



# NEWSLETTER

## Summer 2020

### INTRODUCTION

Welcome to our latest newsletter.  
Landlord Accreditation Scheme: North Staffordshire is a voluntary scheme run by Stoke on Trent City Council and Newcastle under Lyme Borough Council.  
Our aim is to promote good quality housing, good management practices, create and maintain a stock of privately rented accommodation to a standard which meets legal requirements, give public recognition to our members and give tenants the choice of renting a good standard of accommodation.  
Accredited landlords, please encourage fellow landlords to join the scheme to receive the benefits on offer.  
We hope you all enjoy this edition.

There are currently  
477 members,  
owning 2629  
properties across  
the two local  
authorities

### 2020 DATES FOR YOUR DIARY

#### Core Membership Events

Wednesday 8 July – Stoke - POSTPONED  
Tuesday 25 August – Newcastle  
Wednesday 21 October – Stoke

#### Professional Development Events

#### Landlord Open Forums

Wednesday 14 October - Stoke

Full details are available on our website  
[www.landlordaccreditation.co.uk](http://www.landlordaccreditation.co.uk)

### INSIDE THIS ISSUE

- *Local News*
- *General News*
- *Reminders*

If there are any topics/Acts you would like to see covered in the next issue, please email your ideas!

## Scheme/Local News

### **COVID-19**

Due to COVID-19 all of our Core membership events, professional development events and landlord forums have been postponed until further notice.

We are exploring ways of delivering our Core membership events virtually where possible as we are aware the current situation may remain for some time. We will update you all as soon as we have further information.

Maureen, I and teams are still not working from the office, but we will continue to answer your queries and send out information which may assist you during this challenging time.

We will email any important changes that we find and links to articles that we have already issued can be found on our website.

Updates on renting and Government guidance can be found [here](#)

### **Council Tax empty property charges**

Reminder - avoid any unnecessary additional charges on an empty property, please inform the Council Tax department as soon as the property becomes occupied.

For the financial year beginning April 1, 2020 the additional charges will be:

- 100 per cent for properties that have been unoccupied and unfurnished for at least two years
- 200 per cent for properties that have been unoccupied and unfurnished for at least five years or more

## General News

### **COVID-19 Government Guidance**

Non-statutory guidance for landlords, tenants and local authorities in the private and social rented sectors in the context of Coronavirus (COVID-19).

This guidance provides advice to landlords and tenants on the provisions in the Coronavirus Act 2020, and further advice for landlords, tenants and local authorities more broadly about their rights and responsibilities during the COVID-19 outbreak.

Published 28 March 2020 last updated 1 June 2020

Full details can be found [here](#)

### **HMO guidance**

Due to the nature of houses of multiple occupancy, it is important to reduce the spread of infection within the property as much as possible. As facilities are often shared such as kitchens and bathrooms it is important these areas are cleaned frequently along with other high touch points such as light switches, door handles etc.

When an occupant has symptoms or is a confirmed case within your property the following should be implemented. The occupant should if possible use separate facilities or, alternatively, consider drawing up a rota so that they use the facilities last, before thoroughly cleaning prior to other occupants using the facilities.

They should avoid using shared spaces such as kitchens whilst others are present. Take their meals back to their room to eat. Use a dishwasher (if available) to clean and dry used crockery and cutlery. If this is not possible, wash them by hand using detergent and warm water and dry them thoroughly, using a separate tea towel.

This advice should also be followed particularly stringently for anyone who has been identified as clinically vulnerable, as defined in the government guidance: <https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing>

It should also be followed regardless of symptoms or test results by people who have been identified as extremely vulnerable and so have been advised to shield, as per this guidance:

<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>

Please see guidance for cleaning in a non-healthcare setting for further guidance:

<https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings>

### **Contractors working within a property**

During this pandemic you will still have a duty to ensure your property is maintained and repairs and testing of appliances is carried out.

