

Membership

Sept 2022

We are approaching the beginning of the new membership year. In August, South West Landlords Association reached a milestone of 1000 members. Membership has grown steadily over the years, mostly by recommendation and word of mouth. We remain an association run by landlords for landlords, by a volunteer unpaid committee and officers with dedicated office staff offering advice, documentation and representation.

The association has grown in stature and is a source of information for members, local authorities and external agencies. Our membership is as diverse as the Private Rented Sector itself and consists of large and small landlords, letting agents, charities and other institutions associated with the sector.

With a change of PM and Cabinet, hopefully some of the 'in the pipeline' proposed changes to legislation may be rethought. The notion that landlords may have become overregulated in favour of tenant's rights is being recognised. Stand by for – the abolition of Section 21, updated Section 8, Renters Reform Bill and the Decent Homes Standard. We will keep you updated on progress.

Your association, in conjunction with others, continues to lobby for fair regulation and legislation for the Private Rented Sector.

At the 2022 AGM, the proposed increase in annual membership fees by £5 was accepted. Please renew your membership on or before 31 October 2022 at only £50 per annum (tax deductible) - it is tremendous value.

SWLA Member Discounts

As an SWLA member, you can get discounts in numerous places, including - B&Q (TradePoint), Trago Mills, Wickes, Howdens Plymstock, Palladium Building Supplies, Johnstone's Decorating Centre, Dulux Decorating Centre, Willow Timber, Crown Decorating Centre and Screwfix. For more information on how to obtain these discounts, contact the SWLA office.

SWLA Trade Directory

If you need a professional for maintenance, repairs, building, assessments, legal advice etc - Our Trade Directory can easily be accessed on the SWLA website. We welcome new companies! If you have received brilliant service from a local business, let them know about the Trade Directory – they are very welcome to get in touch.

Carbon Monoxide Alarms Required in Most Properties from 01 October 2022

Read more on page 2

Save the Date!

Our next General Meeting will be on Tuesday 18th October 2022, at The Future Inn, Plymouth, 7.30pm start. There will be two brilliant guest speakers – we hope to see you there!

Smoke & Carbon Monoxide Alarm Changes

Adjusted Right to Rent Checks

Upcoming SWLA Courses

Government Announce Energy Price Guarantee

MP Behind Rental Reform Proposals Resigns

BTL Market Update: to wait or not?

Gas Safety Reminders

Industry's message to Truss Government - Reverse Anti-Landlord Policies

Government Consultation Launched - A Decent Homes Standard in the Private Rented Sector

What are the Next Steps for the Rental Reform Act?

Five Ways Private Landlords Can Save Money on Tax

No Concession for Student Landlords Under Tenancy Reform Plans

Winter Rent Freeze in Scotland

Properties required - Bristol & Torbay

Guilty - Landlord Illegally Evicted Tenant During Covid Eviction Ban

Landlord's £24,000 Penalty after Barnet Council Prosecution

Smoke and Carbon Monoxide Alarm Changes from 01 October 2022

The new Regulations mean:

All landlords must ensure a carbon monoxide alarm is provided in any room used as living accommodation which contains a fixed combustion appliance. Fixed combustion appliances burn fuel to generate heat. These appliances are generally powered by gas, oil, coal or wood, like gas or oil-burning boilers, gas heaters or a wood-burning stove. The only exception to this is if the fuel burning appliance is a gas cooker.

All landlords will be legally obligated to ensure smoke alarms and carbon monoxide alarms are repaired or replaced once they are informed and the alarms are found to be faulty.

Guidance for landlords and tenants

Guidance to support agents, landlords and tenants in England to prepare for the changes to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 when they come into force on 01 October 2022 is now available on the gov.uk website.

Issued by the Department for Levelling Up, Housing and Communities, the guidance booklet is not an authoritative interpretation of the law but is intended as a general guide, with FAQs included. It provides information about the requirements, who they apply to and how they are enforced, covering the most common situations.

Amended Regulations

Landlords should ensure they fully understand the Regulations and begin the installation of new alarms and repair existing alarms and update their property management practices accordingly and without delay. There is no transitional period after 01 October 2022 and any landlord found to be in breach could be fined up to £5,000.

FAQs!

What type of smoke alarm is required?

The regulations do not stipulate the type of alarms (such as mains powered ('hard-wired') or battery powered) that should be installed.

We recommend that landlords choose the type of smoke alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 5839-6. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.

What type of carbon monoxide alarm is required?

The regulations do not stipulate the type of alarms (such as mains powered ('hard wired') or battery powered) that should be installed.

Landlords should make an informed decision and choose the type of carbon monoxide alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 50291. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.

Where do smoke alarms need to be located?

The regulations do not stipulate where the alarms should be placed.

At least one smoke alarm should be installed on every storey which is used as living accommodation.

