Welcome to Southend Borough Council’s Newsletter

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 all our partners.

The Agenda for the Landlords’ Forum

On Thursday 22\textsuperscript{nd} November 2012 at The Darwin Room, Tickfield Centre, Tickfield Avenue, Southend-on-Sea, SS2 6LL

2:00 – 3:00 pm
Registration, refreshments and an opportunity to network and visit stands provided by Council teams and partner organisations.

3:00 pm
Commencement
David Colwill, Landlord Forum Coordinator

3:05 – 3:30 pm
The Green Deal and the Energy Company Obligation (ECO): Supporting the private rented sector in Southend
Kelly Greer, Energy Solutions Manager (Essex), British Gas

3:30 – 4:00 pm
A Progress Update from SEAL – South East Alliance of Landlords, Agents & Residents
SEAL Board Members

4:00 – 4:45 pm
Dampness & Condensation in Buildings
Steve Hodgson, Chief Executive, Property Care Association

4:45 – 5:15 pm
Changes in Benefit Legislation
Tracey Nicola, Senior Project, Policy & Training Officer

5:15 – 5:30 pm: Additional presentation time or further opportunity to network & speak informally with presenters

5:30 pm: Close
New Homelessness Order Comes into Effect November 2012

Homelessness and the private rented sector: the provisions enabling local housing authorities to perform the main homelessness duty by offering private rented sector tenancies will come into force on Friday 9 November 2012. The change will NOT apply to people who have applied as homeless on or before 8 November 2012 and who are, on that date, being provided with accommodation in performance of a council’s duties (e.g. the provision of interim accommodation pending a decision on their application).

A local authority can only use the new power to offer "suitable" private sector accommodation. New regulations specify which matters, including location, a council must take into account before making a private rented sector offer.
RESIDENTS’ views have brought about a groundbreaking initiative between Southend Borough Council and local landlords aimed at tackling antisocial behaviour in the community.

The project will see the Council working closely with the South East Alliance of Agents Landlords and Residents (SEAL) and other local agencies to introduce borough-wide practical measures to improve the management of private sector housing, as well as communication and co-operation.

The initiative follows lengthy public consultation on proposals to “get tough” on landlords to combat antisocial behaviour in specific areas of Southend.

But after listening to residents’ concerns, the Council has decided to work with SEAL and to extend the scheme across the entire town.

The initiative is expected to lead to greater co-operation between the Council, local residents and local landlords. Regular meetings will be held between the parties.

SEAL spokesman Martin Ransom said: “Although it is still in its early stages, this is going to be a fantastic initiative and I really do think the partnership will go a long way towards improving the management of private rented housing. It will be a learning curve but a better relationship has already helped all the organisations involved to understand how each other work.

“That is helping us to address some issues around evictions to offer more help for people involved by arranging meetings between council tenants and other bodies to resolve issues at an earlier stage.

“In another instance, a councillor came to us with a complaint about a property and we were able to solve the problem with the landlord.”

□ SEAL was formed earlier this year.

More details, including how to become a member, can be obtained by emailing info@southeastalliance.org

Keep an eye out for the new SEAL logo below which will soon be appearing on SEAL member properties as a ‘neighbourhood watch’ style identification marker.
### Tenants Benefit from New Web Portal

**Dssmove** is a free UK-wide 24 hour online service where DSS tenants can search, review and apply for a new home at the click of a mouse.

Every letting agent listed welcomes anyone claiming housing benefit and the application process is fast and convenient.

The portal is the first of its kind, with Dssmove bridging the gap between portals, such as Rightmove and Zoopla, and the niche tenant market.

**Dssmove founder Aki Ellahi**, said: "No other property site offers what we do. We recognised the many difficulties faced by people on housing benefit when it came to finding a new home with many private landlords just saying no to DSS.

"But through Dssmove there is now an extensive network of landlords that are most certainly saying yes, and it's an easy way for tenants to get in touch and find a suitable property."

Dssmove offers detailed property listings across the country from one-bed flats to four-bed family homes. The new portal aids a smoothly run property rental process for tenants, landlords and letting agents alike.

Aki Ellahi added: "We can give tenants peace of mind and choice when it comes to searching for their new home. Our listed letting agents are checked by the Dssmove team and adhere strictly to our selection criteria. And that means peace of mind for landlords looking to rent out their properties."

More information is available online at [www.dssmove.co.uk](http://www.dssmove.co.uk)

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### To qualify for Warm Front a person must live in their own home or rent privately.

