

Summer 2023

A great June with lots of sunshine enabling landlords to complete those external works to roofs, rainwater goods, gutters, render and gardens. July brought high winds, torrential rain and a 'hosepipe ban'. Let's blame climate change and not the Government!

Many of our members signed up for the recent online legal update course. Lots of information, copious notes, and excellent feedback. As landlords, please don't bury your head in the sand regarding legislative changes and compliance. All future course dates are on the SWLA website training area.

SWLA's website, emails, Facebook page and this Bulletin keep members abreast of current legislation and upcoming changes. High on the agenda is the cost of living and energy crisis, and the Renters (Reform) Bill. Changes to EPC ratings and minimum standard dates with expenditure levels have been mooted but as yet are not confirmed. It looks positive and we live in hope. Michael Gove, Secretary of State for Levelling Up, Housing and Communities has outlined his vision for the Renters (Reform) Bill and how it will work in practice. 'It will be a relationship between landlord and tenant with a common interest, where a property can be a Home, Investment, Precious Security, Shelter and Haven'. He pledged 'The Bill will protect the vast majority of Landlords, making it easier for possessions for anti-social behaviour and tenants wilfully not paying rent'. As The Bill progresses, we will see! And keep you informed.

On a lighter note: the SWLA Summer Open Office event on 12th July 2023 was a great success with members enjoying cream teas and meeting the staff and committee. The next opportunity to meet is the General Meeting at the Future Inn @ 7:30pm on Wednesday 18th October 2023. There will be two good speakers and liquid refreshments. SWLA members and their guests welcome.

Upcoming SWLA Training Course

Landlord Accreditation Training Course
Thursday 19th October 2023 – 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 finish 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.

September 2023

Guest Article by Martyn Taylor, Ashley Taylors Legal

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Legal Aid Now Available for All Tenants Facing Eviction

Apprehension Surrounding the Court Systems Ability to Effectively Manage Possession Cases

Guest Article by Martyn Taylor, Ashley Taylors Legal

There's a huge amount of proposed new legislation flying around at the moment and it's enough to make anyone's head dizzy. It's not just the amount of proposed legislation, but the complete uncertainty of what it will actually look like when it passes through Parliament - and that all important question – when?!

Plus, of course, all the new legislation will require the traditional transition phase for existing tenancies at the time, and new tenancies from the implementation date, creating a two-rule system for at least one to two years.

I have been watching a huge selection of webinars on the Renters (Reform) Bill with interest, and hearing speakers talk with authority on something which is not yet fixed or certain and it's really serving to create more uncertainty and panic within the Private Rented Sector (PRS). Given that both Labour and Conservatives have somewhat differing ideas about the PRS, a lot will depend on the outcome of the general election next year as to whether the changes to what's currently proposed will be major or minor.

Let's just accept, for the moment, that the Section 21 Notice is going. It's been going since 2019 and there's no doubt, it will go.....eventually. The rest, well, we'll wait and see but we do know there will be enhanced Section 8 grounds and a few other additions to protect tenant's rights. I am well versed on the current proposals and will be delivering a webinar on that subject in December when we know a little bit more – SWLA will email all members with the date. Let's deal with another "maybe at some time in the future plan"

MEES (Minimum Energy Efficiency Standards)! You may remember that the intention was to increase the minimum Energy Performance Certificate (EPC) rating for rented properties from E to C for new tenancies from 2025 and from 2028 for existing tenancies. Well, no prizes for guessing that this may be delayed.

A consultation was run in 2020 and - as yet - has had no response published. We are promised a summary of responses later this year by the Energy Minister, Andrew Bowie. The intention was to give landlords until 2028 to bring existing lets up to a rating of C, but the view is now that landlords may need a "greater degree of breathing space" to do so. One might ask, no matter which side you are on, just how many years does one need to bring a property up to standard. Surely, it's a matter of cost not time?

There has been some interesting data published recently, showing a marked increase of the number of property rentals with the rating of C and another piece of data saying that more than 50% of the Private Rented Sector (PRS) is in fact on a rating of below C.

For those of you thinking of investing or increasing your portfolio, maybe the moral there is to buy a property with a rating of C or better to start with, and not only will you be saving a lot of improvement costs later, it's probably easier to get a mortgage as well.

For those with ratings of below E at the moment, and no doubt this will apply later to those of below C (don't hold your breath on that one as it'll be a real cost to the Government), have a look at the government guidance www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance which shows you what you can do and what help there is available. The Government has indicated, i.e. has not yet confirmed, that there will be a cost cap for the upgrades of £10,000.

