

## Important Dates

**06 April 2017 – 06 April 2020** - Mortgage Interest Relief; New BTL Tax System Phased In  
**01 April 2018** – MEES (Minimum Energy Efficiency Standards) E or above for new tenancies  
**06 April 2018** – Rogue Landlord Database Introduced  
**25 May 2018** – GDPR Introduction  
**01 October 2018** – Extension of Mandatory HMO Licencing  
**20 March 2019** – Homes (Fitness for Human Habitation) Act 2018  
**01 April 2019** – Letting Agent Mandatory CMP (Client Money Protection) Membership  
**01 June 2019** – Tenant Fees Act (tenant fees ban and cap on deposits)  
**01 April 2020** - MEES E or above for all tenancies with a valid EPC  
**Date to be confirmed** – Mandatory 5 Year Electrical Safety Checks  
**Date to be confirmed** – Making Tax Digital will apply to most landlords earliest 01 April 2020

## Mortgage Interest Relief

Mortgage interest relief is a tax relief based on the amount of qualifying mortgage interest that you pay in a given tax year for your principal private residence (your home). Mortgages taken out after 31 December 2012 do not qualify for mortgage interest relief. Mortgage interest relief was due to be abolished entirely after 31 December 2017. Following the Budget 2018, it has been extended to 2020 on a tapered basis for people who were eligible in 2017 (in general, people who took out a qualifying mortgage loan between 2004 and 2012). It will cease entirely from January 2021.

If you have any questions in relation to tax and finance, speak to your accountant or consult our trade listing if you require an accountant.

## SWLA Updated 'Assured Shorthold Tenancy Agreement'

In February 2019 we published our new updated AST. A few changes have been made to the agreement including updating the Data Protection section, adding a few changes to the terms of the tenancy and providing additional reminders of documents required prior to the tenancy starting on the back page.

SWLA members have access to the members page of our website, use your SWLA username and password to access our stationery database and download all landlord documents.

## March 2019

Minimum Energy Efficiency Standards 2020

Rogue Landlords Database

GDPR

Extension of Mandatory HMO Licencing

Mandatory 5 Year Electric Installation Checks

Homes (Fitness for Human Habitation) Act 2018 passed

Client Money Protection becomes Mandatory for Letting and Property Management Agents

Tenants Fees Act 01 June

Making Tax Digital

Winter Resilience Committee Launched

Deposit Reminders

Natwest scraps 'No Housing Benefit' rule

Right to Rent - a Breach of the Human Rights Act

Five Months to Regain Possession through Courts

The TDS appoints Independent Complaints Reviewer

Landlord News

Funding Available for Energy Improvements

SWLA Training Courses

## **Minimum Energy Efficiency Standards in Preparation for 01 April 2020**

If your tenancies are older than 01 October 2008 and have not been renewed or the property sold since, there is currently no legal obligation to obtain an EPC for that property. Therefore, the minimum energy efficiency standards (MEES) will not apply to those tenancies.

(\*In addition to the above, a new EPC is likely to be necessary if a building is modified to have more or fewer parts than it originally had and the modification includes the provision or extension of fixed services for heating, hot water, air conditioning or mechanical ventilation).

The minimum level of energy efficiency means that, subject to certain requirements and exemptions:

a) from the 1st April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property).

b) from the 1st April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property).

A civil penalty of £4000.00 can be imposed for breaches.

Many EPCs are reaching their ten-year point and expiring, there is no automatic requirement for a new one to be commissioned. A further EPC will only be required the next time a trigger point is reached, i.e. when the property is next sold, let to a new tenant, or modified. However, SWLA are advising our members that after a ten-year expiry, a new EPC should be sought. It is a small cost for life span of the certificate. The EPC will be needed as soon as you advertise the property for sale or for rent so it's best to be prepared.

EPC assessments (whether required or not) are a great indicator of how affordable the energy is in your rented properties. The EPCs last for ten years. EPC assessors may carry out an assessment just for your information to give you an understanding of how you can improve the energy efficiency of your properties. For older tenancies, although there is no obligation to comply with MEES, the local authority can still enforce energy saving improvements.

---

## **Rogue Landlord Database**

The rogue landlord database records landlords and agents who are subject to a banning order or have committed a banning order offence. Only local authorities can make entries to the database. A local authority is obliged to make an entry when it has obtained a Banning Order against a landlord or agent.

A local authority can also make an entry where a landlord is not subject to a Banning Order but has whilst being a landlord or agent committed;

- At least one banning order offence for which they have been convicted, OR
- Two or more banning order offences within a 12-month period for which they have received civil penalties

Notice must be given within 6 months of the conviction or receipt of the second civil penalty. The landlord/agent must receive 21 days' notice from the Local Authority that they are being placed on the database.