The property must have a **SAP rating of 63 or under**. (The SAP rating does not apply to mobile homes) The SAP rating of the property will be assessed at the beginning of the Technical Survey.

A householder or their spouse must be in receipt of one of the following:

- **Pension Credit** Guaranteed Credit or Savings Credit
- **Income Support or Income-based Jobseeker’s Allowance and have any of the following:**
  - Parental responsibility for a child under 16 or under 20, if still in full time education, who ordinarily lives with that person Child Tax Credit (which must include a disability or severe disability element for a child or young person);
  - Disabled Child Premium;
  - Disability Premium (enhanced disability or severe disability element premium);
  - Pensioner Premium (higher pensioner premium or enhanced pensioner premium)
  - Income-related Employment and Support Allowance (ESA IR) that includes a work related activity or support component;
  - Child Tax credit and has an income of £15,860 or less;
  - Working Tax credit and has an income of £15,860 or less and have any of the following:
    - Has parental responsibility for a child under 16 or under 20, if still in full time education, who ordinarily lives with that person;
    - Severe disability element or aged 60 years or over

Warm Front contact details, householders can apply by: Free phone 0800 316 2814
On line: [www.warmfront.co.uk](http://www.warmfront.co.uk)
Landlords wishing to improve the energy efficiency of their properties can access funding from a variety of sources. Some are UK-wide, and others offered locally.

The Green Deal is the Government's new flagship policy for encouraging energy efficiency improvements. It is a ten year programme, although parts may not even start until 2018. The framework will allow approved firms to provide energy efficient improvements to homes, and to work places. Consumers, who will be bill payers, will pay back the cost of these improvements through savings in their energy bills.

The “Golden Rule” at the heart of The Green Deal states: “the expected savings resulting from installing measures must be equal to, or greater than the cost of repayment over the term of the Green Deal Plan”.

The Green Deal can fund improvements in lighting, space heating and cooling, wall and loft insulation, water heating (e.g. condensing boilers), and micro-generation (e.g. solar panels), provided that the Golden Rule is met.

For a landlord, a key feature is that energy saving improvements can be made to their properties with no upfront cost. The repayment obligation falls on the tenant, and is paid for via their electricity bill, and shown as a separate item on the bill.

Tenants will be able to self-initiate Green Deal assessments, but will require the landlord's consent to enter into a Green Deal Plan.

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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?

If so then please email:

landlordsforum@southend.gov.uk

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THE LONDON & SOUTH EAST LANDLORDS DAY

A Free Event for Landlords

The London & South East Landlords Day will take place on Friday 7th December 2012 from: 10am - 4.30pm

At: Senate House Malet Street, The University of London, Bloomsbury.

This event is for all landlords and agents in London and the South East and will deliver all the essential information they need whether they are experienced landlords/agents or considering starting out.

The event is organised by the Residential Landlords Association and Unipol Student Homes, a national student housing charity and supported by the London Landlord Accreditation Scheme and the UK Landlord Accreditation Partnership.

The event will include:
- A large exhibition area where you can get information on services and products
- A range of free seminars/workshops from industry experts
- Information and advice from government bodies and local authorities
- A free drinks reception and networking event with a key-note speech

Further info is available at www.lase-landlordsday.org.uk

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Landlords can also initiate an assessment, but will need the bill payer’s consent for a Plan. The obtaining of consent from both bill payer and owner will cause challenges for some property types, such as blocks of flats. Expect amendments to the scheme to solve such problems as the scheme unfolds.

For the landlord there are clearly some advantages. There are no upfront costs, with the tenant making the repayments. If the tenant stops paying the bill with a Green Deal charge, then the energy bill and Green Deal debts stay with the tenant.

The Green Deal providers must provide warranties and guarantees for the work, and must resolve any defects.

The scheme does have some disadvantages. The Green Deal charge is a standing charge, and is payable regardless of the energy used in the property. In void periods the landlord is responsible for the repayments. If the property is redeveloped, the loan may have to be repaid. The requirement for consent from all parties may add time to the process.

When the bill payer changes, the landlord must disclose the Green Deal details to the new tenant who has to acknowledge responsibility for the repayments. Also it is not known what impact on property values a Green Deal debt will have, or the extent to which lender consent will be required.

Peter Davis – CEO, ELA
sales@easternlandlords.org.uk
www.easternlandlords.org.uk

Landlords – We need your help to recycle!

Southend-on-Sea Borough Council and Cory Environmental are keen to ensure that your tenants have access to all the recycling services that are available in Southend-on-Sea. Residents have certainly embraced the recycling services that are available with 48% of household waste currently being recycled.

