

An Update from the Office

March 2024

The first quarter of 2024 has passed in a flash. The office has been very busy with enquiries and landlords requiring support. Here are the current trends that we have spotted.

Rent increases. With mortgage rates high, Local Housing Allowance rates due to rise from 01 April, and landlords being squeezed and feeling the strain – naturally landlords are increasing their tenants rent. There are many ways to increase the rent depending on your circumstances – the office can talk you through your options. Remember to keep rents fair, in line with similar properties in the area, and avoid huge increases. It's better to gradually raise the rent each year than implementing drastic increases every few years.

Possession cases. Many landlords are having to serve notice. Some due to selling up, some due to changes in circumstances and needing the property back for their own use, some due to tenants' anti-social behaviour and some due to rent arrears. We are here to help. From preparing to serve notice to applying for bailiffs, we can talk you through each step. We find that many landlords feel confident enough to tackle the proceedings without advice, but they usually find that they have misjudged their timings slightly, or have failed to serve a document for example. The smallest of errors can lead to having to start the process again. So do make use of your membership and contact the office for support!

Rent arrears. Tenants are also struggling with the cost of living. Members call for advice on how to handle rent arrears and when to take action. Always keep communication open with tenants, keep conversations welcoming and helpful. Record actions taken and retain evidence. Once your tenant is over 2 months (or 8 weeks) in arrears, you can begin possession proceedings.

Damp and mould. Tenants appear to be gaining confidence in reporting repair issues, which is not a bad thing. Damp and mould are a very big problem in our climate. Landlords must work with tenants to do everything they can to keep condensation in the home to a minimum. General tips for keeping moisture down – keep the property warm throughout, ventilate, install extractor fans in kitchens and bathrooms, use dehumidifiers, install a Positive Input Ventilation System to keep the air moving. Please contact the office if you need any support tackling damp and mould.

New members are signing up in abundance! Most of whom discover the SWLA by word of mouth. If you are pleased with the service and support that we provide – let your landlord friends know! Also, feel free to leave a review on Google and Facebook (or send via an email to the office) so that other landlords can see the service that we provide.

Local Housing Allowance (LHA) Rates to Increase 01 April 2024

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Waste from Rental Properties

Whats Happening with Rental Reform?

Double Council Tax on Empty Homes Takes Effect 01 April 2024

Local Housing Allowance (LHA) Rates to Increase from 01 April 2024

Each year Rent Officers at the Valuation Office Agency (VOA) determine LHA rates for the coming financial year. On 22 November 2023 the Chancellor announced in the Autumn Statement that the government will raise LHA rates in Great Britain to the 30th percentile of local market rates in April 2024.

The Department for Work and Pensions (DWP) uses LHA rates to calculate the maximum housing support for claimants of either the housing element of Universal Credit or Housing Benefit. LHA rates are set within Broad Rental Market Areas (BRMA).

A BRMA is an area within which a person could reasonably be expected to live, taking into account access to certain facilities and services, for example with regards to health and education.

LANDLORDS WHO CHARGE LHA RATE RENT MAY WANT TO LOOK AT INCREASING THEIR RENT FROM 01 APRIL 2024 TO REFLECT THE INCREASE.

We have included a sample of the LHA rate increases below;