Only local authorities have access to the database. (In London there is public access – the 'rogue landlord and agency checker').

In October 2018 the government revealed plans to make the database publicly available for tenants and prospective tenants to check.

# GDPR

25 May 2018 saw the introduction of the EU General Data Protection Regulation.

GDPR applies to most UK businesses and organisations. GDPR was designed to modernise laws that protect personal information of individuals, it also boosts the rights of individuals and gives them more control over their information.

SWLA have a 'GDPR for Landlords' guidance document. If you would like a copy of this, please contact the office. Landlords will need to register with the ICO (Information Commissioners Office) if they haven't done so already (there are very few exemptions).

The new SWLA Assured Shorthold Tenancy agreements (updated February 2019) have been updated to reflect the data protection changes.

---

## **Extension of Mandatory HMO Licencing**

1st October 2018 saw the extension of mandatory HMO licencing. Rented properties housing 5 or more people from 2 or more households need a licence with the local authority regardless of how many floors the property has.

Minimum room sizes for HMO bedroom accommodation was also introduced;

- Single adult 6.51sqm
- 2 adults 10.22sqm
- Children under 10 years 4.64sqm

(Floor area under a height of 1.5m cannot be included in the calculation)

Each licence will also stipulate the maximum number of occupants allowed in each specific room.

Many local authorities provide a discretionary HMO licence discount for accredited members of SWLA. Refer to your local authority's 'HMO Licence Fees' for further information. SWLA run numerous accreditation courses throughout the year. Members and non-members are welcome to attend.

---

## **Mandatory 5 Year Electrical Installation Checks to be Introduced in Private Rented Accommodation**

On 29th January 2019 the Ministry of Housing, Communities and Local Government announced that 5-year electrical installation checks will be mandatory on private rented accommodation in England.

The implementation date has not yet been confirmed. Landlords and Agents will be given at least a 6-month time frame to familiarise themselves before it comes into force. It will be introduced in a phased approach, in year one, all new tenancies will be affected and in year 2 all existing tenancies will come within scope.

Properties that already have a valid electrical installation condition report (EICR) will not need to replace it until 5 years have passed since it's issue.

Inspectors must hold the correct qualifications and be competent to carry out the inspection. Financial penalties will apply if this is not complied with.

We will update our members with further information as soon as a date of implementation is confirmed.

## **Homes (Fitness for Human Habitation) Act 2018 passed through Parliament and comes into force 20th March 2019**

It will be a requirement for all social and private landlords (including letting agents acting on their behalf) in England to ensure that a property is fit for human habitation both at the beginning of the tenancy and throughout. The Bill amends the Landlord and Tenant Act 1984.

If a home does not meet the standards of the HHSRS (Housing Health and Safety Rating System), tenants can take legal action in court for breach of contract.

Put forward as a private members Bill by Labour MP Karen Buck, the Bill received Royal Assent on 20th December 2018 and comes into force 3 months after that date - 20th March 2019. Initially it will only apply to new and renewal tenancies in England from this date. It will then apply to periodic tenancies 12 months later to give landlords time to ensure properties are up to standard.

A property will be deemed unfit if there are serious defects in the following;  
Repair, Stability, Freedom from damp, Internal arrangement, Natural lighting, Ventilation, Water supply, Drainage and sanitary conveniences, Facilities for preparation and cooking of food and for the disposal of waste water.

Landlords are responsible for fitness for habitation unless the damage or disrepair is caused by the tenant's behaviour.

Most landlords have nothing to worry about in respect of the new Act. A reasonably maintained property should not be deemed unfit. Only landlords of properties suffering serious disrepair issues are likely to be affected, and these should be resolved irrespective of new legislation.

The government have a HHSRS guide for landlords and property professionals. They also have more information on the Homes (Fitness for Human Habitation) Act 2018. See the SWLA news feed for links.

---

## **Client Money Protection Becomes Mandatory for Letting and Property Management Agents**

From 1st April 2019 letting and property management agents must belong to an approved CMP scheme. As part of this scheme, they must;

- Display a certificate within branch and on website
- Produce a copy of the certificate to anyone who reasonably requires it (without charge).
- Notify all clients within 14 days if their CMP membership is revoked or if they change to a different CMP scheme.
- Provide clients with the name and address of the scheme to which they become a member.

The agent must also ensure the level of CMP membership provides enough cover to compensate clients for the maximum amount of client money that they hold. Local Authorities will have powers to impose fines of up to £30,000.00 on agents who do not belong to a scheme beyond this date. They can also impose fines of up to £5,000.00 on agents who fail to display correct scheme membership details on their website and within branch.