Landlords should follow the individual manufacturer's instructions when installing the alarms. However, in general, smoke alarms should be fixed to the ceiling in a circulation space, i.e. a hall or a landing.

Where do carbon monoxide alarms need to be located?

The regulations do not stipulate where the alarms should be placed.

A carbon monoxide alarm should be installed in every room which is used as living accommodation containing a fixed combustion appliance (excluding gas cookers).

Landlords should follow the individual manufacturer's instructions when installing the alarms. However, in general, carbon monoxide alarms should be positioned at head height, either on a wall or shelf, approximately 1-3 metres away from a potential source of carbon monoxide.

Does replacing a battery count as a repair? Who is responsible for changing the batteries?

Landlords will be responsible for repairing or replacing any faulty alarms.

If tenants find that their alarms are not in working order during the tenancy, they are advised to arrange for the replacement of the batteries.

If the alarm still does not work after replacing the batteries, or if tenants are unable to replace the batteries themselves, they should report this to the relevant landlord.

What should tenants do if they find their alarm isn't working?

If tenants find that their alarms are not in working order during the tenancy, they are advised to arrange for the replacement of the batteries. If the alarm still does not work after replacing the batteries, or if tenants are unable to replace the batteries themselves, they should report this to the relevant landlord.

How will these regulations be enforced?

The regulations will be enforced by local housing authorities. Details on enforcement of the regulations can be found in the guidance for local authorities.

Do alarms have to be tested at the start of the tenancy, or can they be tested as part of routine gas safety checks?

The regulations require checks to be made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

How should landlords prove that they have tested alarms at the start of a tenancy?

It is the responsibility of landlords to keep a record of when alarms are tested. The local housing authority must decide whether the evidence provided proves that the landlord has met the requirements of the regulations.

One possible means, if the landlord goes through the inventory on the first day of the tenancy, is that the landlord makes provision for the tenant to sign the inventory to record that the required alarms have been tested by the landlord and the tenant is satisfied they are in working order.

Does the penalty of up to £5,000 apply per landlord, or per breach?

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

I'm a private landlord and my tenant won't let me into the property to install or repair an alarm. What should I do?

We know that getting access to do repairs and maintenance work can sometimes be difficult for landlords. The existing regulations are clear that landlords must take all reasonable steps to comply with a remedial notice but are not expected to go to court to gain access in order to be compliant. Landlords should be able to demonstrate that they have taken all reasonable steps to comply to Local Authorities.

For example, landlords should write to their tenants to explain that it is a legal requirement to install the alarms and that it is for the tenant's own safety. Landlords should try to arrange a time to visit that is convenient for the tenant, and keep a written record of access attempts to provide to the local housing authority if required. Landlords should attempt to understand why tenants cannot or will not provide access and work with them to find a solution.

Is there a grace period for installation after the regulations commence?

All landlords (whether social or private) have time between when the amendment regulations became law on 27 June 2022 and when they come into force on 1 October 2022. Landlords must comply with the new requirements from 1 October 2022.

For the full guidance and FAQs see the gov.uk website

Adjusted Right to Rent Checks End on 30 September 2022

The system allowing Adjusted checks (using Zoom calls and copies of documents for example), ends on 30 September 2022.

From 01 October 2022, agents and landlords responsible for tenancy applications and repeat Right to Rent checks will need to revisit their processes in readiness either for a return to manual face-to-face checks (which will still be permitted where someone shows eligible identification as a UK and Irish citizen) or be signed up to one of the proptech service providers certified by the UK Government as a digital identity service provider (IDSP). Checks on overseas nationals will need to be processed using the Home Office's share code system which can be accessed by landlords, free of charge.

Adjusted checks were introduced as part of COVID-19 measures to reduce face-to-face contact and were extended while the Home Office worked to introduce a robust digital solution for checks on UK and Irish nationals. Once Adjusted Right to Rent checks end, where a landlord wants to offer a digital check to those with UK and Irish ID, the landlord will need to be signed up to an IDSP incurring a chargeable service. Alternatively, landlords will be able to offer manual, face-to-face checks where the applicant offers eligible UK or Irish ID. Where landlords do choose to utilise an IDSP, they must make allowance for British and Irish nationals who choose for their identity to be verified offline and must not discriminate on this basis.

Digital checks on overseas nationals can be conducted simply and without incurring external costs using a digital share code and date of birth provided by the applicant and checked via the real-time Home Office system.

Follow up Right to Rent checks remain as important as ever

If landlords have been unable to obtain the repeat Right to Rent check for an overseas national during a tenancy, the Home Office should be notified in order that the landlord establishes a 'Statutory Excuse' which will provide the legal audit trail against any overstayer and/or a civil penalty.

Note – the date on which adjusted Right to Rent checks ends may be pushed back – it has been before! If there are any changes to this date – we will keep members informed. Further guides and information can be found on the SWLA website news feed and the gov.uk website.