Let's backtrack a moment. This next point is expected to come in with the Renters (Reform) Bill and some of you may remember the Decent Homes Standard proposals which were mentioned in the 'Decent Homes Standards in the Private Rented Sector' consultation. One section deals with the 'appropriate degree of thermal comfort' which I presume is technical speak for heating. There is talk of combining the MEES into that standard, which to be honest, makes sense.

So, the bottom line right now is - think and outline a plan for the future, but don't get too stressed or worried about it, and certainly don't plan in detail yet. In my view, a lot of the changes proposed will not make a lot of difference to your investment and as I look at it currently, the safeguards are sensible and whilst details are missing, it is broadly operable.

Article by Martyn Taylor, Ashley Taylors Legal - Landlord and Tenant Specialist Since 1980

Does a Lack of Carbon Monoxide Alarm Fail a Landlord Gas Safety Check?

No. The landlord's gas safety record is an annual report required to confirm that the gas appliances at a property are safe to use. The engineer is required to complete the appropriate tests on the appliances and record the results on the report to confirm that they are working safely. Many records have the option to record CO alarms within the property, however, this is an option, it is not mandatory.

If there are no CO alarms installed, this does not in itself deem the appliances to be unsafe. Gas engineers should choose 'no' on the report in the field where it asks if a CO alarm is fitted. Gas engineers can also highlight this in the section for remedial work required (to alert the landlord). It is the landlord's responsibility to ensure that a CO alarm is fitted where required.

We remind members that since 01 October 2022, a CO alarm must be fitted in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers). Fixed combustion appliances include gas boilers.

Landlords should make an informed decision and choose the type of CO alarms based on the needs of their building and their tenants. Landlords must ensure 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.

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

The regulations require landlords to ensure alarms are equipped, and to check that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy. Landlords should keep a record of the supply and testing of the alarm.

Article abridged from the Gas Safe Register

'Inflation' and 'Interest Rates' by Calum Levy, Excaliber

Whilst inflation is falling, albeit not nearly as fast as it needs to be, the latest labour market data has shown a 7.8% increase in wages in June. Though this is not strictly in 'real' terms (adjusted for inflation), this is part of a pattern that has the financial sector worried.

At the start of the year, we were told that perhaps the Bank of England Base Rate will level off at 4-4.5%, which has since increased all the way to 5.25%, and with this latest string of wage data and inflation still hanging around at 6.8%, many in the industry are expecting rates to climb a couple more times before levelling off. This is of course, reliant on inflation not becoming 'sticky' which is linked to the base costs of manufacturing, both domestic and foreign.

With such incredibly high rates on larger sums of lending compared to the past, yields are being stretched and squeezed. Lenders are currently dropping their rates to attract business, as their pipelines are being stripped (so I have been told by several business development managers in the past couple of weeks). This is a welcome reprieve, or is it?

Lenders are plastering large arrangement fees on their products, with fees of up to 7% deterring highly geared portfolios in droves. Will this last? Will rates drive down lower?

Has the lowering of lender's rates indicated a decoupling that will continue? Time will tell. I think not, and I would always recommend looking at your portfolio with a professional to see how you might be able to structure or restructure it to build a resilient and reliable investment moving forward through the uncertain future.

Article by Calum Levy, Mortgage Adviser, Excaliber Associates Ltd

Housing Health and Safety Rating System (HHSRS) – Local Authority Carrying Out Inspections in the Private Rented Sector

We have received numerous calls recently from concerned landlords whose rented properties are being, or have been, inspected by the Local Authority.

Inspections are normal and nothing to panic about. Work with the Local Authority and carry out any improvement suggestions that are made to you.

