Welcome to Southend-on-Sea Borough Council’s Landlords’ Forum Newsletter brought to you by the Private Sector Housing Team.

This newsletter is to share useful information and articles so that we can work together to improve Southend’s Private Rental Sector and work more closely with our partners.

**LANDLORDS FORUM**

**NEWSLETTER**

December ’14 to May ’15
Issue – 13
SPRING 2015

A newsletter for Southend Landlords

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**LANDLORDS FORUM** on Thursday 20th May 2015 in the Darwin Room at the Tickfield Centre

2:00pm – 2:30pm
Registration, refreshments and an opportunity to network and visit stands provided by Council teams and partner organisations.

2:30pm
Commencement
David Colwill - Team Leader Private Sector Housing

2:30 – 3:15 pm
Income from Property
HMRC Live Webinar

3:15 – 3:45 pm
What Is An HMO?
Meribel Mujih & Marion Anthony, Private Sector Housing

3:45 – 4:05pm
Intelligence Sharing Opportunities
Bill Potter, Essex Police

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4:05 – 4:35 pm
Environmental Nuisance
SBC Regulatory Services

4:35 – 4:50 pm:
Southend Energy
Stuart Burrell, Private Sector Housing Strategy & Planning Manager

4:50 – 5:15pm
Universal Credit Update
Tracey Nicola, SBC Benefits

Additional presentation time or further opportunity to network & speak informally with presenters

5:25pm – Close
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Would you like to write or suggest a future topic for an article?
Do you have some interesting stories or information to share with the Forum?

If so, then please email:
landlordsforum@southend.gov.uk

And we will consider it for a future edition.
LEGISLATION, LEGISLATION, LEGISLATION

By the time this is published and read, there will have been a change of Government, and possibly some new legislation on the way. This will take time and is unlikely to come into effect for a good few months. Nevertheless the last few days of the previous administration did see a rush of legislation passed that will affect private sector landlords.

If a letting agent is used then they should have, or will inform the landlord, their customer, of these changes, and their implications. For a self-managing landlord they have hopefully read about these changes, whether in the press or from the local authority. If a member of a landlords association, then they would have highlighted these to members, once again showing the importance of membership. Unfortunately ignorance is no defence in law.

The major piece of legislation is the ironically named The Deregulation Bill, and primarily clarifies the law on deposits, and issuing of the Prescribed Information. Full details are available on the relevant tenancy deposit websites, and from landlord associations. In addition the term ‘retaliatory eviction’ has been seen in the media, and this bill addresses this issue with effect from October this year. In very simple terms, there will be more restrictions on the issue of a Section 21 Notice, which in itself will be simplified with only one such notice to issue, as opposed to the present (a) or (b). Also there will be a requirement to prove there is a Gas Safe Certificate, if applicable, and an EPC.

In addition, it will become law for all rental properties to have a smoke alarm on each floor, and for those with a solid fuel installation, a CO alarm. Non-compliance could result in a civil penalty and a large fine. It is understood that some funding has been made available to local Fire and Rescue Services for free alarms to be supplied via local authorities.

If any landlord is any doubt of their obligations, please contact the various bodies available who can advise, including landlord associations, who can also advise on the completion of the requisite forms, and even ensure that the correct and current form is used.

PETER DAVIS - CEO
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COUNCIL TACKLING THE BLIGHT OF EMPTY HOMES

A new report has been published that highlights how £115m worth of empty homes have been bought back into use across the Borough over the last nine years.

The Empty Homes Strategy 2015-2020 shows how successful the Council has been in tackling the blight of long-term empty homes across the Borough, and how it intends to continue its work in the future.

The report shows how 527 empty homes have been brought back into use in the last nine years and 55 in 2013/14. The work has helped to reduce the number of private homes that have been empty for more than six months in the Borough from 1,463 in 2006 to 651 in 2013. Only a small number of these are owned by social landlords with the majority being owned by either private landlords or companies.

The Private Sector Housing Team is currently working on a further twenty priority empty homes to bring them back into use.

The strategy highlights how for the next five years the Council will seek to reduce long term empty homes in the Borough by a further 10% through prioritising the worst cases and working with property owners and taking enforcement action where necessary.

The strategy also shows how anti-social behaviour (ASB) associated with empty homes will be minimised by partnership working with the Southend Multi-Agency ASB Response Team (SMAART), regular visits to monitor the condition of empty homes and taking direct action such as works in default where the owner is unable or unwilling to take action.