However, we still have a challenging target of recycling 60% of all household waste by 2015, and a way of achieving this is to ensure that all residents have access to these services.

All of the recycling services, including food waste, have been rolled out to a number of multi-occupancy locations already – including to South Essex Homes and Estuary Housing properties - and the response from residents has been positive.

We are looking forward to working with all landlords and managing agents in the borough to provide the best possible services to their tenants.
Continued from page 4

In 2011, over 3,100 tonnes of food waste collected from Southend-on-Sea was turned into compost, preventing biodegradable waste from decomposing in landfill sites where it produces methane, which is a harmful greenhouse gas damaging to the environment. There are also financial benefits associated with recycling.

Did you know that for every tonne of waste sent to landfill, a landfill tax is imposed and this tax increases by £8 per tonne every year? Currently, landfill tax is £64 per tonne, and including other costs for disposing of waste to landfill, the total costs can escalate to over £100 per tonne.

With over 37,000 tonnes of waste expected to end up in landfill this year, this equates to a cost of over £2.3 million in tax alone and over £3.7 million when all costs are included! Next year the tax will increase to £72 per tonne, representing an increase in costs of over £300,000 in extra tax for the same amount of household waste!

So with the environmental and financial benefits of recycling, we are looking forward to working with landlords and managing agents in order to provide recycling services and information to their tenants. If you would like to work with us, or discuss opportunities for increasing the recycling provision to your tenants, then please email southendrecycling@coryenvironmental.co.uk or call (01702) 617766 ext 211.

LANDLORDS SHOW GREEN CREDENTIALS AS NLA ENCOURAGES FUNDING TAKE-UP

According to the National Landlords Association’s latest Landlord Panel*, landlords are proactively working to improve the energy efficiency of their properties.

Just over 50 per cent (51%) of landlords have made energy saving improvements to two of their rental properties and a further 12 per cent of landlords have made improvements to five or more of their properties.

Energy grants, including Warm Front**, the Carbon Emissions Reduction Target (CERT)*** and Community Energy Saving Programme (CESP)**** are available until 31st December 2012.

In light of this time restraint, the National Landlords Association urges landlords to utilise this green funding whilst they can. The current energy saving schemes will be replaced with new government initiatives; the Green Deal and ECO, which are due to launch in 2013.
Barbara Carr, NLA Representative for Southend-on-Sea, says: “The private-rented sector has a key role to play in ensuring Britain meets its energy targets and so it is important that we make use of the funding available. Furthermore, it is imperative that landlords future-proof their properties and their investments. If landlords don’t act now, they may find their property cannot be legally let come 2018 under the new legislation.

“With money left in the pot for the existing schemes, it’s important that landlords and tenants alike take advantage of the funding whilst it’s still available. It’s free for landlords and saves tenants money on their energy bills.”

Green landlord, Marion Money, says: “I have made energy improvements to seven of my properties using Warm Front grants for central heating systems and insulation together with loft insulation and draught proofing measures using the CERT funding.

I am quite passionate about energy efficiency – it benefits my tenants as they receive added value and cheaper energy bills. In fact, one of my elderly tenants was really delighted by the increased warmth and comfort provided by the central heating and insulation installation. And it’s not just my tenants who benefit – I am protecting my investment for the future. I would definitely advise other landlords to do the same.”

To join the NLA and take advantage of their on-going support and up-to-date information for landlords, visit www.landlords.org.uk/membership or contact the NLA’s Representative for Southend-on-Sea at barbara.carr@landlords.org.uk or 07771938275.

* 546 online interviews with National Landlords Association members carried out between 7th and 19th June 2012.

**Warm Front**

Available in England only, Warm Front installs insulation and heating measures for people receiving certain disability or income-related benefits. The scheme is available for people who rent from a private landlord or own their own home.

***Carbon Emissions Reduction Target (CERT)***

The main energy suppliers (British Gas, E.ON, EDF Energy, RWE npower, Scottish Power and Scottish And Southern Energy) are providing free or low cost energy efficiency measures, most commonly loft and cavity wall insulation. All properties in Great Britain are potentially eligible for help under CERT, although the most vulnerable people (for example the elderly or people on low incomes) are given priority. Both homeowners and tenants can apply, although tenants must have their landlords’ approval for work to begin.