# CB Estates

*Switch to CB Estates for free - No set up fees!*

Rent Guarantee

No Sale, No Fee

Discounted rates for SWLA Members

Free Landlord Brochure available on request

Accredited by ARLA and NAEA



Estate & Letting Agent  
enquiries@cbestatesonline.co.uk

Genesis Building, 235 Union St, Plymouth, PL1 3HN  
01752 875120 www.cbestatesonline.co.uk

TRADE  
POINT

**SWLA**  
South West Landlords Association

## LOYALTY UPGRADE!



By being a member of the  
South West Landlords Association  
**YOU HAVE BEEN UPGRADED!**

Congratulations your  
**5% DISCOUNT** is now live!

SHOP NOW TO START SAVING ►

## SAVE MORE!

Double your discount by spending the  
**£500** threshold and earning **10% OFF\***

\* Excludes delivery, gift cards, concessions, clearance, Amazon products, supplier quoted and selected made to measure products. Cannot be used in conjunction with any other voucher or customer discount card. Discount does not apply to the initial qualifying spend. Discount will be applied within 7 days of the qualifying spend.

## SAMS ACCOMMODATION

TOP QUALITY PROPERTY MANAGEMENT

- Private Residential Lettings
- Student Rentals
- Tenant Finder Service
- Comprehensive Landlord Service
- No Set up Fees



For further information  
please call us on

# 01752 481382

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

# **Tenant Fees Act to come in 1st June 2019**

The Tenant Fees Act will come into effect on 1st June 2019 for all tenancies signed on or after that date. The Act sets out the government's approach to banning letting fees paid by tenants in the private rented sector and capping tenancy deposits in England. Tenants will be able to see, at a glance, what a given property will cost them in the advertised rent with no hidden costs. The party that contracts the service – the landlord – will be responsible for paying for the service.

The government will shortly be publishing guidance for tenants, landlords and letting agents to help explain how the legislation affects them.

Throughout the report stage amendments have been made; the deposit cap lowered from 6 weeks rent max to 5 weeks rent max for properties with an annual rent of less than £50,000.

The Ministry of Housing, Communities and Local Government believe that the amendments 'strike a fair balance between improving affordability for tenants whilst ensuring that landlords and agents have the financial security they need'.

The final content of the legislation is not yet confirmed, however key points of the Bill are as follows;

- Default fees will be limited to charges for replacement keys or a respective security device, and late rent payments only
- Cap holding deposits at no more than one week's rent, applying to a maximum of one property only
- Security deposits will be capped at five weeks rent
- Creates a civil offence with a fine of £5,000 for a first offence and civil penalties of up to £30,000
- Amend the Consumer Rights Act 2015 to specify that the letting agent transparency requirements should apply to property portals such as Rightmove and Zoopla

Local authorities will be able to retain the money raised through financial penalties with this money reserved for future local housing enforcement.

Alongside rent and deposits, agents and landlords will only be permitted to charge tenants fees associated with:

- A change or early termination of a tenancy when requested by the tenant
- Utilities, communication services and Council Tax
- Payments arising from a default by the tenant such as replacing lost key.

A lead local authority will oversee and police the new measures.

There are several amendments related to holding deposits, taken before a tenancy begins; Landlords and agents are only allowed to take one holding deposit for a property at any one time. They must pay the first prospective tenant's deposit back in full before taking a second holding deposit (unless allowed to retain the deposit e.g. because the tenant chooses not to enter into the tenancy, or provides false information).

Where landlords and agents do retain a deposit, they must explain to the tenant in writing why they are doing so. If there is the right to retain the deposit, but the tenancy is still entered into, it must be returned to the tenant.

The holding deposit must also be refunded if a requirement is imposed which breaches the ban or if the landlord or tenant behaves in an unreasonable manner, so that the tenant cannot be reasonably expected to enter into the tenancy.

## **Enforcement**

Trading Standards can impose fines of up to £5,000.00 on landlords or their letting agent if it's beyond reasonable doubt that a tenant has been charged a prohibited payment, or if the landlord/letting agent fail to return a holding deposit. This fine can be increased to £30,000.00 for repeat offenders. There will be a right of appeal to the First-Tier Tribunal.

## **Display**

Fees, Client Money Protection and redress scheme membership must be displayed in offices, websites and property portals.

## **Making Tax Digital**

Making Tax Digital is a service that HMRC are implementing in order for businesses and individuals to keep records digitally. By April 2020, MTD for income tax will apply to the self-employed and those who receive income from property.

Once MTD becomes mandatory, businesses and individuals who fall within the scope will be required to:

- Maintain accounting records in a digital software product or spreadsheet.
- Required to submit information quarterly to HMRC and finalise your tax position after the end of the tax year.

