

## A New Government

September 2024

Sir Keir Starmer's Labour Party now form HM's Government with a majority of 174 MPs. Change is on the way, for better or worse? We will soon discover. Labour's election manifesto pledges to "immediately" end 'No Fault Evictions' and raise standards in the PRS.

The new Secretary of State for Housing, Communities and Local Government is Angela Raynor, with Matthew Pennycook as Minister for Housing. Both held these shadow posts in opposition. The Renters' Rights Bill will replace the Renters (Reform) Bill. Its contents are covered in more detail, but included are Abolition of Section 21/more power for tenants to challenge rents and occupancy restrictions/decent homes with no hazards/database of PRS landlords/PRS ombudsman/more enforcement powers for Councils. SWLA will keep you informed as the Bill progresses through Parliament. Unlike the previous Government, Labour is giving the Bill priority. SWLA will continue to support NRLA lobbying.

SWLA's new membership year begins on the 1st November 2024. Even though we lost some older members (selling and exiting the market), membership for the last year increased. General operating overheads have increased year on year and are likely to continue to do so. This unfortunately, leads to increased annual subscription charges, which we believe still represents good value for money. As well as providing documentation, training, advice and representation, the Association has negotiated discounts with many organisations including B&Q, Trago Mills, and Curry's to name but a few.

In the coming year you will notice some changes as our new website is launched, it will be more useable and interactive/inclusive. It is intended to move more information online, negating the use of hard copy and postage. Those less internet competent will of course still be catered for.

Our office building and network overhauls are now complete and have been achieved using SWLA reserve funds. We remain financially sound and well provisioned materially.

The office staff, officers and committee look forward to another successful year serving the membership.

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### Save the Date

SWLA General Speaker Meeting - Wednesday 16th October 2024 - 7.30pm - Future Inn Plymouth - SWLA members and their guests welcome. Speakers include Martyn Taylor of Ashley Taylors Legal 'The Home of Landlord and Tenant Law' and Steve Cox of Boswells 'Award Winning Landlord Insurance Providers.'

We hope to see you there!

**A Guide to The Renters' Rights Bill**

**EPC's to be Replaced by a New Home Energy Model**

**Labour Confirm 'EPC C' Requirement by 2030**

**Fire Safety Document Boxes by Will Carter, Fire Risk Assessor**

**An Update on The Mortgage Market - by Calum Levy, Excaliber**

**Tenants Challenging Section 13 Rent Increases: Is the Tribunal Ready for Renters' Rights?**

**Government Rules Out Rent Controls in England**

**Electronic Tag, Curfew and Suspended Sentence for Rogue Landlord**

**Membership Renewals**

**Upcoming SWLA Training Courses**

**Fine for Landlord for not Providing Electrical Safety Certificate**

## A Guide to The Renters' Rights Bill

On 11 September 2024, the Government published the new Renters' Rights Bill. The Bill mirrors and expands the measures outlined in the previous Government's Renters' (Reform) Bill.

They have published full, in-depth guidance which can be found on the SWLA website newsfeed and on the gov.uk website.

If passed without amendment, the Bill will overhaul the private rented sector as follows, as described by the Government:

- **Abolish section 21 evictions** move to a simpler tenancy structure where all assured tenancies are periodic – providing more security for tenants and empowering them to challenge poor practice and unfair rent increases without fear of eviction. We will implement this new system in one stage, giving all tenants security immediately.
- **Ensure possession grounds are fair to both parties**, giving tenants more security, while ensuring landlords can recover their property when reasonable. The bill introduces new safeguards for tenants, giving them more time to find a home if landlords evict to move in or sell, and ensuring unscrupulous landlords cannot misuse grounds.
- **Provide stronger protections against backdoor eviction** by ensuring tenants are able to appeal excessive above-market rents which are purely designed to force them out. As now, landlords will still be able to increase rents to market price for their properties and an independent tribunal will make a judgement on this, if needed.
- **Introduce a new Private Rented Sector Landlord Ombudsman** that will provide quick, fair, impartial and binding resolution for tenants' complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services
- **Create a Private Rented Sector Database** to help landlords understand their legal obligations and demonstrate compliance (giving good landlords confidence in their position), alongside providing better information to tenants to make informed decisions when entering into a tenancy agreement. It will also support local councils – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- **Give tenants strengthened rights to request a pet in the property**, which the landlord must consider and cannot unreasonably refuse. To support this, landlords will be able to require pet insurance to cover any damage to their property
- **Apply the Decent Homes Standard to the private rented sector** to give renters safer, better value homes and remove the blight of poor-quality homes in local communities.
- **Apply 'Awaab's Law' to the sector**, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.
- **Make it illegal for landlords and agents to discriminate against prospective tenants in receipt of benefits or with children**– helping to ensure everyone is treated fairly when looking for a place to live.
- **End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent.** Landlords and agents will be required to publish an asking rent for their property and it will be illegal to accept offers made above this rate.
- **Strengthen local authority enforcement** by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report on enforcement activity.
- **Strengthen rent repayment orders** by extending them to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.