****Community Energy Saving Programme (CESP)****

The main energy suppliers (British Gas, E.ON, EDF Energy, RWE npower, Scottish Power and Scottish And Southern Energy) are providing free or low cost energy efficiency measures, such as solid wall insulation, to homes in low income areas as part of CESP. Find out if your area is eligible by visiting http://www.decc.gov.uk/en/content/cms/funding/funding_ops/cesp/cesp.aspx
With all the changes to the welfare system, it’s no wonder that many people are worried about how they might be affected. This article focuses on housing related matters.

Local Housing Allowance (LHA) on which Housing Benefit (HB) is based has already been limited; HB is limited to a shared room rate for the rent of any single person under 35 years, it doesn’t affect those living with a partner or with any children.

The local authorities (LA) who administer HB were given an increased grant as of April ’12 to boost their discretionary housing payment (DHP) fund to help with increased claims from people needing to cover the shortfall in their rent.

It is worth noting that such help is available, to give a person time to try and find cheaper accommodation or, to cover them up to age 35 years if that is not too far off, when they would qualify for HB at a higher rate for their rent and could remain in that property.

We don’t know the full impact of these HB changes, but there can be exemptions from some restrictions, help from alternative sources such as the DHP so people should be encouraged to get advice about what options they have. The major change for most people will be the introduction of Universal Credit (UC) in place of the means-tested benefits of Income Support (IS), Jobseekers Allowance (JSA) and Employment and Support Allowance (ESA).

It will also take over Housing Benefit (HB) for those getting help with their rent and the housing costs currently paid to those on IS, JSA or ESA who have mortgage interest to pay for buying their home.

Another ‘benefit’ to be taken over by UC is child and working tax credits (CTC/WTC).

UC is set to start with new claims nationally from October 2013 following a trial run on new claims from April ‘13 in the north west of the country.

The amount paid to people will be capped so that no one is better off on benefit than they would be if they were working. The cap has been based on a gross wage of £35,000 a year or £26,000 a year after taxes.

It’s assumed that a single person’s rent and living allowance will not exceed £350pw (£1,516.66pcm) and a couple’s or lone parent’s £500pw (£2,166.66pcm).

Another change that comes with UC is that it will make payments monthly and not 2- weekly or 4-weekly as most benefits currently do. Since the UC payment will be made direct to the claimant for rent and living expenses, this might make it easier to deal with rent payments, as the current 4-weekly method has been a contentious issue for some landlords and left tenants feeling unclear as to whether or not they have to make some top up toward the rent but, because the payment will be one payment of UC per calendar month as payment of rent and living expenses, it will be important for people who currently have rent or mortgage costs paid direct to their landlord or lender, to have something in place so they can pay it themselves.

There is going to be law to allow direct payment of rent or housing costs direct on a person’s behalf if necessary, but these are expected to be exceptional cases, rare rather than the norm.
The change over from a fortnightly paid benefit for living costs to monthly paid could cause problems by way of funding the adjustment but despite changes to the Social Fund (SF) with some of the responsibility being delegated to councils from April ‘13 (for some crisis loans and all community care grants), there will be a ‘short-term advances’ system by which someone can get some help to cover this sort of change to their payday.

Another of the changes affects Council Tax Benefit (CTB) which is due to be dropped but not taken over by Universal Credit (UC). Instead, there is to be a system put in place by local authorities (LA) to replace it. Most LA’s are currently looking at what policy they will put in place for this from 2013 and should give details of it on their website when they have it drawn up.

People can get independent advice about their rights and entitlement and other sources of help, not least from the Citizens Advice Bureau (CAB).

The Council’s Corporate Director for Adult and Community Services, Simon Leftley said: “This is a terrific project which brings far-reaching improvements for many people. “It will help our tenants now and in the future with lower energy bills, and will make the properties more sustainable for generations to come while also offering crucial business support to small and medium-sized enterprises.”

Southend on Sea Citizens Advice Bureau can be contacted on 0844 477 0808 and is located at 1 Church Road, Southend on Sea, Essex SS1 2AL.

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Shelter is calling for the introduction of a new renting contract to give greater stability to the growing numbers of people who rent their homes from a private landlord.

In a report published today, the housing charity calls for a new kind of tenancy - called the Stable Rental Contract - to become the norm across the rental market in England. The contract would give renters more stability to put down roots, and landlords more certainty of a good return on their investment.

Shelter’s new Stable Rental Contract would:

- Last for five years, giving renters the chance to put down roots;
- Increase rents in line with inflation each year, giving landlords predictable incomes and renters predictable outgoings;
- Give landlords confidence that they can easily evict genuinely bad tenants;
- Allow landlords to end the tenancy if they sell the property; and
- Give renters flexibility, allowing them to give two months notice to leave.