The Executive Councillor for Adult Social Care, Health and Housing, said: “Long-term Empty Homes are a complete blight on local communities and can result in anti-social behaviour around the property, impact on the appearance of a street or estate, and affect the character of the area as well as property values. Whilst there are often valid reasons for a home being empty for a short period of time, it is long term properties that are the real scourge and the focus of this excellent strategy which will help to not only improve the appearance of the Borough but more importantly bring back into use homes for families that need them.”
Full Council backs formation of local energy company

Southend-on-Sea Borough Council has approved proposals to join forces with energy supplier OVO Energy to create a bespoke energy tariff for residents of the Borough. The proposals were approved by the Full Council at their meeting in February. It will be the first time Southend has had its own energy company since Southend-on-Sea County Borough Corporation was disbanded in the late 1940s when gas and electricity energy industries were nationalised.

Under the proposals, many local households are expected to be able to save over £250* per year on their energy bills. Competitive tariffs will be available to residents and businesses with a Southend postcode looking for a local alternative to their current supplier. There will be particular benefits for the Borough’s most vulnerable customers – those who are fuel-poor and those on pre-payment meters.

The Executive Councillor for Enterprise, Tourism & Economic Development, was delighted the plans had the backing of the Full Council. He said: “For many years now, energy prices have continued to rise faster than average pay, making heating and lighting the home less affordable every year. The new Southend energy company would benefit all members of the local community by offering some of the cheapest tariffs on the market and possibly providing extra support for those suffering fuel poverty. The Council could also benefit by opening up new sources of income at a time of ever-reducing Central Government funding, thereby protecting essential services.”

“We settled upon OVO because of their solid record in providing some of the lowest prices combined with high levels of customer service. Essentially, I believe they are big enough to make a difference but small enough to care and I personally hope to become the first resident to sign up.”

Over the coming weeks, the Council and OVO will negotiate an agreement to be signed by both parties. It is thought that the new company could then be formed and operational within six months.

*Refers to the average saving for a household on a Big 6 variable rate tariff moving on to OVO’s cheapest tariff, as correct on 26th February 2015.

New regulations could ban landlords from letting draughtiest homes

New energy efficiency regulations could help around a million tenants pay less to heat their homes.

From April 2018, landlords will be required by law to get their leakiest properties to an energy efficiency rating of at least Band “E”. Estimates suggest that on average the difference in a heating bill from the least energy efficient properties and those with an energy rating Band “E” is £880.

Fuel poor households living in the least efficient privately-rented homes already need to spend on average around £1,000 more to keep warm compared to the average home.

The government said the new measure will be welcome news for tenants, especially low-income and vulnerable households, many of whom are paying over the odds to heat their homes.

The Secretary of state for energy and climate change said: “These new laws will plug the gaps in draughty homes – helping households to keep warm and drive down bills. Many of the poorest tenants will benefit and, with government support, landlords can improve their properties at no upfront cost. It’s good news all round and yet another way action is being taken to ensure that cold homes with bloated energy bills become a thing of the past.”

Financial support is available through the Green Deal and Energy Company Obligation, which together have improved over 1 million homes in less than two years. This means landlords don’t necessarily have to foot the bill for installing new boilers and insulation measures to improve the energy efficiency of their properties – and landlords will only have to make improvements that are cost effective.

From April 2016 tenants will have the right to request consent for improvements to make their homes more comfortable, and easier and cheaper to keep warm, and the landlord cannot unreasonably refuse.
New source of advice for migrants on rights in the private rented sector

Migrants living or looking for a home in the private rented sector will be able to get advice on their housing rights from an expanded website.

The website is run by the Chartered Institute of Housing (CIH) and BMENational, the body that represents BME housing associations. It was set up to provide information for migrants and people who advise them about their entitlement to social housing, homelessness help and housing benefit. It has now been extended to cover the private rented sector after winning a £6,300 grant from the TDS Charitable Foundation.

The Government’s Labour Force Survey shows that 80 per cent of recent migrants (those who have been in the country less than five years) live in private rented housing. A report from the Joseph Rowntree Foundation in 2012 showed that they are often forced into poorer parts of the sector, are unaware of or scared to use their rights, and find it difficult to access advice or get poor advice from conventional housing advice services. The expanded website aims to help address the gap in the advice available.