AREA	SHARED	1 BED	2 BED	3 BED	4 BED
Plymouth 01.04.20-31.03.24	£73.50	£103.56	£134.63	£159.95	£195.62
Plymouth From 01.04.24	£92.05	£126.58	£155.34	£184.11	£224.38
Exeter 01.04.20-31.03.24	£96.66	£131.18	£156.49	£189.86	£253.15
Exeter From 01.04.24	£123.58	£144.99	£182.96	£218.63	£299.18
Bristol 01.04.20-31.03.24	£90.10	£159.95	£189.86	£218.63	£304.93
Bristol From 01.04.24	£117.68	£207.12	£252.00	£299.18	£425.75
Kernow West 01.04.20-31.03.24	£80.97	£113.92	£143.84	£169.15	£212.88
Kernow West From 01.04.24	£90.33	£126.58	£159.95	£187.56	£253.15
Mid & East Devon 01.04.20-31.03.24	£84.50	£103.56	£136.93	£166.85	£207.12
Mid & East Devon From 01.04.24	£93.00	£121.97	£157.64	£189.86	£253.15
Mid & West Dorset 01.04.20-31.03.24	£80.00	£119.67	£149.59	£182.96	£241.64
Mid & West Dorset From 01.04.24	£98.11	£136.93	£172.60	£207.12	£287.67
North Devon 01.04.20-31.03.24	£69.04	£97.81	£126.58	£149.59	£182.96
North Devon From 01.04.24	£97.81	£111.62	£148.44	£178.36	£228.99
South Devon 01.04.20-31.03.24	£65.00	£103.56	£138.08	£168.00	£207.12
South Devon From 01.04.24	£84.50	£116.22	£155.34	£193.32	£253.15

To work out the monthly LHA rate values. Multiply the weekly amount by 52 and divide that by 12. Round down to the nearest penny.

Article Abridged from Gov.uk

Save the Date

SWLA General Speaker Meeting - Wednesday 17th April at 7.30pm, Future Inn Plymouth, SWLA members and their guests welcome.

Speakers

Sean Bolter and Ian Pring of Westcotts Chartered Accountants who will discuss tax changes arising from the budget and top tax tips.

Phil Keddie, Expert Property Consultant, past president of ARLA PropertyMark, who will present on 'With so many landlords exiting the market, how can we retain the current and attract the new?'

Landlord Insurance and the Plymouth WWII Unexploded Bomb by Jeremy Wood, Oakfield Insurance

I am sure you were all following the news recently after the discovery of a World War Two unexploded bomb in Keyham. Thankfully, there was a good outcome with the device being removed safely by the bomb squad and being detonated at sea!

A number of landlords, who are insured with Oakfield, contacted us to check on the situation with their landlord property insurance - as they were understandably concerned about any damage being caused should the bomb explode where it was discovered.

Having referred this to numerous insurers, the answers we got back varied. Some insurers stated categorically that damage caused by an exploding WWII bomb would not be covered as it fell under "an act of war" which all policies exclude. Other Insurers said that they would consider a claim under the policy peril "explosion".

The decision to exclude cover by some insurers was supported by a case brought by Exeter University who had a similar issue with a WWII bomb that had to be detonated on site - *The University of Exeter v Allianz Insurance Plc* [2023] EWCA Civ 1484. This found in favour of the Insurers, and unanimously dismissed the Insured's appeal.

So, in summary, when an event such as this happens (thankfully very rarely nowadays) you should check immediately with your Insurer or broker whether your policy will cover damage caused by an exploding WWII bomb. Or, take on a policy that would consider such a claim. SWLA members are welcome to call with any insurance queries or to obtain a quote for landlord insurance.

Article by Jeremy Wood, Oakfield Insurance Brokers 01752 717667

Pest Control in Houses in Multiple Occupation

The most common pests in Houses in Multiple Occupation are rodents. Rats and mice can be found everywhere. They have well developed senses and the ability to adapt to almost every environment. They live in any situation that provides food, water and shelter. They also scavenge on food waste from rubbish and can get into your bins if they are not closed properly or have holes.

They can move easily between homes and gardens because they can squeeze through holes as small as pencils and are good climbers. Their teeth grow throughout their lives and so rodents are constantly gnawing. This can cause structural damage to properties and risks of fire and floods from gnawing through pipes and cables.

Rats and mice breed rapidly and carry many nasty diseases such as salmonella, listeria and Weil's disease. These can be spread to humans. Therefore, rats and mice become a public health problem when they are found in your homes and gardens.

Property owners have a legal duty to keep their houses free from rats and mice. If they don't, the Local Authority could serve a legal notice requiring you to undertake a pest control treatment to deal with the infestation.