Article Abridged from Propertymark

Upcoming SWLA Training Courses

Landlord Legal Update Course

Tuesday 4th October 2022 – 1.30pm-4:30pm

Venue – Online

Price – £35 for members of SWLA, £40 for non-members for half day course.

Course covers Right to Rent changes, update on Section 8 and Section 21 Notices, material information, Fire Safety Act, new smoke and carbon monoxide regulations, Rent Repayment Orders and more.

Landlord Accreditation Training Course

Thursday 10th November 2022 – 9:00am-4:30pm

Venue – Online

Price – £65 for members of SWLA, £75 for non-members for one day course.

Course covers ASTs, Deposits, Section 21s, Section 8s, HMOs, Gas and Electrical Safety, Inventories and much more. The course will provide you with all the skills to start, manage and end a tenancy.

Contact the office on 01752 510913 or info@landlordssouthwest.co.uk to book your place, places secured upon receipt of payment.

We are proud that Landlord Accreditation South West (LASW) are founder members of the West of England Rental Standard.

See the SWLA website for further courses.



House2Home Lets

Ltd

The original no tenant fees letting agency

Landlords – we will fully manage your property for just **£50 per month**, and this includes finding you a tenant!

There are no set-up or other fees!

Contact us on **01752 922094** or info@house2homelets.co.uk for more information.



PRS Property Redress Scheme

SWLA
South West Landlords Association

Landlords, are you paying too much on letting agent fees?

Compare local agents now in seconds. 100% free. No obligation.

www.comparelettingagentfees.co.uk



You could save £100's on agent fees



Compare letting agents in your area for free



Absolutely no obligation to proceed



Save time and money using our site



Select the best package and agent for you



Deal direct with the agent of your choice

Find your letting agent now at
www.comparelettingagentfees.co.uk



Compare Letting Agent Fees | info@comparelettingagentfees.co.uk

SHAVE & SON

ELECTRICAL

- Electrical Installations
- P.A.T. Testing
- Landlord Safety Certificates
- Maintenance
- Repairs

- Rewiring
- Consumer units and fuse boards
- CCTV / Alarms
- Inspections and testing
- Property Condition Reports

Part P Approved electricians



24hr emergency service



Please call for a no obligation quote:
07779 927851
shaveandson.com

Government Announces Energy Price Guarantee for Families and Businesses

Prime Minister Liz Truss set out decisive action to support people and businesses with their energy bills. From 01 October 2022, a new 'Energy Price Guarantee' will mean a typical UK household will now pay up to an average £2,500 a year on their energy bill for the next two years. This is automatic and applies to all households. This will save the average household at least £1,000 a year based on current energy prices from October 2022 and is in addition to the £400 energy bills discount for all households. Businesses and public sector organisations will see equivalent support over the winter.

Those households who do not pay direct for mains gas and electricity – such as those living in park homes or on heat networks – will be no worse off and will receive support through a new fund.

Here is how the £400 Energy Bill Rebate will be paid;

Monthly direct debit users. Will see the grant paid automatically by your supplier – either refunded straight into your bank account, or in the form of a direct debit reduction.

Standard credit customers. This includes those who pay by cash, card or cheque after receiving a monthly or quarterly bill. You'll get the payment automatically – all suppliers will pay this in the first week of each month between October 2022 and March 2023. It'll typically be added as credit to your energy account.

Smart prepayment meter customers. You'll get the grant automatically as credit applied directly to your meter in the first week of each month.

Traditional prepayment meter customers. Ensure your supplier has up-to-date contact details for you as your money will be sent as six separate vouchers via text, email or post – which you'll need to redeem by topping up as normal in a shop or post office. You'll have three months to redeem each voucher – and if you lose them or they expire, they can only be reissued up until 31 March 2023.

What other financial support is available to help with the cost-of-living crisis?

£650 Cost of Living Payment

If you get a qualifying low income/means-tested benefit or Tax Credits - paid in two instalments of £326 and £324

£150 Disability Cost of Living Payment

If you get a qualifying disability benefit

£300 Pensioner Cost of Living Payment

If you're entitled to a Winter Fuel Payment for winter 2022 to 2023 this will be added to your entitlement

Article Abridged from gov.uk & MSE

MP Behind Rental Reform Proposals Resigns from Government

The Minister who was behind the controversial Renters Reform Bill and the accompanying White Paper has resigned from the government. Eddie Hughes MP tweeted: "I have decided to hand back my red box in return for the opportunity to spend yet more time working for my constituents in Walsall North, championing their causes in Parliament. Thank you to all in the rough sleeping & housing sectors for support during my time as a Minister."

Although Hughes has been widely recognised as a hardworking and well-informed Minister, the legislation and proposals he drew up have been seen as swinging power in favour of tenants. Hughes was an advocate of the scrapping of Section 21, which has caused widespread controversy within the rental sector. Some observers thought Hughes may have been in line for promotion to Housing Secretary but that job - and its position in the Cabinet - went to Simon Clarke, a former junior Minister in the past.