CIH policy adviser John Perry, who helps run www.housing-rights.info, said: “More than a fifth of tenants in the private rented sector are foreign nationals so it’s vital that they get good advice on their rights. And it’s particularly relevant right now given the Immigration Act 2014, which came into force in parts of the West Midlands in December. The Act requires private landlords to check the immigration status of new tenants, which can be very complicated even for migrants who have a legal right to be here. So the new sections of the website will cover the new rules, the documents needed by people applying for tenancies and what to do if things go wrong either before the offer of tenancy or later – including advice on how respond to the risk of discrimination by landlords. Unfortunately migrants can find themselves at the mercy of rogue landlords, living in extremely poor conditions – we hope the extended website can help prevent this from happening and make them and people who advise them more aware of their rights.”

40% OF LANDLORDS PLAN TO INCREASE RENTS IN 2015

Four in 10 landlords plan to increase rents on their properties in 2015, according to a recent study.

SpareRoom.co.uk revealed that landlords are considering increasing rents on their properties this year, but over half of tenants have said they may have to look for alternative accommodation if this happens. Around three in 10 landlords (27 per cent) are looking to increase rents by more than 3 per cent, with over half of respondents claiming their rents would remain the same.

However, 56 per cent of tenants said they would have to move out if their rent was increased by just £40 per month. 97% of renters, living in shared accommodation, also said they believe the government isn’t doing enough to make housing more affordable.

Looking at rental increases over the last 12 months and potential interest rate rises in 2015, SpareRoom.co.uk predicts rents could increase by more than 3 per cent.

Over the last year, the average UK rent for a double room within shared accommodation has risen by 8 per cent, from £505 per month to £546, according to recent data by SpareRoom.

Director of SpareRoom.co.uk, Matt Hutchinson said: “While the majority of landlords do all they can to hold onto good, reliable tenants, those facing increased mortgage repayments when interest rates rise they may have no choice than to cover the extra cost by passing it onto their tenants. They could have serious implications for a rental market already reaching crisis point, and there’s no contingency plan.”

If rents rise by 8 per cent again in 2015, tenants would have to pay on average £44 more each month.
Doors open to council’s first new house since 1989

A new house now ready for tenants, is the first one built by Southend-on-Sea Borough council since 1989 - and more could follow soon.

Construction has been completed on the three-bedroomed, two-storey property with off street parking behind 159 Bournemouth Park Road, Southend. The property has been built to Homes and Communities Agency (HCA) space standards, and to Lifetime Homes specification.

The property in Byron Avenue, Southend was officially opened by Councillor Chris Walker in February.

The council has identified more council-owned land in Shoebury as suitable to develop for affordable housing for Southend residents and work is being finalised to progress with these plans.

The Executive councillor for adult social care, health and housing, said: “We are very pleased indeed to see this project completed and ready for its first tenants. It is the result of a review of council-owned land in the borough, as part of our commitment to provide affordable homes for residents.

“We have used this as a pilot scheme so we hope it will be the first of many. We very much need to increase the borough’s stock of affordable housing.

“We are intending to start building more homes on Council land in Shoebury later this year. In addition we are now actively considering further sites for the building of council properties.

Private Sector Housing Team won’t hesitate to take action

With up to 16,000 privately rented homes in Southend-on-Sea, it’s the role of the Borough Council’s Private Sector Housing Team (PSH) to ensure landlords keep their properties in a safe condition.

With court action – and fines of up to £20,000 – at their disposal, that’s a task that David Colwill, PSH Team Leader, and his staff take very seriously. Prosecutions are launched after careful consideration and the team doesn’t hesitate to take action when necessary.

“A common breach of the regulations is when a private landlord fails to apply for a licence for a house in multiple occupation (HMO),” said David. “PSH can also take action against landlords who breach licence conditions and on behalf of tenants who are having problems getting their landlord to carry out repairs.”

In the case of complaints from tenants, one of the PSH team will visit the property and carry out an inspection. Where serious problems are confirmed they will write to the landlord or manager of the property requesting that repairs be carried out within a reasonable timeframe. If this informal action is not complied with, an Officer can issue a Housing Act Improvement Notice – and landlords who choose to ignore that will be prosecuted for failure to comply.