It is also important to know that:

- Maintaining paper records will no longer meet the requirements of tax legislation
- HMRC's paper and online self-assessment return will remain available only to businesses outside the scope of MTD for income tax.

There will be an exemption for those businesses and individuals with an annual turnover below a certain threshold, however this has not yet been set. This threshold is likely to be applied to the total turnover from all sources of self-employment and property income.

The government has indicated that there will be free MTD software that will be made available for businesses and individuals with more simple affairs.

With property income, where a property is jointly owned, each individual will be required to keep records for their own share of the income. It is understood that individuals will be required to keep digital records for the whole property portfolio rather than on a property to property basis.

The deadline for finalising your end of year report will still remain at the 31 January following the year of assessment.

If you require any further information on Making Tax Digital, please contact your accountant or the Thomas Westcott Plymouth Tax Team who will be happy to deal with any further enquiries you have.

*Article from Sarah Wilkins, Tax Assistant at Thomas Westcott*

---

## **Winter Resilience Committee Launched to Help Protect Vulnerable People Across the UK**

The gas and electricity networks have come together to help members of the public prepare in case they have a power cut or gas emergency.

Know your free emergency numbers;

- In a power cut emergency call 105
- In a gas emergency, dial 0800 111999.

The 'Priority Services Register' is a free service provided by the Network Operators and is eligible for anyone who is of a pensionable age, disabled, has children under 5 years old or relies on medical equipment.

As part of the service, customers are kept informed as much as possible of power cuts affecting their home and are given special help, if needed, through the British Red Cross. There are already 1.9 million customers on the register.

To find out more information or to register, please call **0800 096 3080** or visit **[www.westernpower.co.uk/psr](http://www.westernpower.co.uk/psr)**

## **Deposit Reminders**

The requirement to protect a tenancy deposit taken for an assured shorthold tenancy in England and Wales was introduced on 6 April 2007. The legislation covers virtually all new assured shorthold tenancy contracts used by letting agents and landlords to let a property in England.

The Deregulation Act 2015 has provided much needed clarification on the steps that a landlord must take to comply with TDS legislation.

### **Deposits taken before 6th April 2007 and tenancies that became periodic before 6 April 2007;**

Deposits don't need to be protected if a tenancy deposit was received for a fixed term tenancy before 6 April 2007, or if the landlord holds the deposit against a statutory periodic tenancy, which also started before 6 April 2007.

However, if a landlord wishes to gain possession of the property under Section 21 of the Housing Act 1988, the deposit must be protected, and the Prescribed Information issued to the tenant prior to serving the Section 21 notice. Alternatively, the deposit can be returned to the tenant prior to serving the section 21 notice. Landlords will not face any financial penalties for non-protection of the deposit in this instance.

### **Deposits taken before 6th April 2007 for tenancies that became periodic after April 2007;**

Deposits taken before 6 April 2007, for tenancies that are still running and have moved onto a periodic tenancy on or after this date, now need to be protected in a Tenancy Deposit Protection scheme. If a deposit remains unprotected, the landlord could potentially face a fine.

### **Deposits taken on or after 6 April 2007;**

Landlords who took a deposit on an assured shorthold tenancy (AST) after 6th April 2007 and correctly protected and served the Prescribed Information to their tenant do not need to reissue the Prescribed Information to the tenant on future renewals of the AST, or if the AST rolls into a statutory periodic tenancy. This is so long as the tenancy details haven't changed (i.e. landlord, tenant and property information) and the deposit remains in the same tenancy deposit protection scheme.

---

## **NatWest Scraps 'No Housing Benefit' Rule**

NatWest have announced that they are scrapping restrictions preventing landlords with its buy-to-let mortgages renting homes to benefit claimants. NatWest have also confirmed that they will extend the maximum length of time of assured shorthold tenancy from 12 months to 36 months to enable landlords to offer more security to their tenants. The changes will affect new and existing landlords with fewer than ten properties.

According to RLA's figures, two thirds of the largest buy-to-let mortgage lenders don't allow landlords to rent property to tenants receiving housing benefit.



# Right to Rent – a Breach of the Human Rights Act

Private landlords and letting agents have a legal responsibility to carry out 'Right to Rent' checks on every tenant and occupant over the age of 18 before they rent a home in England. The Right to Rent check has been in place since 1st February 2016. Under the Right to Rent scheme, landlords can be prosecuted if they know or have reasonable cause to believe that the property they are letting is occupied by someone who does not have the right to rent in the UK.

The High Court has held that the 'Right to Rent' scheme is in breach of the Human Rights Act due to it leading landlords to potentially discriminate. However, the Human Rights Act does not permit courts to strike down primary legislation so that legislation will remain in place and checks still need to be done.