The Local Authority will be assessing the property on the HHSRS hazards, which you can read about in depth on the gov.uk website 'Housing health and safety rating system: guidance for landlords and property-related professionals.' It's a risk-based evaluation tool to help Local Authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

There are 29 hazards as follows:

- (1) Damp and mould growth - this includes threats to health from house dust mites and mould or fungal spores resulting from dampness or high humidity.
- (2) Excess cold - threats to health from sub-optimal indoor temperatures.
- (3) Excess heat - threats to health from excessively high indoor air temperatures.
- (4) Asbestos and manufactured mineral fibres (MMF) - covers the presence of and exposure to asbestos fibres and manufactured mineral fibres within dwellings.
- (5) Biocides - this covers threats from those chemicals used to treat timber and mould growth, but not insecticides or rodenticides used to treat pests.
- (6) Carbon monoxide and fuel combustion products - includes hazards from the presence of excessive levels in the indoor atmosphere of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke (not smoke from cigarette or pipe smoking).
- (7) Lead - threats to health from the ingestion of lead e.g. from lead based paints or pipework.
- (8) Radiation - covers threats from radon gas and its daughters primarily airborne. The Operating Guidance states there is no evidence to justify including electromagnetic fields from power lines or mobile phone masts. Leakage from microwave ovens might be considered where the oven is provided by the landlord, but the incidence of significant microwave leakage is very rare.
- (9) Un-combusted fuel gas - covers the threat of asphyxiation resulting from the escape of fuel gas.
- (10) Volatile organic compounds - this covers threats from a diverse range of organic chemicals including formaldehyde, which are gaseous at room temperature and can be found in a variety of materials in the home.
- (11) Crowding and space - covers hazards associated with lack of space within the dwelling for living, sleeping, and normal household life.
- (12) Entry by intruders - covers difficulties in keeping a dwelling secure against unauthorised entry.
- (13) Lighting - includes threats to physical and mental health associated with or inadequate natural or artificial light.
- (14) Noise - includes threats to physical and mental health as the result of exposure to noise inside the dwelling or within its cartilage.
- (15) Domestic hygiene, pests, and refuse - this covers hazards resulting from poor design, construction, and layout so that the dwelling cannot be readily kept clean; access into and living places within the dwelling for pests; and inadequate and unhygienic provision for storing and disposal of household waste.
- (16) Food safety - covers threats of infection resulting from inadequacies in provision and facilities

for the storage, preparation and cooking of food.

(17) Personal hygiene, sanitation, and drainage - includes threats of infection and to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation, and drainage but not problems of pests associated with defective drainage.

(18) Water supply for domestic purposes - covers the quality and adequacy of the supply of water within the dwelling for drinking and domestic purposes, such as cooking and washing. Quality includes threats to health from chemical and microbiological pollutants.

(19) Falls associated with baths etc - this covers any fall associated with a bath or shower or similar facility.

(20) Falls on level surfaces - includes falls on any level surface such as floors, yards, and paths, and includes falls associated with trip steps, thresholds, or ramps where the change in level is less than 300mm (about one foot).

(21) Falls associated with stairs and steps - covers any fall associated with stairs, steps and ramps where the change in level is greater than 300mm (about one foot) and includes falls associated with internal stairs and ramps, external steps and ramps within the curtilage, internal common stairs or ramps in the building containing the dwelling, including internal and external stairs providing a means of escape in case of fire or access to shared amenities. It includes falls over balustrading on stairs or steps but not falls over balconies or from landings.

(22) Falls between levels - covers falls from one level to another inside or outside the dwelling where the difference in level is more than 300mm (about one foot), e.g. falls out of windows, from balconies, landings and accessible roofs.

(23) Electrical hazards - includes hazards from shock and burns resulting from exposure to electricity including lightning strikes.

(24) Fire - covers threats from exposure to uncontrolled fire and associated smoke in a dwelling, including injuries from clothing catching alight on exposure to an uncontrolled fire, but not injuries caused by clothing catching alight from a controlled fire or flame, such as when reaching across a gas flame on a cooker. This hazard covers defects to the electricity supply, meters, fuses, wiring, sockets or switches.

(25) Flames, hot surfaces, and materials - covers threats of burns caused by contact with a hot flame or fire and contact with hot objects or non-water-based liquids, and scald injuries caused by contact with hot liquids and vapours.

(26) Collision and entrapment - includes risk of physical injury from trapping body parts in building features such as doors or windows and from striking or colliding with objects such as windows, doors, low ceilings, low door frames and walls.

(27) Explosions - covers the threat from the blast of an explosion, from the debris generated by the blast and from the partial or total collapse of a building as the result of an explosion.

(28) Ergonomics - includes threats of physical strain associated with functional space poor location of fittings and amenities and other features in dwellings.

(29) Structural collapse and falling elements - covers the threat of the whole or part of the dwelling collapsing, or of an element or part of the fabric being displaced or falling because of inadequate fixing, disrepair or as the result of adverse weather conditions.

EPC Upgrades – What Action Should Landlords be Taking?