In order to assist you with this please see the government guidance relating to individuals working in other people's homes.

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/homes>

## **Legionella risks during the coronavirus outbreak**

Building closure or reduced occupancy can increase the risks of Legionnaires' disease.

Employers, the self-employed and people in control of premises, such as landlords, have a duty to identify and control risks associated with legionella.

If your building was closed or has reduced occupancy during the coronavirus (COVID-19) outbreak, water system stagnation can occur due to lack of use, increasing the risks of Legionnaires' disease. This may particularly affect:

- Hot and cold water systems
- Cooling towers and evaporative condensers
- Commercial spa pools and hot tubs

For detailed guidance on Legionella and safer working during the coronavirus outbreak visit the HSE [website](#).

## **Ban on Evictions extended**

Renters across England and Wales will receive greater protection after the government extended the suspension of new evictions until 23 August.

The extension was announced by the Housing Secretary on 5 June 2020

- Suspension of evictions from social or private rented accommodation extended by 2 months
- New court rules will ensure vulnerable renters will be protected when the suspension of evictions ends
- Government committed to ensuring that no one is evicted from their home this summer due to coronavirus.

The press release can be read [here](#)

## Mandatory five-year electrical safety check regulations

The new Electrical Safety Standards in the Private Rented Sector came into force from 1 June 2020. (MHCLG withdrew the revised guidance and reinstated the original guidance 19 June 2020)

All new private tenancies in England will need to ensure that electrical installations are inspected and tested by a qualified person before the tenancy begins. The landlord will then need to ensure that the installation is inspected and tested at least every five years – and more often if the most recent safety report requires it.

For existing tenancies, an electrical safety test will need to be carried out by 1 April 2021, with regular tests following this as outlined above.

Local authorities can impose a financial penalty of up to £30,000 for a breach of the regulations. Where there are multiple breaches, the local authority can impose multiple penalties.

The full guidance can be found [here](#)

NAPIT have also produced some useful [guidance](#) in PDF form.

## The Homes (Fitness for Human Habitation) Act 2018

The Homes (Fitness for Human Habitation) Act 2018 has been applicable to all periodic tenancies in England since March 2020.

The Act originally came into force on 20 March 2019 (see explanation below)

This legislation states that all rented properties must be ‘fit for habitation’, which means that they are safe, healthy and free from things that could cause serious harm.

If rented houses and flats are not ‘fit for human habitation’, tenants can take their landlords to court. The court can make the landlord carry out repairs or put right health and safety problems. The court can also make the landlord pay compensation to the tenant.

The full guidance can be read [here](#)

### From 20 March 2019

From 20 March 2019, anyone who signs a new tenancy agreement for a home, either the one they are currently living in, or a new home, or anyone whose tenancy becomes a periodic tenancy on or after 20 March 2019, can use the Homes Act. This includes tenants who sign tenancies of shorter than 7 years.

### From 20 March 2020

After 20 March 2020, everyone who has a secure or assured tenancy, or a statutory tenancy, or a private periodic tenancy, can use the Homes Act regardless of when their tenancy began. Anyone who is still on the fixed term of a private tenancy that began before 20 March 2019 cannot use the Act until the end of that fixed term.

## Right to Rent scheme

The Court of Appeal has delivered its verdict on a High Court decision that, until now, had held that the Right to Rent scheme was discriminatory and in breach of the European Convention on Human Rights (ECHR). **The Secretary of State for the Home Department v. The Queen on the Application of the Joint Council for The Welfare of Immigrants [2020] EWCA Civ 542**

The Court of Appeal agreed with the Judge in the earlier judgment: prospective tenants who did indeed have the right to rent, but who did not have a British passport, had been subject to discrimination by their landlords. This discrimination, on the basis of the applicants’ actual or perceived nationality, would not have occurred were it not for the Right to Rent scheme.

However, the Court highlighted that, on the whole, the scheme could be, and often was, effectively implemented by private landlords without using discriminatory measures such as demanding a British passport.