Insects such as fleas, bedbugs and cockroaches may also be reported by tenants in Houses in Multiple Occupation. They can be found in furniture, carpets, behind kitchen units etc. These insects can spread disease and cause an irritating and allergic reactions if you are bitten.

Local Authorities can help you. They have a team of professional pest control officers who can undertake a survey and treatment. Full details can be found on your Local Authority website.

Article by Plymouth City Council

Grants Available to Upgrade Off-Gas Properties in Plymouth

Plymouth Energy Community(PEC) is an award-winning local charity with 10 years of experience supporting households in Plymouth. Its Future Fit team is working in partnership with Plymouth City Council to help homeowners improve the energy efficiency of their properties through the Government-funded Home Upgrade Grant (HUG2).

Am I eligible?

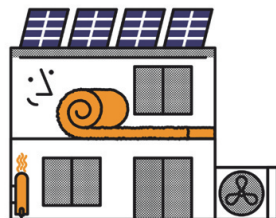
HUG2 provides funding towards the cost of upgrades for landlords that meet the following criteria:

- **The Landlord** owns a total of 4 or less privately rented properties.
- **The house** has an Energy Performance Certificate (EPC) rated D or below and **does not use mains gas for heating.**
- **The current tenants** are either located in an eligible postcode area OR have a total gross annual household income of £36,000 or less (excluding disability benefits)

What upgrades can I have?

Every home is different, but potential improvements may include:

- Cavity wall, loft or underfloor insulation
- Air Source Heat Pumps
- High Heat Retention Storage Heaters
- Solar panels
- Heating controls



What are the benefits?

Improving the energy efficiency of your properties can:

- Improve relations with tenants
- Lower bills for tenants
- Make homes warmer and healthier for tenants to live in
- Help safeguard against future legislative risks associated with EPC Bands.
- Result in fewer maintenance problems (e.g. less mould and damp)
- Potentially increase the value of the property

How do I access the grant?

Contact PEC's Advisors who can assess your eligibility and explain the process - 01752 477990

futurefit@plymouthenergycommunity.com

You can also assess your eligibility for this, and other grant schemes using our online tool at plymouthenergycommunity.com/future-fit

If you have a property outside of Plymouth please contact the relevant Local Authority for more information.

Article by Plymouth Energy Community



Possession Delays Due to Disrepair Claims

The Housing Loss Prevention Advice Service (HLPAS: Free legal advice and representation for tenants facing eviction) – launched on 01 August 2023 and many tenants have been utilising the service. SWLA have seen a big change in possession cases – often with cases taking longer and being more complex due to tenants counter claiming on the basis of disrepair in the property.

Be sure to protect yourself, your tenant and your investment!

Before letting the property, use the Housing Health and Safety Rating System points as a guide to ensure that the property is free of hazards and is in good repair.

Have a thorough inventory from day 1 of the tenancy, this is your proof that the property was in good repair when it was initially let to the tenant. You can create an inventory yourself or use a professional inventory clerk.

Be clear in the tenancy agreement – what is the tenant responsible for and how should they report disrepair to the landlord? Make it easy for the tenant to report issues. Keep communication open.

Deal with repair issues swiftly, thoroughly, and keep timescale evidence. When was the disrepair reported, what action did you take, when did you take the action, was the disrepair rectified, have evidence of the outcome.

Carry out regular maintenance checks on the property – once per year or once every 6 months. This will prevent major disrepair in the property as smaller fixes can prevent large scale repair issues.

If your tenant refuses access for maintenance checks and repair visits – they are within their right to do so. Keep evidence and if you feel necessary, report to the local authority – especially if the lack of access is making the property dangerous – i.e. gas safety checks etc.

When it comes to getting possession of your property – the condition of the property is a major factor in whether you will be awarded possession. Have evidence and be prepared for disrepair claims!