Mick Quick, Plymouth EPC Assessor, reassures SWLA members that it's likely that in most cases, it will not cost thousands to increase the rating of EPCs as there could be a simple fix of adding heating controls, adding loft insulation, upgrading old boilers etc.

Mick recommends that landlords get an initial survey to see what can be done to improve the EPC and property before spending thousands on complex upgrades.

Mick also recommends that landlords get a new EPC assessment carried out when the current one expires; for the cost of a survey and EPC that lasts ten years, it's worth having the foresight to give a clearer view of what can be done to improve the EPC rating and prevent any upset when there are changes in Government legislation.

Information from Mick Quick, Tech Surveys

01 October 2023, the Next Stage of the Building Safety Act Will Apply

This has implications for landlords who have control over the communal parts of buildings (the responsible person). Typically, in the PRS this will mean landlords who let properties by the room.

Section 156 of the Building Safety Act updates the requirements around the performance of fire risk assessments and the provision of information to tenants about fire safety risks.

The new requirements mean that the responsible person must:

Record their completed fire risk assessment in writing, and in full (previously only specific information was required to be recorded).

Record the identity of the individual or company that has performed the fire risk assessment.

Demonstrate how fire safety is managed in the premises.

Share their contact information, including a UK based address with premises other responsible persons (if applicable) and the tenants.

Take reasonable steps to identify any other responsible persons in the same building.

Share all relevant fire safety information with incoming responsible persons when giving up control of the property.

Provide tenants with relevant fire safety information in a format that is easily understood.

The relevant fire safety information for tenants is:

The risks identified by the risk assessment.

The preventive and protective measures in place.

The name of the responsible person and a UK address where they, or their representative, can accept notices and documents.

The identity of any person appointed to assist with the risk assessment.

The identity of any competent persons nominated by the responsible person.

Any risks informed to the responsible person.

Any other matters specified in regulations made by the relevant authority.

Please note that, for landlords in England, this is in addition to the information that you are already required to provide because of the Fire Safety (England) Regulations 2022.

Competency of Fire Risk Assessors

Further updates around the competency of fire risk assessors employed by the landlord are also expected in the future. No date for this has been set but, in practice, most HMO landlords already employ a qualified professional to perform these risk assessments.

Article abridged from NRLA



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Cannabis Cultivation: What's the harm?

On the same day the national news headlines featured the seizure of £130 million in cannabis plants across the UK, the South West Regional Organised Crime Unit (SWROCU) was exhibiting at the Rent Smart Devon landlord event, Exeter Racecourse, to spread the word amongst landlords and letting agents about the dangers of cannabis cultivations within domestic properties.

Any property can be vulnerable to cannabis cultivation but there's a concerning statistic that 94% of cannabis farms are located in domestic properties.

The SWROCU were one of many law enforcement agencies involved in the national operation targeting organised crime groups (OCGs) involved in growing cannabis. In the South West alone, the operation led to 67 arrests and £6.8 million worth of cannabis and weapons being seized.

OCGs involved in cannabis cultivation not only drive violence and antisocial behaviour in our communities, they also endanger the lives of people in neighbouring properties. Crucially, they exploit vulnerable people who are the victims of modern slavery, human trafficking, and organised immigration crime.

As well as actively pursuing the criminals involved, the SWROCU want to raise awareness of the hazards these growers pose by substantially increasing the risk of fires within properties. Often the electricity meter is bypassed, and electrical circuits overloaded to support the high-intensity lights, fans, and irrigation systems.

If you suspect your property may be being used to grow cannabis, ask yourself the following:

- Does your tenant wish to pay cash up front for the rent and/or ongoing instalments in cash?
- Does your tenant ask for complete privacy or prevent any inspection of the property even when given reasonable notice?
 - Is mould, condensation, and excess humidity visible from outside of the property?
 - Has the tenant installed extra security measures which may seem excessive, such as an increased number of locks or window bars?
 - Have neighbours made any complaints surrounding noise and light pollution?
 - Have windows and vents been sealed or blocked to prevent both heat in the property and the smell of cannabis escaping?
 - Have there been any complaints about disruptive visitors to the property late at night or at other odd times in the day?

The consequences for landlords in both financial and legal terms by not taking action can be catastrophic. Therefore, it's really important to report any suspicions you have about your own property or those in neighbouring premises to your local police force online or via 101.