As it stands, the following amendments and additions to Section 8 Grounds are being proposed, (we have only included Grounds relevant to our members, for full Grounds, please see the guidance);

### **Mandatory Grounds**

Ground 1; The landlord or their close family member wishes to move into the property. Cannot be used for the first 12 months of a new tenancy. 4 months' notice required.

Ground 1A; The landlord wishes to sell the property. Cannot be used for the first 12 months of a new tenancy. 4 months' notice required.

Ground 4A; A property is let to full-time students and is required for a new group of students in line with the academic year. 4 months' notice required.

Ground 6; The landlord wishes to demolish or substantially redevelop the property which cannot be done with the tenant in situ. Various time limits and/or notice requirements exist for this ground depending on the circumstances. The landlord and tenancy must be of a certain kind. 4 months' notice required.

Ground 6A; The landlord is subject to enforcement action and needs to regain possession to become compliant. 4 months' notice required.

Ground 7; The tenancy was passed on by will or intestacy. Possession proceedings must begin no later than 12 months after death or, if the court directs, after the date on which the landlord became aware of the death. 2 months' notice required.

7A; Severe ASB/Criminal Behaviour. The tenant has been convicted of a type of offence listed in the ground, has breached a relevant order put in place to prevent anti-social behaviour or there is a closure order in place prohibiting access for a continuous period of more than 48 hours. Landlords can begin proceedings immediately – no notice period required.

Ground 7B; At least one of the tenants has no right to rent under immigration law as a result of their immigration status and the Secretary of State has given notice to the landlord of this. 2 weeks' notice required.

Ground 8; The tenant has at least 3 months' (or 13 weeks' if rent is paid weekly or fortnightly) rent arrears both at the time notice is served and at the time of the possession hearing. 4 weeks' notice required.

### **Discretionary Grounds**

Ground 9; Suitable alternative accommodation is available for the tenant. 2 months' notice required.

Ground 10; The tenant is in any amount of arrears. 4 weeks' notice required.

Ground 11; The tenant has persistently delayed paying their rent. 4 weeks' notice required.

Ground 12; The tenant is guilty of breaching one of the terms of their tenancy agreement (other than the paying of rent). 2 weeks' notice required.

Ground 13; The tenant has caused the condition of the property to deteriorate. 2 weeks' notice required.

Ground 14; The tenant or anyone living in or visiting the property has been guilty of behaviour causing, or likely to cause, nuisance or annoyance to the landlord, a person employed in connection with housing management functions, or anyone living in, visiting or in the locality of the property. Or the tenant or a person living or visiting the property has been convicted of using the premises for illegal/immoral purposes, or has been convicted of an indictable offence in the locality. Landlords can begin proceedings immediately, no notice period required.

Ground 15; The tenant has caused the condition of the furniture to deteriorate. 2 weeks' notice required.

Ground 17; The tenancy was granted due to a false statement made knowingly or recklessly by the tenant or someone acting on their instigation. 2 weeks' notice required.

The current renting system will very much be overhauled. We understand our members may feel uncertain about the future of renting and what the changes may mean for good landlords. SWLA regularly meet with MPs, housing groups and housing advisory boards. In meetings, we are a voice for our landlord and agent members – we will continue to lobby for all changes within the sector to be fair for both tenants and landlords.

We will keep our members updated throughout the Bill to Act process.

## EPCs to be Replaced by a New Home Energy Model

### **Why are EPCs being upgraded?**

The way the rating in the Energy Performance Certificates (EPC) is currently calculated, based on standardised data, leads to anomalies in its representation. Focusing as it does on cost, not the real-life energy usage and carbon performance of running a building.