Article Abridged from Landlord Today



Exclusive offer for **SWLA members**, whole of market mortgage advice fee just **£245** instead of our regular package cost of **£495** with no extra hidden costs post-application!*



Mortgages

Buy To Lets | Limited Company | Commercial | Residential
Capital Raising | Re-mortgages | First Time Buyers/Help to Buy



Protection

Life Insurance | Critical Illness | Income Protection | Private Medical
Business Protection | Group Life | Personal Protection



Financial Planning

Pensions | Investments | Wills | Probate | Commercial
Lasting Power of Attorney | Estate & Inheritance | Tax Planning



(If you do not keep up repayments on your mortgage, your home may be repossessed)

Excaliber Associates Ltd is authorised and regulated by the Financial Conduct Authority. Company Registration England and Wales: 06435579



BTL Market Update: to wait, or not to wait, that is the question! by Excaliber Finance

Rates are still rising, yields are being squeezed; it's hard for landlords to look to the future, especially when we know the upcoming Energy Performance legislation is due and with it comes yet more costs. Many lenders have advised to get ahead of the curve, following the Building Back Britain commission released in May 2022, but as a broker we're advising the following.....

Wait for the legislation! Pre-empting the EPC laws will be costly, at a degree more than what could be necessary, compromising your yields further, and the character of your properties. Older Victorian houses could cost upwards of £30,000 to retrofit to a C standard at present, and a common energy efficient improvement (insulation of walls) would mean extra costs for tenant evictions for the work to take place.

A group lending director has predicted that this legislation won't come in until around 2028 due to hold ups. As brokers, we're looking to see clarifications in the legislation that further encourage landlords to retrofit their portfolio and make refurbishments more enticing, by making all kinds of refurbishments tax deductible before the property is sold; but if you're thinking about acting early there are refurbishment buy-to-let mortgages available!

The growing trend we're seeing is that landlords are pre-empting the legislation in a different way, by shifting to new build properties as the cost of maintenance/improvement of older properties swells. New builds benefit from optimal positioning, smaller windows and suffer from damp less.

We'll discuss this more at the SWLA Annual General Meeting on Tuesday 18th October, feel free to come along and ask some questions!

Article by Calum Levy: Specialist BTL Mortgage Broker, Excaliber Associates Ltd
Abridged from Simplybiz Group

Gas Safety Reminders!

September 2022 saw the 12th edition of Gas Safety Week. Gas safety is second nature to our members, but just a few reminders.....

Landlords must ensure:

- gas pipework, appliances and flues provided for tenants are maintained in a safe condition
- all gas appliances and flues provided for tenants' use have an annual safety check. Tenants can report landlords to the Health and Safety Executive for not providing one.
- Gas Safety Record is provided to the tenant within 28 days of completing the check or to any new tenant before they move in
- keep a copy of the Gas Safety Record until two further checks have taken place (SWLA recommend that you keep a copy of all Gas Safety Records in case they are required to prove your compliance)
- maintenance and annual safety checks are carried out by a qualified Gas Safe registered engineer
- all gas equipment (including any appliance left by a previous tenant) is safe or otherwise removed before re-letting
- all fixed combustion appliances (excluding gas cookers) will require a carbon monoxide alarm as of 01 October 2022

Poorly maintained gas appliances can cause gas leaks, fires, explosions, and carbon monoxide poisoning.

Article Abridged from Landlord Today

Industry's Message to Truss Government - Reverse Anti-Landlord Policies

The National Residential Landlords Association with the support of SWLA has issued its formal congratulations to Simon Clarke, the new Housing Secretary.

Ben Beadle, NRLA chief executive, has issued an immediate warning to him about his policy priorities; "The new minister will need urgently to address the rental housing supply crisis. Damaging tax hikes and uncertainty over reforms to the Private Rented Sector are leading many landlords to leave the market when demand for rented homes remains high. All this is doing is increasing rents, making it more difficult for those wanting to become homeowners. The government needs to look afresh at the rental reform White Paper to ensure the plans in it have the confidence of responsible landlords. This needs to include action to tackle anti-social tenants, scrapping plans that would damage the student housing market, and reforming the courts to ensure legitimate possession cases are dealt with more swiftly."

Propertymark is also calling on the new Truss government to consider a new approach to the lettings supply crisis. Chief executive Nathan Emerson comments: "Our latest market insight reports show for every rental property available there are an average of 11 applicants, while home buyers outnumber sellers by seven to one. This is creating affordability issues, particularly in the Private Rented Sector. We believe that gap can be closed through measures that bring the many tens of thousands of long-term empty properties back and the introduction of focussed targets for new homes that are based on an identified need for each tenure across the country."