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Landlords Must Give 'New Boiler Certificate' (Building Regulations Compliance Certificate) As They Would a Gas Safety Certificate

A recent court case has highlighted the importance of landlords providing tenants with documentation. A new boiler was installed at the start of a tenancy, the Building Regulations Compliance Certificate was not given to the tenant. A Gas Safety Certificate was given to the tenant later in the tenancy when the gas safety check was due. Later on in the tenancy, a Section 21 was served. The Section 21 was deemed invalid as the Building Regulations Compliance Certificate was never given to the tenant.

The landlord had their Section 21 possession claim rejected – and was ordered to pay their tenants' court costs. The case of *Van-Herpen v Green & Green* rested on an argument as to whether a Building Regulations Compliance Certificate had to be issued for a newly installed boiler – and whether a Gas Safety Certificate should have been provided following subsequent visits to the property by a gas safety engineer.

A qualified gas safety engineer confirmed in a written statement to the court that a new boiler was installed on 06 September 2018, and that – as a new installation – it did not need a Gas Safety Certificate, but instead only a Building Regulations Compliance Certificate. He claimed in his statement: 'This certificate is a Gas Safety Certificate in its own right and is issued by the Gas Safety Register'. Both parties agreed a copy was not given to the tenants, although the landlord said they would have provided one, if asked. The same engineer also checked the boiler two months later, on 14 November 2018, and although he said this was a 'complete safety check' he also said no Gas Safety Certificate was necessary, as the boiler was under a year old. Again, both parties agreed no Gas Safety Certificate was given to the tenants, but the landlord says this is because it was not required due to the boiler being under a year old.

The boiler was next checked on 30 October 2019, after an original inspection scheduled for August was delayed by the tenants – something they didn't dispute. Following this inspection, on the same day, the tenants were given a Gas Safety Certificate by the engineer.

The case rested on two key questions;

- Had the claimant (landlord, Van-Herpen) complied with the Gas Safety Regulations, despite the fact they did not provide the defendants (tenants, Green & Green) with the Building Regulations Compliance Certificate (dated 06 September 2018)?
- Had the claimant complied with the Gas Safety Regulations, despite the fact they did not provide the defendants with a Gas Safety Certificate (following the inspection on 14 November)?

The landlord argued there was no legal requirement to provide the Building Regulations Compliance Certificate, and that no Gas Safety Certificate was issued or requested on 14 November 2018.

They argued that, having provided a Gas Safety Certificate to the defendants following the 2019 inspection, the Section 21 Notice was in all circumstances valid, and they were therefore entitled to possession.

The defendants argued the landlord was in breach of Gas Safety Regulations and therefore the notice was not valid.

Continued on next page...

The verdict

Following a trial at Hastings County Court, Deputy District Judge Duncan Wright ruled in favour of the tenants. In his judgement he said he was 'not persuaded by the claimant's submission that such a check and consequential record is not required within 12 months of a boiler being installed'. He also refused to accept the landlord's suggestion that, had the defendants requested a copy of the Building Regulations Compliance Certificate, they would have been provided with it; saying the legislation clearly places the onus upon the landlord to provide the record to the defendants.

In his ruling he said the tenants: 'should have been provided with a copy of the Gas Safety Certificates arising out of the inspections on 06 September 2018, and 14 November 2018, prior to service of the Section 21 Housing Act Notice. This did not occur.

Thoughts

It's better to over supply information and paperwork to tenants than undersupply. Always keep evidence of providing documentation. We recommend that any documents given are photographed or copied prior to service and evidence (such as a photo of posting through letterbox, first class post certificate or a signed acknowledgement from the tenant) recorded. On the back of the SWLA Assured Shorthold Tenancy Agreement you will find a handy list of documentation to be provided, and space for the tenant to sign and date the receipt of those documents.

Article Abridged from NRLA

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Fire Doors by Will Carter, Fire Risk Assessors South West

Fire doors are a safety feature that can help prevent the spread of fire and smoke and it's important for landlords to ensure that their properties have fire doors (where required) that are up to the British Standards.

Why are fire doors important? In the event of a fire, the closed fire doors contain the fire and prevent it from spreading to other areas of a building.