What does this mean for landlords? Nothing changes for the moment. Landlords must still carry out a Right to Rent check on every new tenant and occupant over the age of 18.

At this stage there are two options for the Secretary of State. Firstly, they can appeal, initially to the Court of Appeal and then to the Supreme Court. The second option is to take the matter back to Parliament. It's possible that the matter will be discussed within the upcoming Immigration Bill as this is in the pipeline due to immigration matters arising from the impending departure of the UK from the European Union.

*Article Abridged from the RLA*

## CALL US NOW TO SEE HOW WE CAN HELP YOU

**If you've tried the usual high street letting agents try a different approach. Here at Landlord Services we offer the complete package.**

- Full Management of your rental property
- Management of repairs and maintenance
- Finding and dealing with tenants
- Regular property inspections
- Compliance with all legal issues
- Collection and forwarding of rent



### CONTACT US NOW...

**T:** 01752 291843  
**M:** 07596 161361  
**E:** [admin@landlordservicesmanagement.co.uk](mailto:admin@landlordservicesmanagement.co.uk)  
**W:** [www.landlordservicesmanagement.co.uk](http://www.landlordservicesmanagement.co.uk)

  
**Landlord  
Services**  
Management Ltd

## **Five Months to Regain Possession Through Courts**

Private landlords in the UK have to wait an average of over five months to regain possession of a property when applying to the courts for possession according to new figures from the Ministry of Justice, analysed by the Residential Landlords Association.

Where a landlord needs to regain possession urgently because of tenants' anti-social behaviour and the tenant refuses to leave, landlords have to resort to the courts after serving a section 8 notice to the tenant. The RLA says that the long delay in dealing with cases means landlords may go without any rent or suffer damage to the property before the tenant finally has to leave.

There are considerable regional differences, with the wait for a property to be repossessed being 25 weeks in London and with a low of 18 weeks in the South West. The RLA have expressed that the government's efforts to develop longer tenancies will fail without urgent court reforms to ensure landlords can swiftly regain possession of a property in cases such as tenants failing to pay their rent, committing anti-social behaviour or damaging the property.

Many landlords are using section 21, or 'no fault' evictions, because the alternative process that requires applications to the court are too long and cumbersome. The government have consulted on speeding up justice in the private rented sector as landlord associations called for a full and properly funded housing court to speed up access to justice for both tenants and landlords. The consultation closed on 22nd January 2019 and the feedback is being analysed. "The court system is failing to secure justice for landlords and tenants when things go wrong. If Ministers want to roll out longer tenancies landlords need the confidence that in cases where they legitimately want to repossess a property, the system will respond swiftly. It is not good for either tenants or landlords to be left in a prolonged period of legal limbo. We hope that the government will press ahead with a properly funded and fully-fledged Housing Court" says David Smith, RLA policy director.

*Article Abridged from Letting Agent Today*

---

## **The Tenancy Deposit Scheme (TDS) Appoints an Independent Complaints Reviewer**

The TDS has become the first of the three Government-approved tenancy deposit protection schemes to appoint a new external, independent complaints reviewer. With 20 years' experience in adjudication and dispute resolution, Margaret Doyle has taken up the new role.

Doyle says: "Having an independent and impartial outside reviewer is a key process for demonstrating robust arrangements exist for ensuring that customer complaints are dealt with well, and that complainants have the opportunity for review by someone outside of TDS. It is also designed to help TDS learn lessons from complaints and to help improve service provision."

Doyle's appointment was introduced to bolster the scheme's transparency to members and the wider private rental sector. The role of the independent complaints reviewer will be to look at the way the TDS has investigated complaints about its service, in order to ensure that the process has been fair and transparent, and that the issues raised have been properly considered.

Steve Harriott, the Chief Executive of the TDS, says: "We take any complaints about our service very seriously and strive for the highest standards of complaints handling practice. If a complainant remains unhappy about TDS's response to their formal complaint about an adjudication decision or other aspect of TDS's customer service, they can escalate it to the independent complaints reviewer."

*Article abridged from the TDS*





# LANDLORD INSURANCE SPECIALISTS

Sound Advice, Simply Presented.

Our range of landlords insurance

- Buildings and/or Contents cover
- Unoccupied/Undergoing renovation
- HMO/DSS/Student/Asylum Seekers
- Legal Expenses & Rent Protection
- Landlords Property Emergency Cover

Our financial services

- Mortgages
- Retirement Planning
- Business Protection
- Estate & IHT Planning
- Savings & Investments
- Life Assurance
- Will Writing



**Excaliber Insurance Services are local insurance specialists based in Plympton.**

Offering our expert advice and landlords insurance policies to SWLA members since 2010. We are flexible in how we assist our clients, whether it's face to face, by email or over the phone.