Meanwhile Maryon Lloyd Malcolm of London agency Lurot Brand has added to the advice for the new Housing Secretary. She says: "The introduction of EPC, EICR and new regulations affecting rental accommodation and landlords has been welcomed overall. However, the latest proposals and plans for system, grading and regulation is too 'one size fit all' given the variety of housing stock our country has. London will definitely bear the force of this. Landlords are already finding it difficult to stay on top of the all new regulatory improvements. Tenants too, who make up 47.3% of London households, are facing a serious lack of choice when it comes to renting and a circa 30% mark-up in rental price."

Another agent - Jack Reid, founder of Orlando Reid - adds: "The government needs to encourage landlords to return to the market in the short to medium term to help stabilise the market and limit the risk of homelessness. The current rate of price growth in the lettings market in London is the highest I have seen in the last decade and needs to be looked at by the incoming minister for housing [who] should make it easier and more cost effective to be a landlord over the next five years at least. This will also benefit tenants and normalise rental prices during a difficult time when it comes to household bills and the rate of inflation. They should consider reversing some of their policies such as reintroducing tax relief on their mortgages and reducing stamp duty on second homes."

SWLA are a members of the Independent Advisory Board along with the NRLA and other select associations in the Private Rented Sector. We regularly meet and lobby for fair and sensible legislation for landlords.

Article Abridged from Landlord Today

ANNOUNCEMENT

Oakfield Insurance Brokers Ltd have acquired the general insurance business of Excaliber Associates Ltd. **Same first class service, different name!**

- Cover for single lets, houses converted to flats, HMO's & portfolios
- Your local landlord insurance specialist based in Plymouth
- All tenant types considered including students, housing benefit & asylum seekers
- Access to over 20 providers of landlord insurance

PLEASE CALL OAKFIELD INSURANCE BROKERS FOR A QUOTE TODAY!

01752 717667

info@oakfieldinsurance.co.uk

www.oakfieldinsurance.co.uk

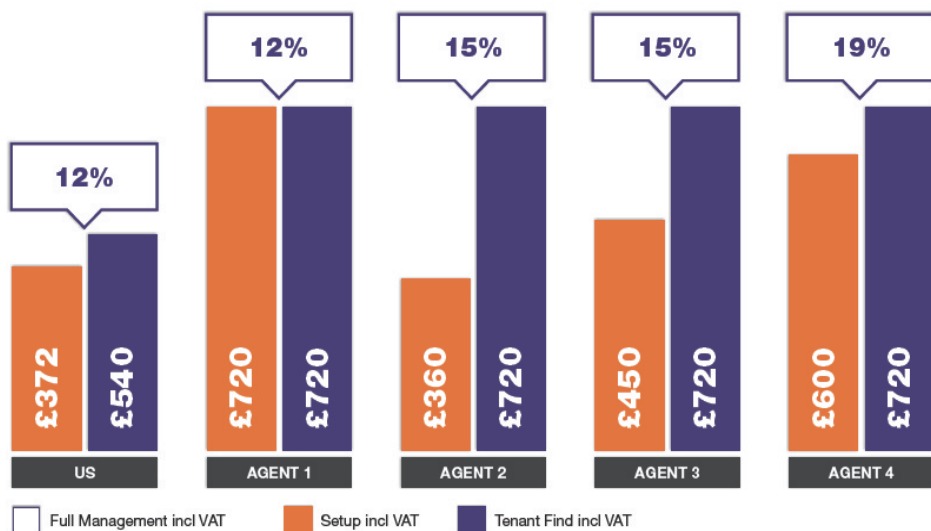


Oakfield Insurance Brokers is an appointed representative of Policystream Limited and is authorised and regulated by the Financial Conduct Authority under reference 667264.

Registered in England and Wales (registered number 9388917).
Registered Office 5, Waterside, Station Road, Harpenden AL5 4US.



PLYMOUTH ESTATES Compare Plymouth Estates competitive fees and outstanding service



Data taken from company websites. Correct at time of print.

Government Consultation Launched - A Decent Homes Standard in the Private Rented Sector

We encourage all SWLA members to participate and have their say! The consultation seeks views on the introduction and enforcement of a Decent Homes Standard in the Private Rented Sector in England.

The consultation closes at 11:45pm on 14 October 2022.

Consultation description: On 16 June 2022, the Government published 'A fairer Private Rented Sector – a landmark white paper for the Private Rented Sector – which sets out this Government's commitment to introduce a legally binding Decent Homes Standard to the Private Rented Sector for the first time.

This will improve parity with the Social Rented Sector where there has been a decent homes standard in place since 2001. The system will also be fairer for good landlords by making sure those who do not treat their tenants fairly are no longer able to get away with it, tarnishing the reputation of the sector as a whole.

The Government have undertaken a range of stakeholder engagement in the last 3 months, running a number of in-depth discussions with key organisations on how to apply a Decent Homes Standard to the Private Rented Sector. This consultation builds on that engagement and seeks further views on how to apply and enforce the standard in the Private Rented Sector where it is not already being met.