David said: “Most landlords are very good and when there is a problem they will address it quickly. That’s the cheapest and mutually convenient way as the only cost involved is that of the repair work. However, if a case goes to court it can get very expensive, with magistrates imposing fines of up to £20,000.”

The PSH team also offers education sessions via the Landlords Forums, usually held 3 times per year. To join the forum mailing list follow the links at: www.southend.gov.uk/landlordsforum.

To contact Private Sector Housing about disrepair which is not being addressed, or to report an HMO, email council@southend.gov.uk or phone 01702 215002.

**This is an article that appeared in April’s edition of Outlook, the Council magazine distributed to all households in the Borough**
Landlords responsible for the prevention of Legionnaires’ disease

Private landlords must take suitable precautions to prevent or control the risk their tenants contracting Legionnaires’ disease, property consultancy CKD Galbraith has warned.

Under recent legislation, duty holders, which include employers, those in control of premises and those with health and safety responsibilities for others, must take suitable precautions to prevent or control the risk of exposure to legionella.

CKD Galbraith has strongly advised all landlords to check that their managing agent is aware of recent legislative changes and is taking the appropriate action to ensure compliance with the current legislation.

Legionella bacteria thrive in stagnant water where the temperatures are between 20-40°C. Legionnaires’ disease is a potentially fatal type of pneumonia, contracted by inhaling airborne water droplets containing the bacteria. Such droplets can be created in hot and cold water systems, atomisers and whirlpool or hydrotherapy baths.

CKD Galbraith compiled the essential measures for those responsible for assessing and controlling the risks. The primary method used to control the risk from Legionella is water temperature control:

- Hot water storage cylinders should store water at 60°C or higher
- Hot water should be distributed at 50°C or higher
- Cold water should be stored and distributed below 20°C
- Showerheads and taps should be cleaned regularly to remove lime scale and algae
- Stagnant water favours Legionella growth. Dead end pipe work should be removed and infrequently used outlets should be flushed out at least weekly to reduce the risk.

Shirley Kenyon, lettings manager at CKD Galbraith, said: “Private Landlords or agencies who are responsible for building maintenance must take suitable precautions to prevent or control the risk of exposure of their tenants to legionella. If you are a homeowner, you are responsible for the water systems in your house.

“During recent risk assessments we found that in the majority of households the hot water temperature at the outlets was below the recommended 50°C; simply increasing the water temperature to achieve at least the recommended 50°C will significantly reduce the risk of Legionella. In practice, the risk is fairly low if you keep hot water at a high enough temperature, the bacteria are dormant below 20°C and do not survive above 60°C, and regularly use your water systems to prevent stagnation. Landlords should choose their agents wisely to ensure that they are keeping abreast of new legislation and acting accordingly on your behalf.”

Scheme supporting landlords and tenants launched in Essex

A scheme supporting landlords and helping drive up the quality of housing for tenants across Essex’s private rented sector has been launched. Landlords who ensure their homes are properly maintained and managed will be able to join the Essex Landlord Accreditation Scheme (ELAS).

As a result they will be able to benefit from:

- reductions on their insurance costs
- direct access to impartial advice and support on relevant issues
- opportunities for networking at forums and events;
- access to information on housing trends and needs in their areas which until now was only provided to local housing associations

Through highlighting the county’s good landlords the scheme will help tenants avoid falling foul of unscrupulous landlords. In turn this will help continue to drive up the standards of housing in the private rented sector.

Since October 2014 landlords across Braintree, Chelmsford, Colchester, Epping Forest, Maldon, Tendring and Uttlesford have been able to enlist in the scheme for an annual fee of £95.

To be members of the ELAS landlords will need to:

- demonstrate that their properties are safe to live in
- ensure that their tenants have valid Tenancy Agreements
ensure that all faults reported by their tenants are dealt with in good time
• have valid gas certificates and Energy Performance Certificates for their properties
• lodge deposits provided by their tenants in line with statutory legislation

Councillor Dave Stallan, responsible for Housing at Epping Forest District Council said “Joining this new scheme will provide landlords across Epping Forest with the support to ensure they are meeting a number of set standards and will allow tenants to see that their accommodation is of a good quality of living. The district council is working with its partners across Essex to implement the ELAS in Epping Forest, so I would encourage all landlords in the local area to sign up to this scheme.”