For example, the energy performance rating system (EPC) used at present is based on the efficiency of heating a building using natural gas. This is because this has been the cheapest and the most effective form of heating, but when you use LPG or when you up-grade to an electrical heating system or a heat pump, the result is the EPC rating falling.

These inconsistencies and inaccuracies in the existing EPC calculation mean that property owners can currently pay out thousands of pounds for work that, when they come to test or to sell the property, they find they actually lowered their EPC rating.

The energy sector has been scathing about the system. The EPC rates buildings from A to G but experts are saying the current system is 'not fit for purpose' because the rating is based on the cost of energy used, not on the actual carbon emitted into the atmosphere.

It punishes people for installing heat pumps because they use more electricity and LPG gas because it's more expensive than natural gas - it incentivises the use of mains gas over electricity or LPG.

Tom Spurrier, of the UK Green Building Council, a leading industry body, has said: 'We have currently got a metric that incentivises gas because it is cheaper.' If you install a heat pump, which is powered by electricity, your EPC rating may fall. Properties with Liquid Petroleum Gas (LPG) are also marked down because the gas is more expensive than mains gas.

### **So, what's the replacement method?**

The replacement is the Home Energy Model which will use a new Future Homes Standard assessment in which energy assessors will measure:

- 1 - all the windows at the property, rather than relying on assumptions based on the property's age
- 2 - they will carry out additional assessment of rooms and lofts
- 3 - they will introduce of a new age band for properties or extensions built from 2023 onwards
- 4 - they will also consider the use of power diverters and battery storage, used in conjunction with solar panels
- 5 - finally, they will recommend the use of heat pumps more frequently.

This will change the framework by which energy efficiency is calculated to bring the focus instead on to carbon emissions. The assessments will be more in-depth, relying less on assumptions, more on measurements which should give a more accurate picture of the energy efficiency of a building.

The assessments should also provide more accurate information as to what improvements are necessary to bring a building up to a specific energy rating.

EPC surveys and performance ratings were derived primarily as a cost-based rating system, and while they do generate some useful insights, in their current form, the algorithms used produce some inaccurate assessments.

### **Higher cost of assessments**

Inevitably, a more in-depth assessment will be more time consuming for an assessor and therefore the cost to the landlord is likely to be higher. Whereas the current EPC assessment takes around 30 minutes and costs anywhere between £60 and £75 using the Standard Assessment Procedure (SAP). This gives an EPC rating between A, highly energy efficient to G which is very inefficient.

### **What is RdSAP10?**

The Building Research Establishment (BRE) gives information on its Reduced Data Standard Assessment Procedure (RdSAP).

RdSAP is to be the UK's officially approved method for evaluating the energy performance of residential properties and used in generating future Energy Performance Certificates (EPCs).

RdSAP is used in assessing existing dwellings where the complete dataset required for a standard SAP (Standard Assessment Procedure) calculation is not available. Instead, RdSAP uses default values and data collected methods during on-site assessments by trained assessors to calculate energy performance.

The launch of RdSAP10 it is said will bring about some of the most significant changes to EPCs ever. The changes have been specifically designed to improve the accuracy of EPCs with Assessors less reliant on the use of “default” values.

### **More accurate EPCs**

It is thought that more accurate EPCs will result in higher ratings on properties that have been assessed under the current EPC software. In all, 30 changes are being introduced to the assessment, examples include:

Insulation – previously assessed in increments of 50mm it will now be assessed in increments of 25mm with a new 10/12mm minimum thickness. This was not previously specified and therefore allows the recording on insulation that is less than 50mm.

Windows – all windows will now be measured, benefiting properties with smaller windows or less glazing. The orientation of windows will also be recorded along with their age. Shutters and window insulation will also be considered in the assessment.

Loft conversions and roof rooms – Assessors will need to take additional measurements to account for the various construction types of common wall and gable walls in roof rooms. More data will need to be recorded to accurately reflect the construction types and insulation levels.

Wall thickness – wall thickness is currently included in EPC calculations, but the new version will register improved u-Values for thicker walls. This will benefit older solid wall properties. This will upgrade properties with solid brick and stone walls.