Fire doors are designed and certified to withstand heat and flames for a certain period of time. This could be FD(Fire Door)30 or FD60 or higher. Fire doors also help prevent the spread of smoke, which can be just as dangerous as the fire itself. High grade fire doors have concrete inside them to withstand the heat, that's why they are so heavy.

Fire doors are a legal requirement in certain types of properties such as Houses in Multiple Occupation (HMO's) and doors leading onto communal areas in flats.

Fire Doors are not expensive!! Yes, I said it, I am going to break a misconception. Fire doors can be only a fraction more expensive than a conventional door.

Here's a basic check that any landlord can do to ensure that their fire doors are working properly: Check for certification: Fire doors should be certified to meet the standards of the British Woodworking Federation's (BWF) Fire Door Alliance scheme or the Door and Hardware Federation's (DHF) Fire Door scheme. Look for a label or certificate on the door or frame (usually the jam or the top) which should have a unique identification number and show that the door has been tested and approved to the correct standard. Check the gaps: Fire doors should fit snugly into their frames, with a gap no larger than 4mm around the edges. Check the gap with a ruler or use a smoke pencil to see if smoke can pass through. Check the seals: Fire doors should have intumescent seals around the edges, which expand in heat to seal the gaps and prevent the spread of fire and smoke. Check that the seals are intact and not damaged. Check the hinges: Fire doors should be fitted with at least three hinges that are suitable for the weight of the door. Check that the hinges are securely fixed and that the screws are tight. Check the closing mechanism: Fire doors should be self-closing and should close fully against the frame and that the latch engages properly. Doors must not close too quickly either, anything under 3 seconds from 45 degrees open to a close, is classed as a "slam". You may wonder why it is important being too quick - imagine an older or younger person at the top of the stairs and she or he pushes against a door, it slams back fast and they end up being propelled. It could also close quickly, for example on a child's hand.

If you are unsure whether your fire doors are up to standards, it's always best to seek advice from a qualified fire safety professional.

As fire risk assessors, we don't sell any items required. If you like, we are "MOT examiners" of the building to ensure fire safety. We make sure that any person within the building gets the early warning of fire and smoke, and that they have the ability to leave whilst the smoke, heat and flames are not out of control.

It's important for landlords to take fire safety seriously and ensure that their properties are up to code to protect their tenants' lives and their overall investment. For any fire safety related queries on your rented properties, please get in touch. I provide fire risk assessments, advice and onsite training.

Article by Will Carter, Fire Risk Assessor South West 07740 074084

Plymouth HMO Licencing Fee Changes From 01 April 2024

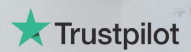
The fees & forms will be amended to:

Initial application (full fee) £1,007.00

Initial application (discounted fee for holding accreditation) £901.00

Renewal application (full fee) £954.00

Renewal application (discounted fee for holding accreditation) £848.00



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New HMO Licencing Schemes in Bristol

The two new schemes will come into force on Tuesday 06 August 2024. This is a citywide additional House in Multiple Occupation (HMO) licensing scheme, and a new selective licensing scheme (which covers most other types of privately rented properties) in three wards – Bishopston and Ashley Down, Cotham and Easton.

This means that all HMOs within the Bristol City Council boundary, and most other types of privately rented properties in Bishopston and Ashley Down, Cotham and Easton wards, will need a licence from Tuesday 06 August 2024. The schemes will be in operation for five years and each property will be inspected at least once during the lifetime of the scheme to ensure that they meet licensing standards.

Landlords and agents will have up to three months from the start date to submit their licensing applications (until 05 November 2024) together with the part 1 fee.

An HMO is a rented property where three or more persons who are not related, occupy the accommodation and share some facilities such as a bathroom and/or kitchen.

For further information, see the SWLA website newsfeed and the Bristol City Council website.
Article Abridged from Bristol City Council

Undeclared Rental Income by Michele at Marslands Accountants

Did you know that approximately 1 in 3 landlords fail to declare their rental income for tax purposes? Could this be you or a landlord you know?