[www.excaliber-insurance.co.uk](http://www.excaliber-insurance.co.uk)

**01752 340183**

E: [admin@excaliber-insurance.co.uk](mailto:admin@excaliber-insurance.co.uk)  
149 Ridgeway, Plympton, Plymouth, PL7 2HJ

**Excaliber**  
Insurance Services

Excaliber Insurance Services is a trading style of Excaliber Associates Ltd who are authorised and regulated by the Financial Conduct Authority No. **476748** Registered in England and Wales No. **06435579**

follow us    

**Plymouth Homes Lettings are a Multi Award Winning Company for Landlords and Tenants**

## Rent Paid...Guaranteed

For landlords who want peace of mind knowing that their rent is guaranteed to be paid the day it is due

## Tenant Find Only

For landlords who would like the best possible choice of tenants and manage the property themselves



# PLYMOUTH HOMES

Call us on

**01752 772846**

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



## **Landlord News**

### **Judge Gives £1.5m Fine for Slum Landlord**

Slum landlord Vispasp Sarkari must pay £1.5 million or face nine years in jail for cramming tenants into shabby box rooms in disgusting and degrading condition. Sarkari, 56, was convicted by Harrow Crown Court of breaking planning rules by converting homes into tiny bedsits without permission. Some families were charged £650 a month to rent a room in a home with unsanitary bathrooms and kitchens that were plagued by rats. Brent Council had tried to tackle Sarkari several times. In 2017, he was fined for shoehorning 27 people into a four bedroom semi-converted into seven flats in Wembley, North London. The council found six families living in the property that was riddled with damp, infested with cockroaches and littered with rat droppings. His fines, confiscation orders and legal costs add up to £1,844,342.

*(Article Abridged from the Guardian)*

### **Landlord Given Suspended Prison Sentence for Gas Safety Failures**

A Torquay landlord has been sentenced after failing to ensure proper landlord's gas safety checks were undertaken at his tenanted property. Newton Abbot Magistrates' Court heard how Mr Mehmet Sevim, a former Gas Safe Register gas engineer and current landlord of residential properties, had contracted a fitter who was not a member of Gas Safe Register to undertake a landlord's gas safety check at one of his tenanted properties. An investigation was carried out by the Health and Safety Executive (HSE). Mr Sevim repeatedly maintained throughout that he had used a person who he could not name to undertake the landlord's gas safety check for him. He failed to make any checks on the individual, including checking if he was registered with Gas Safe Register. The investigation also found the landlord's gas safety certificate used false Gas Safe Register engineer details. It was also found that Mr Sevim had tried to bribe a prosecution witness before the trial by offering them £300 to change their evidence. Mr Sevim was found guilty of breaching Regulations 36 (4) of the Gas Safety (Installation and Use) Regulations and has been sentenced to 26 weeks prison, suspended for two years and ordered to undertake 240 hours unpaid work. Mr Sevim was also ordered to pay costs of £5,330.76. The HSE inspector said

"Landlords must ensure that only Gas Safe Registered engineers work on gas appliances at their tenanted properties. A landlord can check that a person is registered on the Gas Safe Register website and these checks are free and quick."

*(Article from HSE)*

### **Council Pays £100,000 to Settle Landlord Slander Claim**

Landlord Rod Bloor has won a £100,000 pay-out from a local authority after claiming staff doubted his honesty to prospective tenants. Landlord Mr Bloor, who runs a 60 property portfolio as Doncaster Property Services Ltd, alleges Doncaster Council slandered him by making untrue comments about the way he conducts business. The council denies the claim but issued a statement on the eve of a High Court hearing brought by Bloor, saying: "Doncaster Metropolitan Borough Council is able to confirm that any allegation Mr Bloor was untrustworthy, dishonest or had fabricated documents, would be false. The council explained the pay-out was towards Bloor's legal costs, but despite the statement and pay-out, claims the case was unsubstantiated.

Debbie Hogg, the council's director of corporate resources, said: "Mr Bloor issued High Court proceedings against the council which we have defended. As a result, unnecessary court costs have been incurred. At the eleventh hour, Mr Bloor decided to withdraw his claim which underlines our view that this case was not substantiated and has now been concluded." Bloor said the alleged slander arose after he won a dispute with the council over council tax payments. Prior to the dispute, he had worked with the council to provide homes to vulnerable tenants.

*(Article from Letting Agent Today)*

### **Agent Lied About Working for Company After Being Sacked**

A rogue lettings agent has been fined over £72,000 after being found guilty of 15 separate offences relating to three illegally established houses in multiple occupation dating back to December 2017. The agent - Muhammad Siddique - was instructed to let these properties to single families but without the consent of the property owners he let the rooms individually and turned them into houses of multiple occupation.