Hot Water Cylinders – the capacity will now be recorded as will the kWh/day figures, replacing the current options of small, medium and large cylinders.

Basements – significantly more data will now be recorded which will include u-Values for the walls. These will differ from above ground walls.

A New age band – for post 2023 constructions such as new extensions and loft conversions.

Lighting – All lighting will be assessed taking into account different lighting types such as LED with low energy bulbs.

Battery Storage – will be taken into consideration in the assessment when combined with Solar panels, not currently an option.

Air pressure leakage tests – currently only used for a new build property, this could be an additional option for owners to undertake to improve ratings.

Annual fuel running costs – will be taken into account.

Improvement recommendations – An air source heat pump is to be a specific recommendation along with solar and battery storage.

### **When will these changes come in?**

The new method of assessment - RdSAP10 – is expected to be launched sometime this year. Assessors are currently being trained and the system is in its final stages of testing with the BRE and other Accreditation Bodies.

With EPC grade C now a definite new standard to be imposed on rental properties by 2030, landlords will be encouraged to improve their properties where necessary and apply for a new EPC under RdSAP10 when available.

***Article Abridged from Landlord Zone***

## **Labour Confirm 'EPC C' Requirement by 2030**

Ed Miliband, Energy Security and Net Zero Secretary, has announced in a recent session in the House of Commons that landlords would need their properties to meet an Energy Performance Certificate (EPC) rating C by 2030.

Under the minimum standards, landlords must ensure that existing and new lets meet the minimum targets, unless an exemption has been registered on the Private Rented Sector Exemptions Register.

### **Why are Minimum Energy Efficiency Standards important?**

The UK has some of the worst-performing buildings in Europe. To achieve net zero carbon emissions by 2050, it is estimated that approximately 29 million homes need significant energy efficiency improvements.

The fuel poverty statistics show that 35% of fuel poor households in England are in the Private Rented Sector (PRS). This equates to just over 1.1 million homes. Poorly performing homes not only result in high fuel bills, but also cold, draughty and leaky living conditions that pose a health risk to occupants.

### **When were Minimum Energy Efficiency Standards first introduced?**

The Minimum Energy Efficiency Standards were first introduced by The Energy Efficiency (Private Rented Property) Regulations 2015, targeting all privately rented domestic properties in England and Wales.

Beginning in April 2020, landlords could no longer let or continue to let properties with an Energy Performance Certificate (EPC) rating below an E, unless a valid exemption was in place. Landlords who failed to comply faced financial penalties.

Following this, the Government also proposed raising the minimum standard to EPC rating C for new tenancies by 2025 and for all tenancies by 2028. However, in September 2023 the Prime Minister at the time, Rishi Sunak, announced a shift towards a "more pragmatic, proportionate, and realistic approach" to achieving net zero, which included the scrapping of the MEES 'C' plans.

### **What has been announced?**

Within the Labour Party's 2024 election manifesto, the Party announced its commitment to implement a 'Warm Homes Plan', with the aim of upgrading Britain's homes and cutting fuel poverty, including within the Private Rented Sector.

Following the election, Prime Minister Keir Starmer appointed Ed Miliband as Secretary of State for Energy Security and Net Zero. This position includes the responsibility for delivering the Warm Homes Plan.

Last week, Ed Miliband told the House of Commons that: "One thing that this Government will do that the last Government did not, is demand that landlords raise the standard of their accommodation to a proper energy performance certificate standard C by 2030." Further details were not provided on how the minimum standards are to be achieved. The Government is expected to provide further information in due course.

### **Are there any MEES exemptions?**

There are a number of exemptions in place for landlords who were not able to achieve the minimum targets. These include a 'high cost' exemption, 'all improvements made' exemption, 'consent' exemption and more.

### **Further Information**

SWLA await further information from the Government regarding the MEES regulations, including details of any exemptions or the support available to landlords to make necessary improvements and achieve these standards. It is important that further information is provided promptly, to allow landlords adequate time to meet the relevant minimum standards.

***Article Abridged from Elmhurst Energy***

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## **Fire Safety Document Boxes by Will Carter, Fire Risk Assessor**

There is an item that you can place within a communal area of Flats or HMOs that can make a huge difference to the fire brigade and their response to a fire or emergency within your building. Secure information boxes are easily identifiable repositories for documents intended for use by the fire and rescue service during a fire.

