

- Income is from commercial letting of furnished holiday accommodation
- Income is from a partnership
- Income is from shares in a company
- Property is held as beneficial joint tenants where you are both jointly entitled to the whole of the property and income. (You will need to change the title ownership from Joint Tenants to Tenants in Common in order to declare unequal interest in the property)

Form 17 can be completed online at WWW.GOV.UK however it's best to get advice if you are unsure about whether you are paying the correct amount of tax or have any doubt about:

- your beneficial interest in property held in joint names
- your beneficial interest in income from such property
- whether you should complete Form 17

What if we don't own the property jointly?

You can still benefit from Deed of Trust work even if you don't own the property jointly.

Our conveyancing practice can provide a complete Form 17 service for you, including preparing the legal documentation and creating a deed of trust, plus filing the Form 17 paperwork.

If you would like us to estimate your tax savings using Form 17 and/or Deed of Trust requirements, you can get a quote by visiting lt4l.co.uk/dotquote or get in touch on 0203 735 2940.

Whilst Form 17 may help if your partner pays a lower rate of tax, **if you are a portfolio landlord and a higher-rate tax payer** then it may not be the best option and you should consider taking our free initial assessment to find out if you're as tax efficient as possible. Visit lt4l.co.uk/assessmybusiness

Ben Rose – Head of Group Business Development at Less Tax 4 Landlords

20% Discount on All Advertising to End of June 2022

We know things have been extremely difficult for all companies and agencies during these two years of the pandemic, and with the sharp decline in property instructions over the past 2yrs has left many property companies & agents feeling the challenges of winning local listings so that's why LLAS/ATLAS wants to do its bit to help You by offering **20% Discount** to promote your goods and services via LLAS marketing & communication channels.

Yes, you read it right! 20% Discount to advertise your services on the LLAS/ATLAS website (www.londonlandlords.org.uk) and our highly successful Newsletter called the **PRess** with a readership of over **45000**. Why don't you take advantage of this fantastic opportunity and help your company gain exposure to your local PRS market?

Don't Delay or Procrastinate. Take action Now!
offer available ends 30th June 2022.

See below a link to LLAS/ATLAS Media Pack with advertising information and costs and a copy of the booking form for your use.

[LLAS-ATLAS Media Pack.pdf](#)

[LLAS-ATLAS BOOKING FORM.pdf](#)

Camden secures four rogue landlords banning orders

Camden Council has successfully secured banning orders against four rogue landlords after they were found to be letting an unlicensed and unsafe home in Kilburn.

The number of Landlord banning orders secured by Camden now stands at seven – the most secured by any local authority in England.

One of the four recent banning orders is against **Mohammed Ali Abbas Rasool, 30, of Manor House Drive, NW6 7DF.**

Last year Camden Council worked in partnership with the Met Police to secure an anti-social behavior injunction against Mr Rasool after he repeatedly attempted to illegally evict and harass tenants at a property he owns in Kilburn.

The injunction was the first to be secured by a local authority against a landlord to protect private tenants from illegal eviction and harassment.

All four of these latest banning orders were given by first tier tribunal decision on January 17th 2022.

The other banning orders were given against

- **Daya Ahmed Dayaaldeen, 64, of Upper Grosvenor Street, W1K 2NG**
- **Henna Mohamed Rashid, 65, of Duke Street, W1K 6JR**
- **Talal Faliez Fahad Sagor Alenezi, 82, of Picton Place, W1U 1BP**

The orders will take effect in six months and ban each of those prosecuted from letting property, engaging in letting agency work, and engaging in property management work in England for five years.

If the orders are breached, penalties can include imprisonment for up to 51 weeks or a court fine, or both or a Civil Financial Penalty of up to £30,000.

Camden's Private Sector Housing team is continuing to support the tenants of the Kilburn property.

The team, which includes Environmental Health Officers and Tenancy Relations Officers, is also continuing to monitor the management of the property.

If a reputable new management agent is not in place when the banning orders against those currently letting the property takes effect, the Council will consider pursuing an Interim Management Order to take over management of the property.

Councillor Meric Apak, Cabinet Member for Better Homes.

"Around a third of Camden residents rent from private landlords and they deserve to live in properly regulated, safe homes and to be treated fairly. The pandemic has further highlighted the importance of the right to a home that is safe and secure.

Most landlords are decent law-abiding people however, for too long a minority have been able to let housing that is unsuitable while exploiting their tenants and woefully disregarding their wellbeing and safety.