***Continued...***

He was fined a total of £72,090.65 including prosecution costs and a victim surcharge. Siddique, who was operating a franchise of the Open House agency in Watford, did not carry out any of the upgrade works required to safeguard tenants from fire safety risks. There were no safe escape routes in the properties and inadequate fire detection, with one of the properties not having a single working smoke detector. Inspections by Watford council's environmental health officers also uncovered other health and safety breaches including a blocked and overflowing drain, waste accumulating, dirty toilets and signs of damp. Siddique also failed to comply with requests to supply gas and electrical safety certificates and other information about the properties to the council. Property owners and the managing director of Open House supported the council's legal action against Siddique.

*(Article from Letting Agent Today)*

### **Letting Agent Banned After £34,000 Deposits Go Missing**

A lettings company's management director has been disqualified for failing to protect thousands of pounds of tenants' deposits. Kari Jade Ridout from Blandford Forum in Dorset, was the sole director of Woodhouse Residential Lettings, a management company that began trading in 2013 in the Dorset area. As part of its services, Woodhouse Residential Lettings operated a custodial deposit scheme; but four years after the company had started to trade, Woodhouse Residential Lettings entered into Creditors Voluntary Liquidation in May 2017. Independent insolvency practitioners were appointed to wind-up the business before submitting their report to the Insolvency Service and this triggered an investigation which found that Ridout failed to safeguard over £34,000 worth of deposits. The £34,000 was spent, along with general working capital, on the expenses of running the company. Ridout has been banned for six years from acting as a director or directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company.

*(Article from Letting Agent Today)*

---

## **Funding Available for Energy Improvements**

The ECO (Energy Company Obligation) could help you get financial support to make your property more efficient. Large gas and electricity suppliers are obliged to help households with energy efficiency measures. ECO is the governments umbrella term for its program to help UK households become more energy efficient.

### **Partially Funded Solar**

The criteria;

- Electric heating (ESH, panels, electric boiler) only
- South/South West - South/South East facing roof
- 24 square meters of correctly facing roof
- Homeowner or privately rented with EPC of A-E rating
- Minimum shading
- Resident earning under 30,000 per year (after household expenses)

For enquiries call **Tom Mawer, DC Energy**, Plymouth on **0800 688 9656**. Alternatively search locally for other solar providers.

### **Partially Funded Insulation and Boiler**

There are grants available for gas boilers when an insulation measure is fitted.

The criteria;

Claimant of benefit including pension credit/tax credits

Or, earn under a certain threshold and a claimant of child benefit

For more information call **Carbon Saving Group**, Plymouth on **0800 77 23 572**. Alternatively search locally for other energy improvement providers.

## **ICO (Information Commissioners Office) Issue the First Fines to Organisations That Have Not Paid the Data Protection Fee**

The ICO has issued the first fines for not paying the data protection fee to organisations across a range of sectors including business services, construction, finance, health and childcare.

All organisations, companies and sole traders that process personal data must pay an annual fee to the ICO unless they are exempt. Fines for not paying can be up to a maximum of £4,350. These first organisations have been fined for not renewing their fees following their expiry and more fines are set to follow.

The money collected from the data protection fee funds the ICO's work to uphold information rights such as investigations into data breaches and complaints, staff the popular advice line, and provide guidance and resources for organisations to help them understand and comply with their data protection obligations.

The ICO have confirmed; "You are breaking the law if you process personal data or are responsible for processing it and do not pay the data protection fee to the ICO. We produce lots of guidance for organisations on our website to help them decide whether they need to pay and how they can do this."

Fines range from £400 to £4,000 depending on the size and turnover of the organisation. If you're not sure whether you need to pay the fee, you should check the ICO's website which has lots of information and a very quick and easy self-assessment test.

The fees and fines are:

Tier 1 – micro organisations. Maximum turnover of £632,000 or no more than ten members of staff. Fee: £40 Fine: £400

Tier 2 – SMEs. Maximum turnover of £36million or no more than 250 members of staff. Fee: £60 Fine: £600

Tier 3 – large organisations. Those not meeting the criteria of Tiers 1 or 2. Fee: £2,900. Fine £4,000 There is a £5 discount for payments by direct debit.

The Information Commissioner's Office (ICO) is the UK's independent regulator for data protection and information rights law, upholding information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

***Article Abridged from ICO***

---

If you would like to apply or order additional B&Q cards; send your name, membership number and address to

***Admin.TradePointB2B@Trade-Point.co.uk***

---

## **New Septic Tank Legislation**

Compliance with the new rules on septic tanks is required by 1st January 2020.