Essex County Council’s Cabinet member for Libraries, Communities and Planning, Cllr Roger Hirst, said: “There are thousands of households living in the county’s private rented sector. This scheme has major benefits for both tenants and landlords. Model landlords will help drive up the standards of private rented housing. To ensure this is maintained spot checks will be carried out to ensure they are continuing to fulfil the standard needed to be part of the scheme. We are committed to working with our partners across the borough, district and city councils to attract the businesses we need to continue growing the Essex economy. This scheme is part of that ongoing work.”

Backed by Essex County Council, the scheme will be managed by CFOA Blue Watch which was set up by the Chief Fire Officers’ Association to make living accommodation safer across the UK. With a focus on the prevention of fire, carbon monoxide poisoning and other potentially fatal risks in the home, CFOA Blue Watch is well placed to add value to the scheme.

Adam Eckley, Acting Chief Fire Officer, Essex County Fire & Rescue Service said, “ECFRS is delighted to be working with Blue Watch on this innovative new scheme which has its inaugural launch today in Essex.

“Community safety is our prime concern and there are landlords in our county who fail to meet their responsibilities; that puts tenants and their families at risk. We believe this tri-partite approach will help to weed out the minority element that chooses not to comply with good practice either through ignorance or intent.”

Fire safety leaseholder case offers legal remedy

A ‘milestone’ legal judgment that allowed a council to replace a leaseholder’s ‘highly combustible’ door could arm social landlords with a new means of enforcing fire safety rules.

In the case, believed to be the first of its kind, Croydon Council was granted an injunction to gain access to a leaseholder’s property without consent, to change a UPVC door that did not meet its fire safety standards and posed a risk to the building’s wider ability to resist a fire.

Councils have been under increased pressure to meet fire safety rules since the 2009 Lakanal House fire in south London, which killed six people, and many landlords continue to be issued fire safety notices for non-compliance.

Local authorities could face prosecution for trespass if they enter a leaseholder’s property without replacing doors or windows. However, Croydon successfully argued that the leaseholder’s door remained the council’s responsibility as freeholder and needed replacing for communal safety reasons.

In a judgment, given the same day as the hearing circuit Judge David Ellis granted Croydon an injunction to carry out the repairs. Croydon referred to the decision as a ‘test case’ that sets a ‘precedent’.

Although technically only High Court decisions are legally binding for other judges in lower courts, experts agree the case is important to landlords seeking to enforce fire safety requirements.

Jan Taranczuk, a housing consultant, said: ‘It’s an encouraging milestone in attempts to enforce fire safety and will also help landlords persuade leaseholders not to resist their attempts to change unsuitable doors. It’s a problem that is faced by nearly every social landlord across the country - not just councils.’

Alison Butler, cabinet member for homes and regeneration at Croydon, said: ‘We believe this is the first case of its kind, and a vitally important one - it could potentially save lives.’
The fire brigade issues an enforcement notice in more serious cases or where advice has been ignored. In the year to March 2014 in London*

35 fire safety notices served against social landlords
28 served against housing associations
4 served against local authorities
2 served against housing charities
1 served against an arm's-length management organisation

**HMRC SUPPORT FOR ALL LANDLORDS AND AGENTS**

HMRC has created a number of facilities to help support private landlords and agents to submit correct tax returns.

HMRC has created the HMRC online training facility to help develop the knowledge of landlords in relation to such matters as income tax, business records and expenses. The service is free of charge, will help landlords get their tax right from the start of the letting process and can be used to keep tax matters on track for the future. This product is updated and maintained by HMRC and anyone viewing the site in, say, a year's time will get the most current information. The training is split into bite-size modules including:

- when and how property lettings starts and what to do
- the various types of property income – furnished, unfurnished, rent-a-room – and how they are taxed
- the correct treatment of income and expenditure (both revenue and capital)
- tips on record keeping
- property disposal, capital gains tax & inheritance tax
- tax return filing and paying dates
- PAYE & VAT obligations.

Landlords who fail to register with HMRC or who have under declared or under paid tax risk being checked by HMRC. If you wait for this to happen, you won’t be able to sort out your tax affairs on the best terms.

A HMRC YouTube video is available to help you.

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HMRC also provide pre-recorded and live webinars on property income covering the basics of income from property including registration, record keeping etc. The webinars also cover schemes such as Rent A Room and furnished holiday lettings. The webinars can be viewed from your computer/laptop/smartphone as long as internet access is available. The pre-recorded webinars last around 30 minutes. Of particular interest may be the webinar entitled ‘Your Property Income and HMRC.’