Its main use is for high-rise buildings; however, the box can be placed in smaller properties that have communal areas.

The Fire Safety (England) Regulations 2022 made it a legal requirement for existing high-rise residential buildings in England to have a secure information box installed on the premises from 23 January 2023. High rise buildings are 18 metres or more in height OR seven or more floors in height.

For compulsory (high rise) boxes, they should be maintained, and their contents kept up to date in line with the duties imposed by the regulations and the Fire Safety Order. In order to keep this information safe and secure, access should be given to the fire and rescue service either by a copy of the key, or the access key-code being shared with them.

The fire and rescue service has informed the Grenfell Inquiry that during a fire, hard copies of building plans are helpful in aiding their operational response. This allows first-attending crews to understand the building's layout and respond effectively by using these plans in a dynamic environment without having to rely on technology.

The regulations do not require a responsible person to include personal or sensitive information about residents in the box.

Under the Fire Safety Order, responsible persons already have a duty to maintain in an efficient state and in efficient working order and in good repair any facilities, equipment or devices used by fire-fighters.

For compulsory (high rise) boxes, the regulations require a responsible person to inspect the secure information box annually and ensure its contents are up to date.

### **What would you place within it?**

Any of the following that are applicable to your building; the Building Fire Risk Assessment, The Fire System Service Log Book, Emergency Lights Test Book, The Weekly Test Log Book, A Paper Copy (Laminated If Possible) of the Building Layout, Fire Extinguishers Service Log Book, Weekly Fire System Test Book, A Pen, Contact Details For the Responsible Person, Gas Pipe Incoming Location, Electrical Shut off, are there Solar panels on the building?

As a Fire Risk Assessor, I recommend these are installed in all rented properties that contain a communal area. Although only compulsory in high rise buildings, it's great to go above and beyond for the safety of your tenants. Boxes can be bought online for £30-£35 and are fitted with 4 screws in the wall.

**Article by Will Carter of Fire Risk Assessors South West 07740 074084**

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## **An Update on The Mortgage Market – by Calum Levy, Excaliber**

There have been many significant changes since the last bulletin.

The most important change relating to Landlords who own their investments with mortgages, is that the Bank of England has finally begun to reduce the base rate of interest; deciding that inflation has cooled enough to be able to bring the rate down. This was expected, and will likely be part of a gradual process where the rate slowly drops to more reasonable levels in the coming couple of years. A welcome reprieve to those seeking new finance, or those on variable rate trackers!

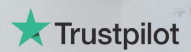
Another huge change is of course, the change of Government. It looks like Sir Keir is digging in and preparing for a difficult Autumn Budget, with much of the talk surrounding this fiscal event being around increases in taxes (part of a longstanding tradition where incoming governments raise taxes in their first budget). Labour have been fairly guarded with what the budget will contain, and many of my clients are trying to pre-empt that. 'Calum, will labour remove the 25% tax free element of my pension? Calum, will they raid pensions by lowering the tax-relief they give to pension-savers?'

My take? – Trying to pre-empt the budget is like changing your route because you heard a rumour about traffic- it might cost you more time and stress than just sticking to the course and waiting and seeing.

Don't disadvantage yourself by acting hastily, or acting without proper, independent, advice!

**Written by Calum Levy, an Independent Financial Adviser at Excaliber Associates Ltd**





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# **Tenants Challenging Section 13 Rent Increases: Is the Tribunal Ready for Renters' Rights?**

Currently, when tenants appeal Section 13 rent increases, the tribunal's decision on the permitted level of rent tends to apply from the date the landlord proposed the new rent to start. Local market rents are used as the basis for the decision.

As the Renters' Rights Bill stands (remember it needs to pass through many stages of Parliament yet), renters will continue to be able to appeal rent increases via tribunal. The difference being - the date of the rent increase stands from the tribunal's decision outcome and will not be backdated to the landlord's proposed rent increase date.

## **Concerns over capacity**

Reform presents a real risk that the current systems will be overwhelmed, and there will be a logjam with lengthy delays before verdicts are reached.

## **How long does the tribunal currently take to determine a rent increase?**

Given that the tribunal is free when challenging a rent increase and any challenge would delay the increase until it held a hearing, it seems likely that many more tenants will be incentivised to apply. This raises the question of whether the tribunal currently has the spare capacity to cope or whether the Government will need to consider additional funding or an alternative approach.