The report brings together new evidence from renters and landlords, showing the need for a better deal for a generation locked out of home ownership. Over the last fifteen years, the number of people who rent their home from a landlord has almost doubled to 8.5 million people, and nearly a third of renters are families with children.
Yet Shelter’s research shows that 35% of renting families worry about their landlord ending their contract before they’re ready to move out, with one describing their experience of renting as ‘walking on eggshells’.

One in four renters (28%) don’t think a rented home is a suitable place to bring up children.

Two thirds (66%) say they’d like the option of staying in their home long-term, but the current average stay in a rented home is just twenty months.

The report draws on research by property consultants Jones Lang LaSalle showing that the Stable Rental Contract could increase landlords’ return on their property investments.

The study used economic modelling to find that, compared to the irregular way that some landlords currently increase rents on their properties, their returns would actually be increased with longer-term tenancies and predictable rent rises in line with inflation.

The changes could be immediately introduced within the existing legal framework for private renting in England, without the need for new laws.

Campbell Robb, chief executive of Shelter, said: "With a generation priced out of home ownership, renting is the only choice for growing numbers of people. But with the possibility of eviction with just two months' notice, and constant worries about when the next rent rise will hit, the current rental market isn't giving people - particularly families - the stability they need to put down roots.

"The Stable Rental Contract offers renters the stability of a five year tenancy and gives landlords more confidence in a steady income, all within the existing legal framework.

“Turning rented houses into homes should be a priority for everyone who cares about the wellbeing of families in this country, and government must now show the political will to make renting better for millions of people desperate for a stable home they can rely on.

"Government must pull out all the stops to encourage landlords and letting agents to offer the Stable Rental Contract. Last month, ministers set out their plans to commit millions of pounds of public money to underwrite investment in building more rented homes. Insisting that these homes are let using the Stable Rental Contract would be a good place to start.”

Mr Campbell Robb is the Chief Executive of Shelter.

This article was previously published on the Shelter website www.shelter.org.uk 21st of September 2012.

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

Do you have some interesting stories or information to share?

If so then please email: landlordsforum@southend.gov.uk
A new investigation by Shelter has revealed how complaints about landlords have risen dramatically in the past few years.

The housing and homelessness charity contacted every local authority in England to build a picture of the scale of the problem with rogue landlords and what is being done to tackle it. Shockingly, the total number of complaints made to local authorities has increased by 27 per cent in the last three years, with over 85,000 complaints made in total over the past year alone.

Even more worryingly, 62 per cent of complaints were related to serious and life-threatening hazards such as dangerous gas and electrics and severe damp. In the last year health services had to be involved in 781 cases due to the behaviour or neglect of private landlords.

When asked about rogue landlords in their area, local authorities identified 1,449 private landlords who have given them continued cause for concern in the last year.

Campbell Robb, chief executive of Shelter, said: "Despite the significant increase in complaints, we believe that the number of rogue landlords is still underestimated - some local authorities don't keep records of complaints and tenants often hold back from complaining out of fear of the consequences or because they don't believe their voices will be heard, even though such a high proportion of complaints is about life-threatening issues.

"Every day at Shelter we see the devastating impact these landlords have on people's health and wellbeing. There could be thousands more victims of these operators, trapped in homes that cause misery and, in some cases, put lives at risk."

Shelter's investigation also showed that the number of successful prosecutions made against private landlords has gone up by 77 per cent in the last year. Although the rise in prosecutions is a positive signal of change, only 487 successful prosecutions were carried out last year, mostly driven by a handful of local authorities such as Newham, Leeds, Salford and Manchester that are leading the fight against rogue landlords.

Mr Robb added: "At Shelter we've been campaigning for the last two years to urge government and councils to crack down on the small but highly dangerous minority of landlords who make people's lives a misery. While there have been considerable successes, such as the increase in prosecutions and the government's best practice guidelines to help local authorities deal with rogue landlords, there is still much to be done. It's ultimately local authorities that must do everything in their power to support people who are suffering by cracking down on the worst offenders in their area."

As part of the Evict Rogue Landlords campaign Shelter has launched 'Wrong Move', a spoof video that presents rogue landlords' properties on the market and encourages people to visit Shelter's website and email their local council to stamp out rogue landlords in their area.