Some landlords may have fallen into the role of a landlord unexpectedly, while others are simply unaware of the requirement to declare rental income. Regardless of the reason, rental income must be declared, and failure to do so can lead to significant financial consequences.

Here are Marslands Accountants top 5 reasons why landlords don't think they need to declare their tax to HMRC!

1. I'm employed so HMRC do it through my PAYE, don't they?
2. I'm renting it for my mother who is in a home to cover her costs
3. I'm only renting it for 6 months while I work abroad
4. I'm renting it to a family member to cover my mortgage
5. I don't receive the income my husband does, and he said I don't have to declare it

None are valid reasons! - if you receive or are legally entitled to income on a residential property you must declare it to HMRC.

Once a landlord realises that they are in the wrong they can be anxious that HMRC will catch them and, of course, worried about how much tax they might owe (note- when Marslands help them it's a lot less than they thought). The problem is they don't know what to do, where to start and how it will affect them.

Fortunately, there is an opportunity for landlords to come clean and rectify their tax affairs using the 'Let Property Campaign'. This allows landlords to declare back tax in one go with reduced tax liabilities and penalties.

As we go to print, the future of the Let Property Campaign beyond April 2024 remains uncertain. Don't wait until it's too late – Act now in case it's withdrawn, then penalties will be a lot higher! HMRC's only recourse if it is pulled will be to raise a tax enquiry which is a lot more expensive and more stressful for the landlord.

Article by Michele Marsland, Let Property Campaign Specialist Accountant 01752 344582
www.marslands.co.uk

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You are invited to attend the upcoming Rent Smart Devon event. It is being held at Exeter Racecourse, Haldon Hill, Exeter EX6 7XS. See the SWLA website newsfeed to book your ticket. This event is hosted by Teignbridge, East Devon District, Exeter City and Mid Devon District councils. SWLA have a stand at the event – we hope to see you there!

Meter Tampering: A Hidden Danger for Property, Tenants, and the Community

Meter tampering is a significant challenge in the housing sector as it impacts landlords, tenants and the wider community and can destroy homes, businesses, and families. But did you know that there is a safe way to report any suspicion? That's where the Stay Energy Safe service is vital, allowing you to speak up anonymously online or by calling 0800 023 2777.

Bypassing an electricity meter can have devastating consequences, including electric shocks, severe burns, and fires, while gas theft can lead to lethal leaks and catastrophic explosions.

Gas leaks and fatal fires

Real-life cases noted on the Stay Energy Safe website provide insights into the harsh consequences of energy theft, including instances where innocent lives have been lost. Nadeem Mughal was jailed for three years after risking his neighbours' lives after tampering with his gas meter twice. His actions led to significant gas leaks – threatening up to 20 neighbours in a block of flats in Leicester.

In another incident, a son living with his elderly housebound mother caused her tragic death due to a bypassed electricity meter after it caused a devastating fire.

Feeling the pinch

Since the start of the cost-of-living crisis, Stay Energy Safe has received an average of 1,000 energy theft reports nationally every single month. From some of the information Stay Energy Safe receives, it's evident that even business owners have been engaging in this incredibly dangerous and reckless behaviour.

Energy theft occurs in approximately 1 in 150 homes annually, costing UK consumers £1.4 billion yearly, with each consumer estimated to pay an extra £50 each year on their energy bills.

Spot the signs

To protect and safeguard legitimate organisations within the housing sector, their employees, contractors, residents, and the surrounding community, it's important to be able to recognise the signs of energy theft. It often includes irregular wiring, sparking, burn marks or the smell of gas.

The charity Crimestoppers

Stay Energy Safe is a service run by the independent charity Crimestoppers. To pass on your suspicions about energy theft, please report it by completing the Stay Energy Safe online form or by phone on 0800 023 2777.

100% anonymous. Always. This means you will never be asked for your personal details.

By speaking up safely, you will be helping to protect properties and communities, preventing harm or even loss of life. Speak up. Stay safe.