Homeowners will need to upgrade their drainage systems in order to avoid fines from the Environment Agency. The rules prohibit the discharge of waste from septic tanks into watercourses due to the detrimental impact it can have on the environment.

You must use a small sewage treatment plant to treat the sewage if you're discharging to a surface water such as a river or stream. A small sewage treatment plant (also known as a package treatment plant) uses mechanical parts to treat the liquid so it's clean enough to go into a river or stream.

Rules originally came into force 01 January 2015 applying to new septic tank systems but from January 2020 they will be rolled out to include all systems – old and new.

## Upcoming SWLA Training Courses

**Landlord Training Course; Legal Update 2019, Tuesday 30th April 2019**  
Covering the following subjects and more; Prohibition on serving section 21 notices; Will both professional cleaning and flea treatment be unlawful; How do the tenant fee ban and deposit deductions relate; Why a property could cost a landlord £3,500; Why you don't need an EPC just because the current one runs out; What does the new Fitness for Human Habitation legislation mean for you; Will your client money protection meet the new standards required? New laws and court cases.

**Landlord Accreditation Course, Monday 3rd June 2019**  
Course covers ASTs, Deposits, Section 21s, Sections 8s, HMOs, Gas & Electrical Safety, Inventories and more. The course will provide the knowledge to start, manage and finish a tenancy. Can lead to accreditation if required.

Places secured upon receipt of payment, please contact the office to book. All courses £65.00 for members. £75.00 for non-members. Courses taking place at Plymouth Guildhall, 9.30am-4.30pm.

See the SWLA website for further courses.



For many years Landlord Insure UK have advised & supported SWLA members with regard to their Landlords insurance needs with comprehensive cover and exclusive discounts – we are specialist independent insurance brokers and can offer you a wide choice of policies which can be tailored to your individual needs. Our dedicated Team constantly review the market on your behalf and would be delighted to offer you a free, without obligation quote at your next renewal date.

**Freephone 0800 7316689 Ext 899**

Email: [schemes@bateman-group.co.uk](mailto:schemes@bateman-group.co.uk)

Website: [www.bateman-group.co.uk](http://www.bateman-group.co.uk)

John Bateman Insurance Consultations Limited is authorised and regulated by the Financial Conduct Authority (Registered No. 311378) for general insurance business.



# NOTICE BOARD

## SWLA stationery

SWLA stationery may change without notice so before using a document, make sure that you use the latest one on the SWLA website, by checking the issue date or check with the SWLA office at the email address or telephone number shown below.

Don't forget our ability to advertise accommodation to let, property for sale in our office window

## E-Mail address

If you change your email address **PLEASE TELL US** otherwise you might miss important messages from us!

## KBG CHAMBERS - Barristers – Plymouth, Truro & Exeter

We will support members with legal advice and representation through public access. KBG cover all areas of Property Law.

Call 01752221551 or email Colin Palmer, Senior Clerk, on [colin@kbgchambers.co.uk](mailto:colin@kbgchambers.co.uk)

## Rory Smith, Enigma Solicitors

Rory Smith is a highly experienced specialist in a wide range of disputes and their resolution. Rory can also recommend to you other law firms in Plymouth who will all offer free initial advice to SWLA members in other specialist areas.

Contact Rory on 01752 600567 or by email at [rls@enigmaweb.com](mailto:rls@enigmaweb.com) Enigma is located 5 minutes away from SWLA's office at Farrer Court, 77 North Hill PL4 8HB. The office is open 8:30 a.m. until 5:00 p.m. weekdays.

Richard Gore Solicitor in Bristol  
Richard is with Greg Latchams on 0117 9069424 and will support initial telephone calls to discuss your problems

Did you know that SWLA have a trade listing of local businesses? Head to the SWLA website 'Trade Directory' for all of your landlord needs from Gas Safety Checks to Building Services

# SWLA

---

## South West Landlords Association

**Published March 2019**

**Produced by Mark Price**

**By The South West Landlords Association Ltd 30 Dale Road, Plymouth PL4 6PD**

You can contact our answerphone service on 01752 510913 or E-mail us at [info@landlordssouthwest.co.uk](mailto:info@landlordssouthwest.co.uk), visit our website [www.landlordssouthwest.co.uk](http://www.landlordssouthwest.co.uk)

Or visit our office in Dale Road, it is open week days from 10am to 3pm

The association provides assistance and advice. However, the Association does not hold itself out as providing specialist legal advice and therefore whilst written and oral advice is given in good faith, no responsibility can be accepted by the association, its officers or members for the accuracy of its advice, or shall the association be held liable for the consequences of reliance upon such advice.