If you would like to remain completely anonymous, you can report any information to the charity Crimestoppers on 0800 555 111 or online at [crimestoppers-uk.org](https://www.crimestoppers-uk.org). The guarantee of anonymity means calls or online information can't be traced and the only person who knows you called will be you.

Along with the South West's five police forces and working with the Police and Crime Commissioners and independent charity Crimestoppers, SWROCU will continue to target and disrupt OCGs who are causing misery and harm in our communities, but they can only do that with the information provided by the community.

Article by the South West Regional Organised Crime Unit (SWROCU)

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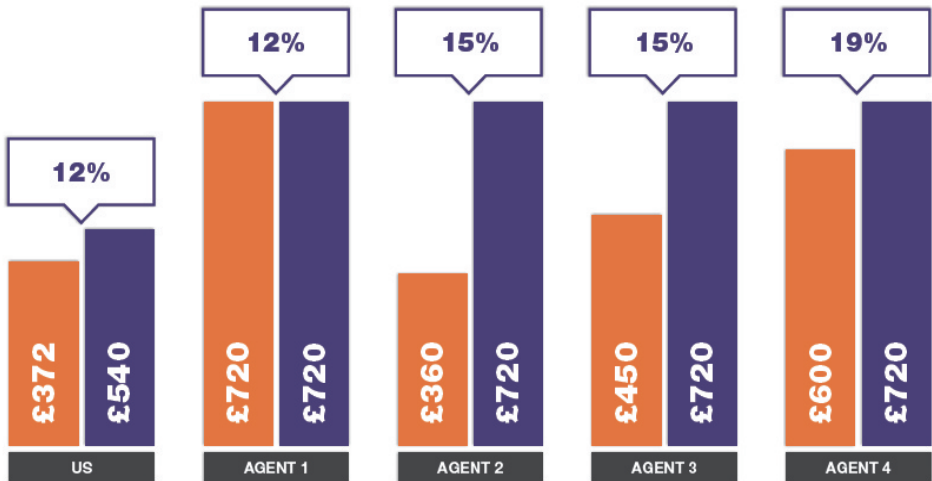


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Does your property meet the Minimum Energy Efficiency Standards (MEES)? Get tailored support to find out

The Centre for Sustainable Energy (CSE) has partnered with the Tenancy Deposit Scheme (TDS) Charitable Foundation to advise and support landlords of privately rented properties to help them understand and meet MEES obligations. MEES stipulates that privately rented homes must have a minimum EPC rating of E before they are let.

The main aim of MEES is to help reduce the number of renters who struggle with high energy bills and live in cold and unhealthy homes. Everyone wants to make rented homes more energy-efficient, which can save money and prevent issues like dampness and mould. Both landlords and tenants benefit from better energy efficiency.

When properties are well taken care of, they're cheaper to run and have fewer problems. This also means that people who live in them are healthier, and it helps to reduce the likelihood of fuel poverty. When homes are properly insulated – residents stay warmer and healthier.

If you're a private landlord renting out a domestic property on an assured tenancy, regulated tenancy or domestic agricultural tenancy, CSE can help you to:

- Understand MEES and how to comply
- Check the EPC of your property
- Receive tailored advice on how to make your property more energy efficient.
- This includes advice on energy-saving measures and reducing damp and mould
- Assess whether you're eligible for any funding for installing energy efficiency measures. And where appropriate, can make referrals to funded schemes on your behalf

For full information on the support CSE can offer you, visit www.cse.org.uk/support-for-landlords or email luke.buckler@cse.org.uk
Article by The Centre for Sustainable Energy

Escape of Water Risks – Have you assessed your rental property? By Jeremy Wood, Oakfield Insurance

In the June bulletin, I dealt with the issue of the increasing cost of landlord insurance. One of the key factors affecting this is escape of water claims - the Association of British Insurers reports that Insurers are paying out £1.8m every day for escape of water claims. A leading landlord insurance provider reported that 'escape of water claims' account for one in three of all claims they handled.

The primary causes are;

- Poor installation of appliances
- Poor workmanship
- Lack of maintenance
- Properties left unoccupied for a lengthy period

Suggested actions that you can take to help reduce the risk of an escape of water happening at your rental property;

- Check that all appliances have been correctly plumbed in using the correct fittings
- Use a reputable tradesman for all plumbing work
- Visually inspect all accessible piping and kitchen/bathroom fittings on a regular basis to ensure no leaks or obvious corrosion
- Ensure that your tenant knows who to report any issue to immediately as soon as it is discovered
- Ensure all exposed water pipes are sufficiently insulated (in unheated areas of your property)
- Regularly inspect any unoccupied property. Ideally, either turn off the water and drain down the system or leave the central heating operating – this should be carried out in compliance with any terms prescribed by your insurers

If you have any questions or would like an insurance quotation for your let property, please contact Jeremy on 01752 717667.