Article by Stay Energy Safe, for more information, scan the QR code -



An Update on the Mortgage Market by Calum Levy, Excaliber Financial Services

Some would say that the battle of rates (mortgage rates) is finally over. Since the last bulletin, there was a surprise in the market, where lenders were battling each other and regularly lowering their rates to attract mortgagors and power up their sorry looking books after demand started to trail off.

Since then, rates have started to bounce around between the high 3% to low 5% marks, which is widely seen as an indicator that this will be as low as they go before the Bank of England lowers the base rate. It's a welcome reprieve from the 6% rates we were talking about in Q4 of last year. Sentiment in the investment property space is up, especially with rumours about a potential; but probably not substantial; lowering of the base rate at the end of summer.

It would be wise to consider the fixed term of your mortgage rates. At the moment a 5 year rate is cheaper than a 2 year, on average; which as a rule of thumb tends to mean that the banks want you to lock in for longer, so they could be expecting things to get better in 2 years. Securing a 2 year might be more expensive now but you may end up saving in years 3, 4, and 5 retrospectively! Then again, it may not, and you should always consult with your mortgage adviser who will assess your circumstances holistically and give you bespoke and accurate advice.

Article by Calum Levy, Mortgage Advisor, Excaliber Associates Ltd 01752 340183

Upcoming SWLA Training Course

Landlord Accreditation Training Course

Wednesday 1st May 2024 – 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.

Further (Subsidised) Online Landlord Training Opportunities

Plymouth City Council are running landlord courses through the SWLA for select landlords in the Plymouth area. When there are excess places on the course, SWLA can offer these course places to our accredited landlords at a discounted rate.

Accredited landlords – keep an eye on your emails and be quick to reply – places get snapped up very quickly.

So far the courses have been-

- Damp & Mould
- Repairing Obligations

Upcoming courses include-

- Housing Health and Safety Rating System
- Fire Safety
- Inventories
- HMO Management
- Damp & Mould
- Legal Update

NOTE – SWLA will continue to run regular courses for all members at the normal cost. Course details will be sent to all members by email, and listed on the SWLA website training page.

Property Listing Guidance Updated by Trading Standards

National Trading Standards has published [guidance](#) for letting agents and landlords to improve material information in property listings.

Material information is any information that a letting agent/landlord provides, which will help a customer make a decision.

Information includes;

- Council Tax
- Rent
- Holding deposit
- Tenancy deposit
- Physical description of the property
- Number and types of rooms
- Utilities
- Parking
- Building safety, restrictions/rights, flood/erosion risk, planning permission/proposals, accessibility/adaptations, location issues (e.g. in mining area)

For full information and guidance see the SWLA website newsfeed.

What is defined as 'waste from landlords'?

The following are defined as 'waste from landlords':

- Waste that is generated from improvements, repairs, or alterations to your property.
- Discarded fixtures and fittings that have been supplied as part of the terms of a lease of the property.
- Waste that is removed on behalf of a tenant, rather than being disposed of by the tenant themselves.
- Waste that is left after a tenant has left the premise.

Under Section 34 of the Environmental Protection Act 1990, landlords renting properties have legal obligations, which includes a Duty of Care to ensure that all waste arising from the lettings is disposed of legally. Failure to comply is an offence and could lead to prosecution. Agents acting on behalf of landlords may assume responsibility for absentee landlords.

Can landlords take waste to Household Waste Recycling Centres?

No. Properties that are let, residentially or commercially, are considered a business and therefore any waste produced as a result of this business activity is classed as commercial waste. Waste from landlords is not accepted at Household Waste Recycling Centres (HWRC). HWRC's are only permitted to accept household waste and to knowingly deposit or accept commercial waste (which landlord waste is defined as) is illegal.

How can landlords dispose of waste from tenanted properties legally and comply with their 'Duty of Care'?

Contact a suitably licensed waste contractor.

Take your waste to a suitably licensed facility such as a waste disposal company.