The HMRC Property Rental Toolkit provides guidance on how to avoid most commonly made errors that HMRC see in property rental returns. It is primarily designed to meet the needs of agents but may also be of interest to landlords.

If you would like to access more information regarding these schemes, please visit:


**NEW 2015/16 COUNCIL FEES AND CHARGES FOR LANDLORDS & AGENTS**

The full list of Southend-on-Sea Borough Council’s Fees & Charges for 2015-2016 financial year, as agreed, have now been published and are available in full at the webpage detailed below:


Several of Private Sector Housing’s charges have been increased, the most significant changes being the cost recovery charge for certain Notices, including Improvement Notices, is now £500 and the cost recovery charge for an Interim Management Order (failure to apply for HMO licence) has risen to £1,200.
**A REMINDER OF LEGISLATION AFFECTING LANDLORDS AND AGENTS IN 2015**

Under the Deregulation Act 2015 landlords will no longer be able to evict a tenant who has made a legitimate complaint about the condition of their rented property.

The new protection comes into force from 1 October 2015 and will apply in instances where the council has confirmed that a repair needs to be carried out to protect health and safety. The landlord will be unable to evict the tenant for six months.

Landlords will also not be allowed to evict tenants from their properties where they have failed to provide gas safety certificates or energy performance certificates. Retaliatory eviction protection is part of a package of private rental sector measures coming into force in the next few months.

As of 1st April 2015, local authorities will no longer be able to introduce borough-wide private sector landlord licensing, based on the Newham model, without first getting approval from the Secretary of State.

Under the new changes boroughs will have to refer to the Secretary of State for approval in instances where a landlord licensing scheme will cover more than 20 per cent of their geographical area or where it would impact more than 20 per cent of privately rented homes in the council area.

Schemes that have already been approved, such as Liverpool City Council, will be exempt from the new rule.

The draft Smoke and Carbon Monoxide (England) Regulations 2015 is expected to come into force on 1 October 2015 subject to Parliamentary approval. Under the new regulations landlords will be required to install working alarms on every floor of their property. Carbon monoxide alarms will also be mandatory in every room where a solid fuel heating system is installed.

Alarms will have to be tested at the beginning of each tenancy and landlords that fail to comply with the new regulations may be subject to a civil penalty.

On 27 May 2015 letting agents will be subject to greater scrutiny and will be required to publicise a full breakdown of their fees, state whether or not they are a member of a client money protection scheme and which redress scheme they are a member of.

**Would you like to write or suggest a future topic for an article?**

**Do you have some interesting stories or information to share with the Forum?**

If so, then please email: landlordsforum@southend.gov.uk and we will consider it for a future edition.
Judge rejects landlord HMO appeal

A High Court judge has thrown out a legal challenge to a licensing scheme for houses in multiple occupation in Nottingham.

East Midlands Property Owners Ltd had sought a judicial review of the scheme on the grounds the licensing fee was unlawful, the evidence base for the scheme was inadequate and the council had failed to consider alternative ways of raising standards. But Mr Justice Wilkie at the High Court ruled the council had not included enforcement costs in the licensing fee. He said the council had made an appropriate judgment with due regard to alternative measures.

The council introduced an additional licensing scheme in January 2014 to ensure that HMOs in the city area were managed properly and met basic standards for quality and safety. The scheme was also intended to reduce complaints about noise, rubbish, and other anti-social behaviour.

Dave Liversidge, cabinet member for housing, said it was ‘extremely disappointing’ that EMPO chose to challenge the scheme. ‘It’s important to note that EMPOs challenge didn’t simply fail on a legal technicality. The judge carefully considered the scheme, believed it to be rational and reasonable and ruled that there were no grounds for a judicial review,’ he said.

The private rented sector in Nottingham is growing with over 27,000 properties in the city. As HMOs – shared houses, bedsits etc with three or more storeys and five or more occupiers – generally have a higher density of occupation and are potentially a higher risk, there is national legislation in place to require them to be licensed. Nottingham has an estimated 1,700 HMOs of this type. However, there are many more HMOs in Nottingham that do not fall under this national mandatory licensing scheme. This led to the council introducing additional licensing covering areas where these properties are in the highest density and where they are most likely to have the biggest local impact due to anti-social behaviour associated with the property, poor management or unsatisfactory living conditions.