Radio DJ and presenter Lauren Laverne, who lent her voice for 'Wrong Move', said: "Working with Shelter I've heard of too many rogue landlords that are simply getting away with ignoring their responsibilities. Living in a house with serious issues such as gas leaks or severe damp can pose a threat not only to someone's wellbeing, but also to their lives. Stamping out rogue landlords must become an urgent priority for us all."

This article was previously published on the shelter website and can be accessed via the following link http://media.shelter.org.uk/home/press_releases/investigation_sees_dramatic_rise_in_complaints_about_landlords
Opportunities for Landlords to bring Empty Homes back into use with external funding

**HARP** is actively looking to engage with landlords in the private sector that have empty property and for whom may not be suitable be able to access Government funding to carry out the necessary refurbishment. Alternative funding options will be explored to identify opportunities for the Landlord to bring their property back into use.

**HARP** has won a grant from the Empty Homes Community Grants Programme (EHCGP), to bring 6 units back into use and available for letting by March 2013. **HARP** is working with the local Private Sector Housing (PSH) Team to identify properties to be brought back into occupation. **HARP** will be working closely in partnership with this team to deliver the programme, and are ideally looking for a single 6 bed property that could be part of the project, so if anyone knows of one please get in touch as soon as possible.

The client group to tenant the property comprise single homeless people and **HARP**’s objective is to increase the availability of low support housing at affordable rent to homeless people who (with **HARP**’s support) are working towards independent living. The lease would be in **HARP**’s name.

**HARP** will renovate the property to Decent Homes standard, and will aim to incorporate energy efficiency improvements to the properties and utilise the “Green Deal”.

The terms of engagement with the Landlord will be that they will need to forfeit sufficient rental income throughout 5 years of the 10 year lease period that will equate to the cost of the refurbishment. **HARP** is looking to continue its Empty Homes initiative, and maintain a rolling programme.

Southend Borough Council has pledged their long term support of **HARP**’s initiative.

To learn more please contact Nicky Houston, Property Development Manager at **HARP**, 07818094893 - nicky.houston@harpsouthend.org.uk

or

Stuart Burrell Private Sector Enforcement Officer– **Southend-on-Sea Borough Council**
01702 534363 (Direct), stuartburrell@Southend.gov.uk

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**Do you a have some interesting stories or information to share?**

If so then please email: landlordsforum@southend.gov.uk
Recent Enforcement Action by Southend Borough Council’s Private Sector Housing Team

The Private Sector Housing (PSH) Team endeavours to work with landlords and agents informally, without the need to serve a Statutory Notice. However, there are occasions when a landlord chooses, despite advice from the Council, managing agents and peers, to ignore the Notice or choose to not tackle the problem.

The same also applies to requests for information which aid the PSH Team in identifying concerns, renewing licences and ensuring that the correct action is taken. When landlords refuse to comply with statutory requests, the final sanction the Council can take is to prosecute that person through the Courts or by taking them to a Residential Property Tribunal for a Management Order.

The following are a few of the more recent cases that have been taken to the Magistrates Court or the Eastern Residential Property Tribunal by Southend on Sea Borough Council.

This section is to highlight to good landlords that the Council is prepared to take strong action against those whom fail to take the appropriate action.

Southend-on-Sea Borough Council vs. Mark Rosson

A landlord who left a pipe leaking at a Westcliff property, has been fined £1,000 with £750 costs and a £15 victim surcharge.

Mr Rosson of Prittlewell Chase, Southend, incurred these penalties at Southend Magistrates Court on Wednesday 10th October for failing to comply with a Section 80 Notice of the Environmental Protection Act 1990.

Council officers began investigations in January 2012, following reports of a leaking outdoor overflow pipe at a property in Southbourne Grove, Westcliff. Despite assurances in the intervening months from Mr Rosson that the matter was in hand and that it would be resolved, the leak continued.

As a result the Council had no option but to serve a Notice on Mr Rosson in May, requiring repair work to be completed within 28 days. However, the pipe was still leaking, when officers inspected the premises on Wednesday 4th July, so prosecution was necessary.

Mr Rosson has the right to appeal the Magistrate’s decision.

Southend-on-Sea Borough Council vs. Sukhbir Sandhu

A landlord that failed to comply with his obligations under the regulations covering Houses in Multiple Occupation was fined £2,000 and ordered to pay £1,447 in costs as well as a £15 victim surcharge.

Mr Sandu of Hart Road, Thundersleigh, was found guilty in July 2012 of two counts of failing to comply with the regulations of houses in multiple occupation.