Do landlords have to be registered waste carriers?

If landlords decide to carry the above types of waste themselves, they will need to register as a lower tier waste carrier - which is free. Please contact the Environment Agency for more information. Landlords can then visit a licensed waste facility and pay to dispose of their waste.

Do the Council provide free waste collection containers for tenanted properties where containers are required after being lost or stolen?

Landlords are responsible of ensuring that the correct waste containers are supplied with their properties. These can be ordered through Customer Services or via the Local Authority's website.

What waste is the landlord not responsible for?

Waste created by the tenant during the course of their tenancy e.g. general rubbish (food, nappy waste etc.), recycling (plastic bottles, cans, paper etc.) and garden waste (grass cuttings, pruning's etc.) are the responsibility of the tenant to dispose of via the Council's domestic waste collection service.

My tenants vacated the property and left waste that they generated during the tenancy but failed to dispose of it. Is this my responsibility?

This waste becomes the responsibility of the Landlord and therefore waste from commercial activity. Landlords found to be disposing of their commercial waste illegally can be fined and/or prosecuted.

What's Happening with Rental Reform?

There are concerns that the Renters (Reform) Bill could fall as it approaches the final furlong, with no date announced for its third reading in the Commons.

With the country moving ever closer to a general election, there are fears that the Government will simply run out of time to get the much-heralded Bill over the finish line as amendments are thrashed out behind the scenes.

While some will see this as cause for celebration, rental reform is not something that will go away, regardless of who wins the General Election. It is likely that a Labour version of the Bill would look significantly different to what's on the table now, with changes likely to be brought in with immediate effect rather than a phased introduction under the Conservatives.

A potential autumn election may seem some way off, but with weeks of breaks for Easter, bank holidays and the summer recess, Parliamentary time is running short.

What's the hold-up?

The progress of the Bill, which needs to have its third reading in the Commons before moving on to the House of Lords, is being held up by discussions regarding amendments to the finer details of the bill. Around 50 Conservative backbenchers have raised objections to the plans as they stand, and a proposed series of amendments has, allegedly, been circulated to them by the Government.

These amendments, which have not been made public, are said to include a commitment to keeping Section 21 until the courts have been reformed – and introducing a minimum four-month period during which tenants are unable to give notice. The lack of a firm date for the next reading may suggest talks have reached stalemate, with major implications for the sector, if this is the case.

Looking at it through this lens, time is short, not least as the Bill still has to make it through three readings in the Lords after passing through the Commons.

SWLA will keep members informed of any changes when (and if) they happen.

Article Abridged from NRLA

Double Council Tax on Empty Homes Takes Effect on 01 April 2024

Homes in England with no residents will attract a council tax premium of up to 100% from next month as tax reforms aimed at supporting people in areas where empty properties prevent them from finding affordable housing come into force.

Changes brought in by the Levelling Up and Regeneration Act 2023 reduce the time before a property is considered an empty home from two years to one year, meaning that homes that have been empty for one year will be subject to a 100% council tax premium.

The Act also introduced a council tax premium of 100% for substantially furnished homes that are not someone's sole or main residence, but because councils must determine at least one year in advance of introducing a second homes premium, the earliest a council can utilise the second homes premium is April 2025.

A range of exemptions will apply

Properties undergoing major repairs or structural alterations will have a 12-month exception from the empty homes' premium.

Properties being actively marketed for sale or let will have a 12-month exception from the empty homes' premium. This will provide protections for landlords whose rental property may become empty in between lets or have a gap between tenancy agreements. It also covers properties where an offer to rent has been accepted but the tenant is not yet entitled to occupy the property because the tenancy has not yet started. The exception can also be used where the sale is taking time to complete because it is part of a chain.

Inherited properties will have a 12-month exception after probate or letters of administration have been granted. Where there are cases that merit a longer exception period, or a higher level of discount, councils can continue to exercise their discretion.

Article Abridged from Propertymark

NOTICE BOARD

Member Reminders!

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.

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@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.

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

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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.