You can respond to the consultation on the gov.uk website. The information can also be found on the SWLA website news feed.

What are the Next Steps for the Rental Reform Act?

Government proposals for the Private Rented Sector were set out in a white paper called A Fairer Private Rented Sector. The policy paper was published on 16th June 2022 and detailed the Government's plans to 'fundamentally reform the private rented sector and level up housing quality in this country.' An inquiry into the proposals was launched in July, with landlords asked to submit their views by 19th August 2022.

What did the rental reform white paper propose?

The proposals included:

- Introduction of a Decent Homes Standard for the private rented sector
- Introduction of an Ombudsman for the Private Rented Sector
- Introduction of a Property Portal for landlords
- Introduction of the right to request to keep pets, which landlords must not unreasonably refuse
- Reformation of the system of tenancies and abolish no-fault evictions (Section 21)
- Reformation of the grounds on which landlords can take possession of their properties and better protect tenants from unfair rent increases
- The end of blanket bans on renting to families with children
- All tenants will be given the right to request pets in their residency, which landlords must not unreasonably refuse

What will happen next with the white paper?

An inquiry was held on Monday 5th September 2022, to make sure that the proposals laid out in the white paper will result in a fairer private rented sector. To do so, they heard from witnesses including: residents, renters, landlords' groups and local government representatives. It's a cross-party inquiry, looking at the current state of the PRS and the likely impact of Government reforms on it.

When can we expect the rental reforms?

After the inquiry, decisions need to be made about the details of the reform. They will have to decide:

- Are the reforms fair for both landlords and tenants?
- Will the reforms significantly improve the private rental sector?
- Will tenants be protected from unfair rent increases?
- Will an ombudsman speed up disputes and ease the pressure on the courts?

Once the decision has been made that these reforms will improve the sector, they will start moving towards becoming the law. However, it may be a little while before we see the impact because they will take time to pass and to set up the logistics.

We recommend that all members participate in upcoming consultations to make your views heard. It's too late once the legislation is in place! We will keep our members informed with any developments.

Article Abridged from Mashroom

**OVER 50,000
PRODUCTS,
7 DAYS A WEEK**
making big jobs smaller.



Including everything
you need for your **property
maintenance** and **refresh jobs**.

**GET
10%
OFF**

As a member of
SWLA

you get **10% OFF** almost every
product at **TradePoint**

SWLA
South West Landlord Association

**ALL YOU NEED,
WHEN YOU NEED IT.**

**TRADE
POINT**

*Excludes delivery, gift cards, concessionaires, selected Smart Home products, digital content and selected made-to-measure products. Offer cannot be used in conjunction with any other voucher or customer discount card. Visit www.atthepoint.co.uk/property for the full list.



AT HOME
PROPERTY

FREE VALUATION

01752 777070

www.athomeproperty.com

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

arla | propertymark

PROTECTED



Plymouth Homes are ARLA Propertymark Agents and hold a client money protection scheme.
We adhere to The Property Ombudsman Code of Conduct and are recognised as safe Agents.

Five Ways Private Landlords Can Save Money on Tax

With prices across the board rising faster than they have for decades, many of us are watching the pennies more carefully, tightening our belts and looking for ways to cut costs. It may well be possible to reduce your tax costs, possibly in ways you hadn't yet considered.

1 Claim all your allowable expenses Fortunately, many products and services you need to buy to rent out your property can be claimed as "allowable expenses", which you deduct from your profits to help minimise your yearly tax bills.

Allowable expenses for landlords include general property maintenance and repairs (but not improvements), water rates, council tax, possibly gas and electricity, insurance, gardening and cleaning services, letting agent/management fees, legal fees for lets of a year or less, accountancy fees, rent (if you're sub-letting), ground rents and service charges, advertising when looking for new tenants, stationery, property rental-related phone calls and mileage.

Visit the gov.uk to find out more about allowable expenses you can claim.

Poor expense management can also mean you're not claiming for all deductible expenses. Be sure to record all expenses and retain receipts and invoices, so that you don't forget to claim any. Many apps and software allow you to use your smartphone to photograph, store and record receipts, which ensure that you never miss any out.

2 Claim for 'home office' expenses You can claim allowable expenses for operating a small office in your home to take care of business admin relating to renting out your property. Many private landlords do it. Based on how much time you use your home office, you claim for a share of total costs for your rent or mortgage interest payments, water rates, domestic heating and lighting, broadband and phone calls. Stationery and office furniture can also be claimed as an allowable expense.

3 Claim for other allowances and reliefs You can claim the property allowance, which is a tax allowance worth £1,000 a year. If you claim the property allowance, you can't claim for allowable expenses, but if you have few allowable expenses and the mortgage is paid, the property allowance can be worth claiming. If you own the property with your partner or spouse and split the profits, you can both claim the property allowance.