Publicly available data shows that the civil courts are overstretched and many are beset by delays, with landlords waiting a mean average of 31.7 weeks between claim issue and bailiff repossession. Even the initial hearing takes 11.8 weeks to happen after the court has processed the claim.

However, there is limited data on the speed and efficiency of the property tribunals and whether they have recovered from the pandemic-related delays. To get an answer to this, NRLA manually searched through every Section 13 case with a full published decision between 1 January and 30 June 2024 to gather:

The date on which the tenant made their application, the date of the tribunal's decision, whether the tribunal delayed the introduction of the rent increase because of tenant hardship and whether a physical inspection took place.

NRLA found that currently, the tribunal is taking significantly longer to process rent increase challenges compared to pre-pandemic norms. Particularly where the case is not straightforward.

Prior to the pandemic it took around 10 weeks for the tribunal to hear a rent case. The average wait time in 2024 is nearly twice this level, with cases taking a median average of 17.9 weeks to go from application to hearing.

For cases involving physical inspections and tenant hardship, the delays are more significant. Requesting an inspection delayed the typical hearing date by nearly three weeks. In cases of tenant hardship, the delays were even longer, with median average wait times of 27 weeks.

All of this suggests that the tribunal is insufficiently resourced to handle the current volume of rent increase claims and needs additional funding. It is very unlikely to be in a position to handle an increase in claims without a massively increased budget to increase staffing.

## **What can we do?**

SWLA support the NRLA in their lobbying for a fair private rented sector. We understand that the Government is committed to reform, but it is vital that these reforms are done right, or they risk worsening the rental supply crisis.

If the tribunal is overwhelmed to the point that these chronic delays worsen, it will not give landlords the confidence they need to continue investing in providing homes to tenants.

With that in mind, we have already been in contact with the new Government to share this information and call for court reforms to go hand in hand with the Renters' Rights Bill.

**Article Abridged from NRLA**

## Government Rules Out Rent Controls in England

The Housing Minister (Matthew Pennycook) has ruled out the introduction of rent controls in England.

The comments were made in a written response to a query from shadow housing secretary Kemi Badenoch, who asked if Labour had any plans to implement rent controls.

Here are the Housing Ministers comments;

“The Government does not support the introduction of rent controls. We have made clear that we intend to use the Renters’ Rights Bill to provide tenants with greater protections against unreasonable within-tenancy rent increases.”

Scotland introduced rent controls in October 2022 – Scotland’s experience with rent controls has been marked by a landlord exodus and shrinking rental availability. Wales is currently exploring similar measures, having launched a Green Paper titled ‘A Call for Evidence on Securing a Path towards Adequate Housing Including Fair Rents and Affordability’.

*Article Abridged from NetRent*

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## Electronic Tag, Curfew and Suspended Sentence for Rogue landlord

A landlord has been given a suspended sentence of 26 weeks and electronically tagged for four months after putting the lives of her tenants at risk by not maintaining gas appliances at a property in Kent.

Dawn Holliday, 62, refused to undertake gas safety checks even after the Health and Safety Executive (HSE) took enforcement action against her. She claimed to have no money for undertaking maintenance to the property, leaving the tenants with a very temperamental boiler that banged and often left the occupiers with no heating or hot water, as well as a condemned cooker for several years. However, an HSE investigation found that Ms Holliday was receiving full rent from the tenant for the property in Eastchurch when the enforcement action was taken.

Despite the Improvement Notice served on Holliday to undertake gas safety checks, she ignored this and further requests from HSE. She also claimed the tenants had moved out and had not been paying rent, the investigation found this claim to be untrue. Holliday pleaded guilty to three charges under Health and Safety at Work etc Act 1974 Section 21 and Gas Safety (Installation & Use) 1998 36(2) and 36(3) and was sentenced to imprisonment of 26 weeks, suspended for a period of 12 months.

Speaking after the hearing, HSE Inspector Joanne Williams said: “We are dedicated to ensuring that landlords operate within the law and provide safe accommodation for tenants. We do not tolerate disregard for health and safety and consider the non-compliance of HSE enforcement notices as a serious offence.”