Crucially, the Court of Appeal focused on the legislative objective of the Right to Rent scheme: to discourage certain patterns of unlawful immigration. Taking into account that the scheme could be implemented without discrimination, the Court of Appeal decided that the scheme was a proportionate means of achieving its objective. In other words, discrimination resulting from the Right to Rent scheme can be justified, given the political objectives of the legislation.

## Tenant Fees Ban

The fees ban legislation went live on 1st June 2019, but only applied to tenancies started after that date, and renewals. From 1 June 2020 it also applies to all tenancies, regardless of when they started.

Landlords and their agents will not be able to charge any of their tenants prohibited fees including for check-ins and check-outs, referencing, viewings, inventories, securing guarantors and property cleaning.

Please read the [full guidance](#) to ensure you are compliant.

## Court of Appeal ruling on S21 possession orders

The Court of Appeal has handed down its [judgment](#) in the case of [Trecarrell House Limited v Rouncefield \(B5/2019/0499\)](#).

In a 2 to 1 decision the Court of Appeal has ruled that late service of a gas safety certificate does not prevent a landlord from serving a section 21 notice on their tenant provided the certificate has been given to the tenant before service of the section 21 notice.

The Court of Appeal's decision has gone some way to clarifying the problematic points of law in this area but no doubt this will not be the last of the cases on these issues. For now, the importance of carrying out gas safety inspections, retaining records and providing certificates to tenants cannot be underestimated.

## Energy Performance Certificates

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 prohibits the letting of a property where the EPC indicates a rating is F or G (unless an exemption applies). This now applies to **all** tenancies from 1st April, 2020. You will be committing an offence if you let the property without improvements after this date.

Guidance found [here](#)

## Modern Day Slavery

Modern Day Slavery unfortunately does still happen. Read [this article](#) regarding a landlord who targeted vulnerable individuals and was found guilty of six offences of requiring another person to perform forced or compulsory labour.

## Landlord found guilty of operating without a HMO license

The case is the first of its kind in Coventry, whereby a landlord has been ordered to give back around £10,982.25 in rent that was paid by tenants while the landlord was operating without a licence.  
Read the full article [here](#).

Under the amendments to the Housing Act 2004, introduced in October 2018, a HMO must be licenced if it is occupied by five or more people who form more than one

If you have any HMO licensing questions or would like any advice please contact our HMO teams.  
Stoke-on-Trent City Council [HMOApplicationsAndAdvice@stoke.gov.uk](mailto:HMOApplicationsAndAdvice@stoke.gov.uk)  
Newcastle BC [housing@newcastle-staffs.gov.uk](mailto:housing@newcastle-staffs.gov.uk)

# Just a reminder!!

## **Keep us updated!**

Please **remember** to let us know

- if you change your email address, home address or agent's details
- if you acquire or dispose of any properties

## **Tenancy Relation Officer**

James Ibbs, who is a member of our private sector housing team, is a tenancy relations officer. If you need advice or assistance on any tenancy or management related issue please call him on 01782 237717 or email [TenancyRelations@stoke.gov.uk](mailto:TenancyRelations@stoke.gov.uk) or [PrivateSectorHousing@stoke.gov.uk](mailto:PrivateSectorHousing@stoke.gov.uk)

## **Twitter**

We have a Twitter account, Landlord AC, follow us for updates @LandlordAc

## **Recommended tradespeople**

Have you used a tradesperson recently who you would recommend? If so, let us know they may be willing to join our list of participating companies. We have had a couple of new companies join us recently, take a look on our website.

## **Feedback**

So that we can continue to develop and improve the Scheme for the benefit of our members, we would like to ask you for your feedback/comments of the scheme and give us any suggestions or topics for future training events, please email them to me at [accreditation@stoke.gov.uk](mailto:accreditation@stoke.gov.uk) or complete and return our feedback form which can be located on our website under member downloads when you log in.