He failed to ensure that firefighting equipment and alarms were in good order and failed to ensure electrical equipment had been tested at the property in York Road, Southend.
**Southend-on-Sea Borough Council vs. Kathleen Beechey**

A Landlord that did not supply the relevant documents, despite those documents being formally requested and required in order for her to hold a licence for a House in Multiple Occupation lost her licence as a result of the lapses.

Kathleen Beechey was licensed to run six bedsits in London Road, Westcliff, however failed to provide a number of key documents including the fire alarm test certificate. As a result, Mrs Beechey was fined £2,000 as well as court costs of £270 and a £15 victim surcharge.

As a result of the Case Kathleen Beechey can no longer hold a licence for the property in question and must either reduce the number of tenants or put forward another person or agent to manage the building as the licensee.

**Southend-on-Sea Borough Council vs. Mr James Burrell & Mrs Jacqueline Burrell**

Two Landlords who failed to obtain a licence whilst operating a House in Multiple Occupation were fined over £5,000, comprising a fine of £2,500 each as well as £130 in costs and a £15 victim surcharge.

Mr and Mrs Burrell of Highbury, London. Both pleaded guilty to the charges when they appeared at Southend Magistrates Court. Their three-storey property in Westcliff had been split into bedsits and five rooms for both Council and private tenants.

The case arose as a result of the couple failing to renew the licence at the property.

As a result of this prosecution, the Council has successfully applied for a Rent Repayment Order (RRO) to cover the amount of rent paid in Housing Benefit during the period the HMO was without its licence. An amount in excess of £5,000 must now be repaid by Mr Burrell, and a third party must be put forward to hold the licence for this HMO.

**Southend-on-Sea Borough Council vs. Isaac Odeniran**

A Director of a Housing Association was found guilty of failing to comply with improvement Notices and fined £4,000. He was also ordered to pay costs of over £4,000 and a victim surcharge of £15.

Isaac Odeniran, the Director of Abundant Life Housing Association, was served an Improvement Notice in April 2011 after serious concerns were raised regarding the condition of the first floor flat in Gainsborough Drive. No action was taken to conduct the repairs and Mr Odeniran, in fact, chose to relet the property, exposing another household to the disrepair despite being well aware of the Council’s requirements.

The prosecution was taken as a result of the disregard shown by the landlord for the welfare of his tenants and also his disregard for the legislation that applies equally to all landlords within Southend.
Private Sector Housing: Successful application for Empty Dwelling Management Order

The owner of a property that had been vacant for over 16 years was taken to a Residential Property Tribunal and the property has now been made subject to an Interim Empty Dwelling Management Order (EDMO).

Mr Michael McCarthy of Sandhurst, Berkshire inherited the property in Ilfracombe Road, Southend-on-Sea from his late mother in 2011. His mother had died in 1995 and for the intervening time there was no legal owner as probate had not been granted and the Crown could not take action as there were living blood relatives.

Despite assurances regarding the property, it was not brought back into use nor put on the market for sale and, after a year had passed since he had inherited the property, the Council took the decision to seek an Interim Empty Dwelling Management Order to ensure that the property is brought back into use.

With this order the Council becomes responsible for the day to day management of the property and the Council must consider the best way to bring the property to a habitable condition. Should Mr McCarthy choose to sell the property then consideration will be given to revoking the order should the sale be successful.

An Interim Empty Dwelling Management Order, as with other forms of Management Order, lasts for 12 months and requires the consent of the owner for a tenancy to be created. A Final Empty Dwelling Management Order, again, like other forms of Management orders, lasts for 7 years and does not require the consent of the owner regarding the creation of a tenancy.

Mr McCarthy has the right to appeal the judgement.

NORWICH LANDLORD MUST PAY BACK CRIMINAL PROCEEDS

A city landlord has been ordered to pay £53,500 after being prosecuted successfully by Norwich City Council for putting his tenants at risk.

At Norwich Magistrates Court, Mr Joseph Howman, of Grosvenor Road, Norwich, pleaded guilty to nine offences under the Houses in Multiple Occupation (England) Regulations 2006 and did not meet the standards requited of a landlord in the Licence Conditions (part 2, Housing Act 2004).

In addition to being fined £5,000 plus £135 victim surcharge and £8,500 costs, Mr Howman was ordered to pay £40,000 under the Proceeds of Crime Act (POCA) 2002. Norwich City Council is the first local authority in the country to use POCA against a landlord who failed to comply with license conditions.

The court heard how the house in Unthank Road, which was let as 10 bedsits with shared bathrooms and licensed in multiple occupation (HM O) under the Housing Act 2004, posed a number of hazards to its tenants.