Article by Jeremy Wood, Oakfield Insurance Brokers Ltd

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Rent Increases

We receive many calls about how to increase rent. If in doubt, give us a call! There are a few options depending on the type of tenancy agreement. Assuming that members are using the SWLA documents, our Assured Shorthold Tenancy (AST) agreements are fixed term, and then become statutory periodic unless a new replacement tenancy is agreed. This advice is based on landlords using the SWLA AST.

You cannot increase the rent in the fixed term unless the tenant agrees.

The rent can be increased by the following methods;

- Offer a new AST with the increased rent (tenants are not obliged to agree to a new AST, so technically a new AST is by agreement with the tenant)
- Negotiate a rent increase with the tenant, if both sides agree and the rent is paid at this higher amount, the increase has taken effect.
- Issue a Form 4, Landlords Notice Proposing a New Rent outlining the details under Section 13 of The Housing Act 1988.

Form 4

This notice must give the tenant a minimum of one months' notice of the rent increase (if the tenant pays weekly or monthly). The increase must start at the beginning of a rental period. For instance, if the tenancy is monthly, and started on the 20th of the month, rent will be payable on that day of the month, and a new rent must begin then, not on any other day of the month. If the tenancy is weekly, and started, for instance, on a Monday, the new rent must begin on a Monday.

Note - If a tenant pays yearly, a minimum of 6 months' notice must be given.

Note - For a billing period of more than one month but less than a year, the notice is the same as the billing period.

You can only use a Section 13 rent increase once per year.

You cannot increase the rent via Section 13 in the first year of the tenancy.

You can serve the notice in the first year of the tenancy, but the rent increase must not take effect until the fixed term has ended and one year has passed since the start of the tenancy.

Upon receiving a Section 13 rent increase proposal, the tenant can refer the notice to the tribunal and has until the rent increase date to do so. The tribunal will consider the tenants application and decide what the maximum rent for their home should be. In setting a rent, the tribunal must decide what rent the landlord could reasonably expect for the property if it were let on the open market under a new tenancy on the same terms. The tribunal may therefore set a rent that is higher, lower or the same as the proposed new rent.

Rent increases should always be kept fair. In the current mortgage climate, some landlords have had no choice but to increase rent more than they would usually. Keep in touch with your tenants and keep communication open.

For further information on rent increases, see the gov.uk website or raise a query with us.

Membership Renewals

It's that time of year again! 2023-2024 membership renewal payments are due by 01 November 2023: £50.00.

How to pay-

BACS - (Please quote your name/membership number as the reference) to:

Account Name: SWLA Sort Code: 20-68-10 Account Number: 50498610

Cheque - payable to 'SWLA':

SWLA, 30 Dale Road, Plymouth, PL4 6PD

Card - You can call the office and pay by card over the telephone. Opening hours 10am – 3pm Monday to Friday.

A receipt for your renewal payment will be sent by email.

National Trading Standards Issue New Property Advertising Guidelines

In a bid to enhance transparency and coherence in the property advertising landscape, the National Trading Standards Estate and Lettings Agency Team (NTSELAT) has introduced fresh guidelines focusing on terminology used in property advertisements, particularly in the realm of lettings.

The heart of the guidance revolves around three specific terms that are frequently employed within the context of lettings.

1. **Under Offer:** According to NTSELAT, this term should be applied to a property that has received an offer under consideration by the landlord. However, the property is still typically available on the market, implying that further offers could be entertained based on the landlord's instructions. The use of this description is only appropriate until the offer is either accepted or declined.
2. **Let Agreed:** In this context, NTSELAT defines "let agreed" as a property where the landlord has tentatively agreed to enter into a rental agreement with a prospective tenant. However, this agreement is contingent upon subsequent checks and referencing. The utilization of this term does not hinge on a holding deposit having been received from the prospective tenant.
3. **Let:** This term refers to a property where both the landlord and tenant have formally entered into a binding rental agreement.