*Article Abridged from Landlord Today*

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## Membership Renewals

It’s that time of year again! 2024-2025 membership renewal payments are due by 01 November 2024: £55.00.

### **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.

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## Upcoming SWLA Training Courses

### Landlord Accreditation Training Course – Face to Face

Thursday 3rd October 2024 - 9:15am-4:30pm

Venue – Reception Room, Plymouth Council House, Armada Way, Plymouth PL1 2AA

Price – £80 for members of SWLA, £100 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.

### Landlord Accreditation Training Course – Online

Wednesday 29th January 2025 - 9:00am-4:30pm

Venue – Online

Price – £80 for members of SWLA, £100 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](mailto: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.

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\*\*Remember to let the adviser know that you are a member of the SWLA\*\*

## **Fine for Landlord for not Providing Electrical Safety Certificate**

A Hastings landlord has been fined £10,000 after failing to provide a satisfactory Electrical Installation Condition Report (EICR) to Hastings Borough Council. The council had requested that the landlord provide the certificate, which shows that electrical safety standards are met within a property. It is a legal requirement to produce the certificate when a council asks for it. The council worked with the landlord, and after he failed to provide the certificate, the council took court action. An appeal to the First Tier Tribunal (Property Chamber) by the landlord has been struck out for failing to comply with directions given by the tribunal.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 were implemented to ensure that electrical safety standards are met in properties in the private rented sector and cover a range of issues including: how and when checks of electrical installations are carried out, who may carry out checks and that certificates are provided confirming that standards have been met. Each Local Authority has the regulatory duties and powers to ensure compliance with these regulations and failure to comply can attract a financial penalty of up to £30,000.

SWLA remind all members to keep an in date EICR for each privately rented property. Diarise the re-inspection before each EICR expires, the expiry is usually 5 years but can vary.

### **A few facts about EICRs**

An EICR is a report carried out to assess the safety of the existing electrical installation within a property and is used to describe its condition. Parts of the system that are reported on include consumer units, protective bonding, lighting, switches and sockets etc. Its purpose is to confirm as far as possible whether or not the electrical installation is in a safe condition. The EICR will show whether the electrical installation is in a Satisfactory or Unsatisfactory condition and will detail a list of observations affecting the safety or requiring improvements. These observations will be supported by codes:

Unsatisfactory Codes are:

C1 – Danger present, risk of injury, immediate remedial action required

C2 – Potentially Dangerous, urgent remedial action required

FI – Further investigation required

A Satisfactory Code is:

C3 – Improvement recommended

Action is required if the EICR issued is Unsatisfactory. If an EICR contains a C1, C2 or FI code, it is unsatisfactory. If a C1 is discovered, the electrician will often take action to make safe the dangerous installation using temporary measures. Then, as is also the case with a C2 or FI code, it will be the owner's responsibility to organise a repair, replacement or further investigation within 28 days.

A C3 code 'improvement recommended' is given to aspects of the installation that do not present a danger but will result in an increased safety standard within the property. Occasionally a C3 code may be attributed to an item that does not comply with current regulations but did comply at the time it was installed. A C3 code does not mean the installation is unsafe and should not impose a requirement to have work carried out on the owner. Where there are only C3 observations listed, this will result in a satisfactory EICR being issued.

### **If you receive an unsatisfactory report**

Send a copy of the report with proof of remedial work being completed to the Local Authority within 28 days. This requirement was introduced to alert the Local Housing Authority to any properties which may have been substandard but are now safe. You must submit the unsatisfactory report along with written confirmation (appropriate certification as outlined above) to demonstrate you have had the required remedial and/or further investigative work done. It is your responsibility as a private landlord to do this and failure to comply could result in enforcement action being taken against you.

For further information see the SWLA website newsfeed or the NAPIT landlord guidance.

***Article Abridged from Hastings Council and NAPIT***

# 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](mailto:colin@kbgchambers.co.uk)

## Rory Smith, Enigma Solicitors

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

Contact Rory on 01752 600567 or by email at [rls@enigmaw.com](mailto: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](mailto: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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You can contact our answerphone service on 01752 510913 or E-mail us at [info@landlordssouthwest.co.uk](mailto:info@landlordssouthwest.co.uk), visit our website [www.landlordssouthwest.co.uk](http://www.landlordssouthwest.co.uk)

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

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