An inspection by council officers in November 2010 found, among other problems, the rooms had no heating, the main bathroom had no hot water, the communal bathrooms were dirty, the fire doors were in poor condition with many not working, and there were electrical hazards, including hanging wires and defective lighting.

Ellen Spencer, private sector housing officer said: "Norwich City Council is committed to making sure private tenants live in safe houses which meet legal standards. In this case the landlord risked the safety of tenants by cutting corners and refusing to make improvements. We are pleased that the court recognised the serious nature of the offences and hope that this will send out a message that rogue landlords will not be tolerated in Norwich."
Landlord Forum Newsletter

£10,000 fine for illegal Salford landlord who fails to obtain licence

A Salford landlord who failed to licence 20 flats has been fined £10,000. Jamsheed Kamali, 55, of Wilmslow Road, Mottram St Andrew, pleaded guilty to 20 offences of operating flats in Wellington Street West, Broughton, without a landlord licence when he appeared at Minshull Street Crown Court in Manchester on Friday 21 September.

He was fined £500 per offence, a total of £10,000, ordered to pay £5,000 towards legal costs and a £15 victim surcharge and warned that if he fails to pay the fine he could face six months in jail.

Speaking after the court case, Gena Merrett, assistant mayor for housing and environment, said: "This is an excellent result and should send a warning shot across the bows of any landlord who is considering ignoring their legal responsibilities.

"Salford City Council introduced landlord licensing in parts of Broughton in November 2009 to improve private rented housing, protect tenants and improve the area. All privately rented properties in the area have to be licensed. Without a licence, we have no way of knowing if the landlord is behaving responsibly or that he or she has satisfactory management arrangements in place and holds the necessary gas and electricity safety certificates to keep tenants safe.

"Mr Kamali has been renting these flats without a licence since September 2010, despite repeated warnings from the council that this was illegal. Only in April 2012, after we had begun court action, did he finally apply for licences which were granted."

"Since landlord licensing was introduced it has proved very popular with tenants and other residents because it protects them against anti-social behaviour. It also protects landlords because the council can support them in dealing with any difficult tenants."

Sheffield landlord locked up after throwing tenant on street

A BULLYING landlord who threw a tenant out onto the streets without his shoes when he failed to pay his rent on time has been jailed. Jay Allen – who was cleared of conspiring to murder a takeaway driver two years ago – forced Chris Blades to leave his home on Handsworth Road, Sheffield, after he ran up £900 of arrears.

Allen, aged 30, of Padley Way, Sheffield Lane Top, forcibly evicted Mr Blades from the shared house without obtaining a proper court order, recruiting stocky pal Razwan Mohammed, 32, to shove him out of the door.

When Mr Blades, 28, told Allen, who has previous convictions for assault and affray, that he was breaking the law, the landlord replied: ‘Do I look like I care?’

Judge Roger Keen QC said Allen, who earns £2,000 a month from seven properties, tried to ‘dominate and frighten’ his tenant.

Jailing him for nine months, the judge said: “You decided that because the rent had not been paid you were going to evict the tenant unless he came up with the money immediately, which was impossible. Using your considerable presence, together with that of your co-accused, you went to dominate, frighten and overwhelm Mr Blades.”

A jury of eight women and four men took more than six-and-a-half hours to convict Allen and Mohammed of unlawful eviction.

Mohammed, of Orgreave Lane, Orgreave, was sentenced to six months’ imprisonment, suspended for a year, with a seven-day tagged curfew from 7pm to 6am.

Afterwards, clothes shop assistant Mr Blades said he was happy with the sentence. “I wasn’t expecting Jay Allen to be sent down, I thought he would get a fine.”

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Luton Council prosecutes tenants for fraudulent claims.

Luton Borough Council v Samuel Jackson and Elizabeth Mahia

20 September 2012

The defendants applied to the council as homeless. They said they had been given notice by their landlord to leave their private rented accommodation in Ireland when the landlord defaulted on the mortgage. They gave a false address for the property and a false name for the landlord.

The council traced the real landlord who denied that he had required them to leave. The council prosecuted and the defendants pleaded not guilty to offences contrary to the Fraud Act 2006 and the Housing Act 1996. After a trial, they were convicted at Luton Magistrates’ Court.

Each defendant received a sentence of 26 weeks imprisonment suspended for 18 months, together with 100 hours unpaid work. The defendants were also each ordered to pay £500 towards the council’s costs.