Our HMO licensing scheme and Rogue Landlord Taskforce are continuing to improve the standards in Camden's private housing sector, empowering renters to take action and helping good landlords to run successful businesses.

The legal action taken in this case was a necessary last resort. Our message to landlords and letting agents is that we are here to work with you; to provide advice and assistance first of all and to ensure you can meet your obligations."

Source: - [Camden secures four rogue landlord banning orders - Private Renters in Camden - Camden Council](#)

Camden Private Renters

We've launched a new website dedicated to private renters in Camden. The site contains a wide range of articles to support you in your home including a checklist before moving in, getting help with repairs and help with inventory and deposit disputes. The site has been co-developed with tenants and external partners to provide a one-stop shop for any queries that you may have. There's also news items and a helpful '[find my nearest](#)' tool if you're new to the borough. You can also register to '[get involved](#)' to receive important updates on a range of support from the council and external partners.

Website: <https://www.camden.gov.uk/web/private-renters-in-camden>

Don't forget to check if your landlord or agent is accredited at <https://www.londonlandlords.org.uk/search/accredited.aspx>

Calling all landlords!

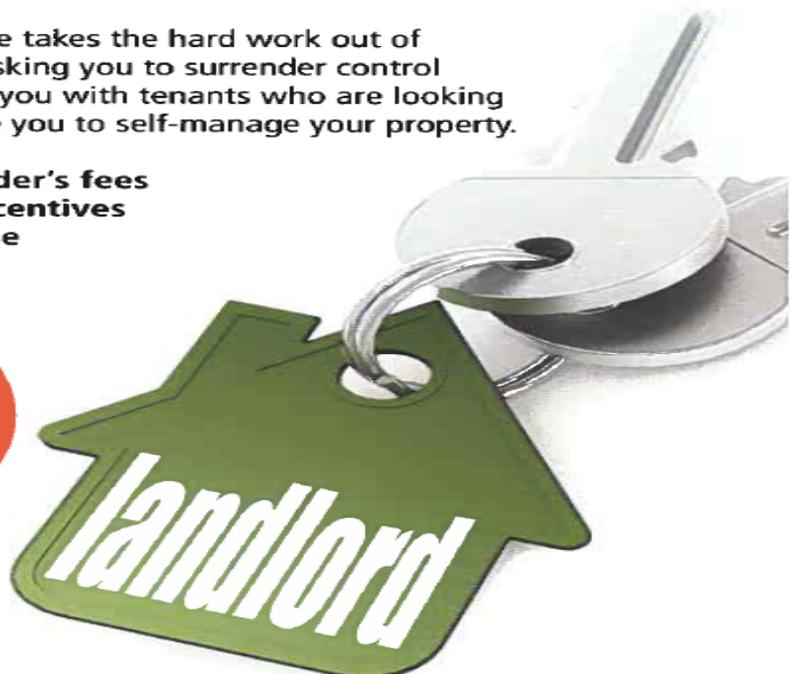
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You cannot attend in person? Don't worry, we have Virtual Training dates and Online Accreditation training available to book at www.londonlandlords.org.uk

Rogue landlord ordered to pay almost £65,000 for illegal HMO

A rogue landlord from north London has been ordered to pay more than £64,000 for breaking housing regulations on a property in Barking, east London.

On the 20 July, last year, Sumon Miah of Mortimer Terrace, Highgate, was found guilty at Barkingside Magistrates Court for breaching a planning enforcement notice served on a property being used illegally as a House in Multiple Occupation (HMO).

Miah has now received his sentence and was ordered to pay a fine of £15,000, costs of £12,573 and handed a £37,000 confiscation order under the Proceeds of Crime Act. The order represents the criminal benefit made from renting the property out.

In summing up the judge said the sentence reflected his persistent disregard to the enforcement notice and the fact he had purchased the property on Ripple Road, Barking, as a vehicle to generate income and subsequently converted it into an HMO illegally.

Cllr Margaret Mullane, cabinet member for enforcement and community safety, said: "This has been a complete disregard for the rules put in place when it comes to planning enforcement and HMOs.

"And as Mr Miah continued to ignore the enforcement notice handed to him, he now has to stump up a huge amount of cash. I hope this sends out a warning to all landlords who are not following the rules."

Miah will have three months to pay the fine and failing to do so, he will serve a 12-month prison sentence and if the confiscation Order also is not paid within three months, he will serve a two-year sentence.