Man fined £73,000 over illegal Ealing flats

A homeowner in west London has been ordered to pay out more than £73,462 after illegally converting his house into three flats and failing to comply with a council enforcement notice.

Dragan Milinkovic converted his house in Cuckoo Dene, Hanwell, without planning permission in April 2010. Following an investigation, the London Borough of Ealing’s planning enforcement team issued an enforcement notice in 2011 requiring him to stop using the house as three flats.

He failed to comply with the notice and, after issuing a letter of caution in January 2014, the council decided to prosecute him and apply for a confiscation order under the Proceeds of Crime Act 2002.

Appearing at Harrow Crown Court, Milinkovic pleaded guilty, received a £2,700 fine and was ordered to pay the council’s court costs of £4,762, plus a victim surcharge. The court also imposed a confiscation order of £66,000 on him, to reflect the money illegally obtained by continuing to rent the property as flats after the enforcement notice compliance date expired. Milinkovic will have to pay the confiscation order within six months, or face 21 months in prison.

During sentencing, HH Judge Donne QC said: "Your offence is aggravated by the period of time in which you did not comply and the fact you ignored the caution letter."

Pat Hayes, the Council’s director, regeneration and housing, said: "I am pleased that a really significant fine of £66,000 has been imposed and hopefully this will deter others who think this type of offence only attracts a small penalty."
**£300,000 punishment for Waltham Forest rogue landlord**

A rogue landlord from Waltham Forest who told a court he had made a “huge mistake” has been fined over £300,000.

William Lao, a commercial landlord who owns 16 properties in the London borough of Waltham Forest, was fined £73,500 and ordered to hand over £217,758 in illegal earnings from renting out properties that were in breach of planning controls. He was also ordered to pay £10,000 towards Waltham Forest Council’s costs.

Lao added large roof and garden extensions to seven of his properties, in some instances virtually doubling their size, and had converted every property into flats. The additions meant he was able to greatly enhance his rental income, but he failed to apply for planning permission for any of the works.

While the council made “strenuous efforts” to address the issues with Lao by serving a number of Planning Enforcement Notices against him using the Town and Country Planning Act, the landlord refused to restore the properties to their original state.

“Some of the issues date back almost five years,” said councillor Clyde Loakes, deputy leader and cabinet member for environment. “So we’re really pleased to have finally brought this rogue landlord to account and seen him rightly punished for a catalogue of breaches.”

In court, Lao’s advocate asked for leniency in the sentence, saying his client realised his tactic for making money was a “huge mistake”. On top of the financial penalties, all of the works carried out to Lao’s properties will now have to be demolished and returned to their original condition.

**Overcrowded flat posed 'serious risk' to migrant workers**

A landlord who rented out a dangerous seven-bedroom flat above a Chinese restaurant to ten migrant workers has been ordered to pay over £24,000.

Cornwall’s private sector housing team found Jin Ming Cao’s flat above Dynasty Restaurant, Perran Cross Road, Perranuthnoe, Cornwall, had an obstructed fire escape route and faulty fire alarm. It also lacked a gas safety certificate.

The EHOs considered the conditions in the flat to be ‘a major health and safety risk’ to the occupants, who were all of Chinese origin. Mr Cao failed to comply with improvement notices to repair a dangerous staircase and install a fire detection system.

Mr Cao pleaded guilty to six offences under the Housing Act 2004 at Truro magistrate’s court on 6 January. He was fined £22,500 and the council was awarded costs of £2,176 with a £120 government surcharge.

Neil Tredwin from Cornwall’s private sector housing team said the council had worked with police and UK Board Agency to target multi-occupied accommodation above commercial premises such as restaurants, takeaways and pubs. ‘The majority of our inspections have revealed substandard living conditions and poor fire safety provision which has routinely required enforcement interventions,’ he said.

Joyce Duffin, Cornwall Council cabinet member for housing and environment, said the council valued the contribution of private rented accommodation but warned it would intervene where a property failed to meet the minimum standards.

‘This case highlights that some landlords are not fulfilling their legal obligation to ensure the health, safety and welfare of their tenants,’ she said. ‘The council will make every effort to advise, educate and work with landlords but those who plead ignorance or fail in their obligations can rest assured that the council will make every effort to bring them to book.’