Landlords can't claim the costs of replacing furnishings or equipment in a furnished or part-furnished rental property as an allowable expense, but they may qualify for full Replacement Domestic Items relief for replacing sofas, beds, carpets, curtains, fridges, washing machines, sofas, crockery, cutlery, etc, as long as the quality is comparable, not superior. Such replacements should not come out of your own home or pocket. Visit the gov.uk website for more information about Replacement Domestic Items relief.

4 Claim for void periods The extreme disruption caused by the pandemic meant that some landlords were left with empty rental properties for many months. If you were among them and you still had to pay expenses such as electricity, gas, water and council tax, make sure you claim for these expenses if you haven't already.

And like many other UK landlords, you may have made significant losses in recent years as a result of the pandemic. These losses can, of course, be carried forward and claimed against subsequent years when you have made a profit. If you own more than one property, expenses for one property can be offset against income from another. You can read the HMRC guidance on setting losses against future profits.

5 Transfer ownership into a limited company You need to carefully crunch the numbers to find out which option is best for you. Transferring ownership of your property into a limited company can be more tax-efficient, but you need to factor in all other costs, such as accountancy fees, which can be higher because more tax admin is required. More importantly, you also need to consider stamp duty and capital gains tax if you sell property to a limited company that you set up.

If the company needs to take out a commercial mortgage, it's likely to be more expensive, too. You also need to consider the tax implications if you later sell the property. If you own one or two rental properties, transferring ownership to a limited company probably isn't worthwhile. But if you have a portfolio of more rental properties, transferring ownership to a limited company could prove much more tax-efficient.

Article By GoSimpleTax - the digital solution for Landlords to record income, expenses and file their self-assessment giving hints on savings along the way. Software submits directly to HMRC.

No Concession for Student Landlords Under Tenancy Reform Plans

The Department for Levelling Up, Housing & Communities (DLUHC) has dismissed concerns from HMO student landlords that its plans to bring in periodic tenancies will damage the sector. Under the proposals, students will be able to give two months' notice at any time, making finding a replacement very difficult. Students will also be able to remain in the property after the end of the academic year as there will be no fixed term.

In its response, the DLUHC explains that while it expects most students to continue to move in line with the academic year, some might face circumstances beyond their control and will need to vacate a property early, or could be locked into contracts for poor quality housing. A department spokesman says: "Some students have families, local roots, live with non-students, or have other reasons why they may wish to remain in the property. We do not think it would be fair to apply different rules to students who often require the same level of security as other tenants, or face poor standards within the private rented sector. Therefore, all students who are renting a private home will have periodic tenancies, providing the same certainty as all other tenants will enjoy."

It adds that it is fair to exclude purpose-built student accommodation landlords who have joined government approved codes of practice from the new regime as these codes set, "vigorous standards for the safety of student accommodation, the management of the property and the relationship between managers and student tenants".

SWLA hope that this decision within the Rental Reform is rethought, so that students and landlords can continue to secure their next academic year's tenancies early and have some certainty with their accommodation/letting plans. We have submitted our concerns on this matter to the Government.

Article Abridged from Landlord Zone



For many years Landlord [Insure UK](http://www.landlordinsure.co.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

Website: 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.

Winter Rent Freeze in Scotland

Nicola Sturgeon has announced an emergency rent freeze in Scotland and a temporary ban on evictions to protect tenants during the cost-of-living crisis. The freeze on rents and eviction ban will come into force immediately in both the private and social rental sectors and are expected to last until at least 31 March 2023. Nicola Sturgeon revealed the emergency measures to the Scottish Parliament on 6th September 2022.

Price controls in Scotland have been mooted as a solution to helping tenants with rising rents since the pandemic, although they were voted down earlier this year by the Scottish National Party, Greens and Conservatives. Rents in the country rose by 12.3% in the year to July amid a chronic shortage of properties to let, with the average tenant paying £824 a month, according to the agency Hamptons.

However, experts have raised concerns that rent freezes and eviction bans will push more landlords out of the sector, compounding the shortage of rentals and pushing rents higher in the long term.

Will England Follow Suit?

A Conservative MP has already called for a rent freeze in England. Natalie Elphicke - in an article on the Conservative Home website - says she wants to see "a newly shaped Department for Housing and Households" which would "robustly challenge the total costs of household bills."

She calls for the "freezing all rents at their current rates for up to two years. In addition, no property could be re-let at a higher price during that period. This would ensure that the rent freeze cannot be circumvented by re-letting." She claims this would save around £2,000 for the average renter, and up to £4,000 in London.

Article Abridged from The Telegraph

Properties Required in Bristol

Family homes required with three or more bedrooms.

Bristol City Council are looking to lease properties and can offer the following: 12 months' rent in advance, up to a two-year contract, void period cover, regular property visits to help avoid any issues that may occur during occupation, two month annually renewable deposit bond scheme, a reimbursement of landlord insurance, advice on tenancy issues and good letting practice, competitive rent levels.