The scope of the guidance also extends to terms employed in both lettings and sales scenarios:

1. **New On The Market:** This phrase pertains to a property that has not been advertised since its last sale or letting. The description should be reserved for a short timeframe.
2. **New Instruction:** This term designates a property where an agent has recently received instructions to market, even if the property may have been previously offered for sale by a different agent without a successful sale or letting. This description is applicable only for a brief period.
3. **New and Exclusive:** Referring to a property that is either new to the market or a new instruction, and is exclusively listed with a particular agent or portal. While the term 'new' should be used temporarily, 'exclusive' can be sustained as long as it remains valid.
4. **New Method of Sale/Let:** This descriptor is employed for a property that is now being advertised for sale or letting using an alternative method compared to the initial advertisement, such as transitioning to an auction or sealed bid. This categorization is appropriate only for a short span.
5. **Reduced:** This term is reserved for a property that has undergone a recent price reduction. Any reduction in price should be genuine and adhere to the Chartered Trading Standards Institute's 'Guidance for Traders on Pricing Practices.'

By addressing key terminologies in property advertising, NTSELAT's fresh guidelines aim to foster greater clarity, mitigate confusion, and establish a more standardized approach to property transactions. As the industry adapts to these guidelines, stakeholders can anticipate a smoother and more transparent experience in the property market.

Article by NetRent

Legal Aid Now Available for All Tenants Facing Eviction

Government-funded legal advice and representation (legal aid) is available to any tenants facing possession proceedings from 01 August 2023.

Help is available from the moment tenants receive written notice that someone is seeking the possession of their home. Tenants' financial situation will not affect their right to access this support and they will not need to pay.

A housing expert (funded by the government) will work with tenants to identify what may be causing someone to seek possession of their home and recommend potential solutions. For example, they may be able to provide legal advice on matters such as:

- illegal eviction
- disrepair and other problems with housing conditions
- rent arrears
- mortgage arrears
- welfare benefits payments
- debt

In the event tenants are unable to resolve matters and they are asked to attend a court hearing, a housing adviser can also provide free legal advice and representation at the court.

What does this mean for landlords?

Hopefully, the support that tenants receive through the eviction process will not affect the possession outcome. If landlords have carried out their responsibilities and adhered to legislation, served the correct notice and received advice from SWLA throughout the possession proceedings, there is no reason why possession would not be awarded in court.

Article abridged from gov.uk

Apprehension Surrounding the Court System's Ability to Effectively Manage Possession Cases

In a letter to the Lord Chancellor and Secretary of State for Justice, Nathan Emerson, CEO of Propertymark, has expressed the potential repercussions of neglecting to ready the legal system for the forthcoming Renters' Reform measures.

Section 8 Surge in Court Cases Imminent

Presently, a third of all possession cases rely on Section 21 notices, commonly known as 'accelerated' claims. The proposed Renters' (Reform) Bill seeks to eliminate Section 21 and instead broaden the grounds for possession under Section 8, inevitably directing a higher volume of cases through the courts.

Since the bill's unveiling in May 2023, landlords and letting agents have voiced concerns about the possibility of being stuck in a state of uncertainty, unsure of the duration they might wait for a hearing and eventual possession of their properties.

To date, the UK Government has not provided landlords with the assurance that strides have been made to enhance court system capacity and streamline the process through digitization.

Crucial Role of Rental Properties in Housing Landscape

The persistent demand for rental properties continues to outpace the available supply in an intensely competitive market. Prior to implementing any reforms, the UK Government faces the task of balancing the interests and rights of tenants and landlords alike, aiming to avert a scenario where more properties are pulled off the market.

Landlords' capacity to access a prompt, efficient, and cost-effective justice system remains an integral part of a thriving lettings industry. While endorsing approaches geared toward preventing disputes, which could assist more tenants in retaining their homes and landlords in maintaining rental income, it remains inevitable that situations will arise where the sole viable recourse for property repossession lies within the court system.

It is vital that the UK Government heed the call for comprehensive preparation and safeguard the balance between the rights of both tenants and landlords, as the landscape of rental housing continues to evolve.

Article abridges from NetRent

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Use your SWLA discount! If you aren't sure where you can get discount and how to apply – please contact the office. At TradePoint/B&Q, members receive 10% off most purchases, including sale/offer items.

SWLA Stationery and landlord documents can be found on the members area of our website.

Contact Details – if your contact details change, please let the office know so we can keep you up to date on legislation changes.

Keep an eye on the SWLA website for future training courses

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

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

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@enigmaw.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.

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

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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

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