Barking and Dagenham Council operate a Private Rented Property Licensing Scheme, which means all private landlords must be registered with the council and it is a criminal offence to let a property out, without getting it registered.

Source: [Rogue landlord ordered to pay almost £65,000 for illegal HMO – Property Industry Eye](#)

Letting legally- A guide to the Law for Landlords and agents



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.

What else do I need to know?

Landlords should check that the agent they use is a member of the necessary industry schemes before entering into a management contract with them.

Agents must ensure they are members of the following schemes and maintain their membership.

Redress Scheme

Letting and managing agents must belong to one of two redress schemes below, either:

- The Property Ombudsman (TPO)
- The Property Redress Scheme (PRS)

You can check if your agent is a member online:
www.tpos.co.uk/find-a-member
www.theprs.co.uk/consumer/members/

Deposit schemes

When your tenant pays a deposit, this must be protected in one of three schemes and you must give the tenant prescribed information within 30 days of it being paid:

- Deposit Protection Service
- MyDeposits
- Tenancy Deposit Scheme

Client money protection (CMP) schemes

Letting and management agents who handle client money must be a member of a client money protection scheme. There are 6 schemes:

- Client Money Protect
- Money Shield
- Propertymark
- RICS
- Safeagent (previously NALS)
- UKALA Client Money Protection

Landlord ordered to repay former tenants almost £47,000

A landlord has been fined £24,750 and told to repay his tenants almost £47,000 in rent.

In December 2018, Preston council responded to a tenant's complaint about the living conditions at a student HMO in the town. As a result of an inspection, the owner and landlord of the property, - Michael Gibbons, trading as Student Accommodation Preston - was served an Improvement Notice requiring repairs to be completed no later than February 17

Gibbons was also operating this property without holding the necessary HMO license. A council statement says that despite its attempts to work with Gibbons to improve a number of student houses in Preston, he did not engage and in June 2019 a decision was made to refuse his belated HMO license applications.

In September 2019 he was fined for failing to carry out improvements at one particular property and for failing to apply for an HMO license: the fine for each offence was £12,375. Gibbons appealed these actions at the First Tier Tribunal - due to the pandemic the hearing of the appeals was delayed until October 2020 when the Tribunal threw out the appeal and confirmed the fines. As these fines remain unpaid, the council is now in the process of enforcing them through the courts.

At a further appeal by Gibbons on the decision of the council that he was not a fit and proper person to run licensed HMOs, in April 2021 the First Tier Tribunal dismissed his appeal, preventing him from operating any licensed HMO properties in Preston. The council has now adding Gibbons' name to the rogue landlord list, allowing all local authorities in England to become aware of his past conduct.

During this investigation, a total of 13 former tenants have brought rent repayment applications before the First Tier Tribunal in respect of Gibbons' failings - these have now resulted in an order to pay back rent to those tenants, an amount totaling £46,908.

A council spokeswoman says: "Whilst most landlords are responsible and provide good accommodation, our dedicated and conscientious team of officers...work hard to ensure the residents of Preston are protected from poor landlords such as Mr Gibbons, and that justice is served."

Source: [Landlord ordered to repay former tenants almost £47,000... \(landlordtoday.co.uk\)](https://www.landlordtoday.co.uk)

Estate agent jailed for stealing more than £100,000

A dishonest estate agent who stole money from her employer for has been jailed for 30 months. Gemma Wall pleaded guilty to two charges of fraud, one involving Bagshaws, the estate agency she worked for in Uttoxeter, Staffordshire, and the other a parent teachers' association (PTA) at a local school.

Stafford Crown Court was told that she fraudulently obtained £102,484.76 in total, although the total sum she diverted through her accounts was £274,952.61. The 41-year-old had pleaded guilty to the charges at an earlier hearing at Stafford Crown Court and was appearing to be sentenced for her crimes.

She admitted fraud by abuse of position while occupying a position as an employee at Bagshaws, in which she was expected to safeguard, or not to act against, the financial interests of the estate agency, and she dishonestly abused that position intending thereby to make a gain, namely for herself between 19 January 2017, and 7 June 2019. Wall also abused her position while she was treasurer of the PTA of the Friends of St Joseph's, once again making a gain, namely, for herself between 15 January 2014, and 12 December 2016.

Christine Baggott, a Partner at Bagshaws, told the press: "She committed a complex fraud and now there has been a good outcome and she has been punished as a consequence of what she did."

Source: [Estate agent jailed for stealing more than £100,000 – Property Industry Eye](https://www.propertyindustryeye.com)



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