Property requirements: must include white goods, be furnished where possible (will also consider unfurnished), include window and floor coverings, ideally in Bristol but may also consider the surrounding areas. Owners must manage the property or have an agent managing it.

For further enquiries please contact: ***private.renting@bristol.gov.uk***

Properties Required in Torbay

Torbay Council urgently require properties for a variety of local families, couples and single people looking for permanent homes. Torbay is in the midst of a housing crisis: there aren't enough homes for people in need of one or those who are homeless or at risk of homelessness.

All properties required, from rooms in shared houses to six-bed family homes.

Whether you're a new landlord or have been doing it for years, the council understands every landlord is different, so its dedicated point of contact will work with you to find the right tenancy for your needs.

There are great benefits for landlords, including: full control over who moves into the property, a tenant suitability and affordability assessment, a five-week deposit and one month's rent in advance, legal guidance, ongoing support, minimal rental gaps, property assessments, tenancy reviews.

For further information contact Torbay Council ***landlordliaison@torbay.gov.uk***

Guilty - Landlord Illegally Evicted Tenant During Covid Eviction Ban

A landlord has been found guilty by a jury of illegally evicting their tenant during the COVID-19 pandemic. Dr Amy Eskander let one bedroom from her two-bedroom flat between February 2019 and September 2020 and kept a locked bedroom in the apartment for herself. Her tenant was asked in June 2020 for a rent increase, and when he said he was unable to afford it, Eskander told him he had to leave and sent him a text message giving a deadline of 12 August 2020.

The tenant continued to live at the apartment beyond that date and pay his rent, and on 18 September 2020 whilst he was at work, he received a text from Eskander to confirm that she had changed the locks and removed his possessions from the apartment. The tenant alerted Warwick council, which had already issued a warning letter to the landlord advising her that she needed to obtain a Possession Order from the County Court if she wanted to evict her tenant.

Eskander had tried to argue that she shared the flat in Kenilworth with her tenant as her principal or only home and therefore he should not be afforded legal protection from eviction. However, a court has now heard evidence that Eskander had signed an assured shorthold tenancy at a premises in London and had provided evidence in official documents that her home was in London and later in Plymouth.

The prosecution's case was that she rarely visited the apartment, and the tenant often sent her mail onto addresses where she was living in London and Plymouth in connection with her work placements at local hospitals.

The matter was brought before Magistrates in 2021 when Eskander elected to have the case heard in the Crown Court. A jury unanimously returned a guilty verdict at Leamington Crown Court after a five-day trial.

Sentencing will be announced later this month.

Article Abridged from Landlord Today

Landlord's £24,000 Penalty after Barnet Council Prosecution

A landlord has been ordered to pay £24,000 in a fine and costs after Barnet Council inspectors found he had been housing five tenants in a dangerous property. They discovered issues including damaged doors and an insecure front door at the HMO. Officers reported an overbearing smell and a first-floor landing blocked by so many items that a tenant had to climb over them to enter and leave his room. The conditions were so dangerous that the council served an Emergency Prohibition Order requiring the tenants to immediately leave the property for their safety.

The landlord was found guilty of four offences. He was also made to attend training and obtain accreditation through the London Landlord Accreditation Scheme as a condition of securing his HMO licence from Barnet Council.

We remind our members to carry out periodical maintenance and safety checks on their properties. Problems such as landing blocking can be spotted and easily prevented before they become a health and safety issue.

Article Abridged from Barnet Council

Landlord to Pay £41,000 and Given Suspended Sentence After Illegal Conversion

A landlord who got tenants and neighbours to back up his false application for a property licence has been handed a 22-month suspended sentence. Wasib Iqbal was convicted of three charges of fraud relating to a house which he converted into self-contained flats without planning permission. He then lied about the date of the conversion in a bid to escape enforcement when applying for the licence.

Snaresbrook Crown Court heard that Waltham Forest Council's audit and fraud team used evidence from historic Google Street view pictures proving conversion work had not taken place in 2012 when Iqbal claimed it had, but instead started in 2014. This meant that he could not escape sanction under a rule that provides immunity against planning enforcement action if four years has passed since the breach occurred.

During sentencing, Circuit Judge Canavan criticised Iqbal for involving others in his unlawful behaviour by producing witness statements from neighbours supporting his claim that the property was converted much earlier.

Along with the suspended sentence, Iqbal was handed a £35,000 confiscation order, ordered to do 200 hours of community service and to pay £5,902 in costs. A fourth charge of falsifying letters from UK Power Networks remains on file.

Article Abridged from Landlord Zone

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

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 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 at GL Law is well regarded for his work with landlord disputes, including dilapidations claims, lease renewals and forfeiture claims. Contact Richard for a free initial conversation by calling 0117 906 9400 or email r.gore@gl.law

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 September 2022

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, visit our website 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.