

PRIVATE TENANT

Countdown to **landlord licensing**

April 6th sees the long awaited introduction of HMO licensing as provided for in the 2004 Housing Act.

While housing and homeless organisations welcome licensing as the result of years of campaigning to improve basic standards in often dangerous housing at the bottom end of the market, the media surrounding the introduction of the measures has largely been hysterical and negative; emphasising the costs to landlords rather than any benefits to tenants. The Sunday Times shrill headline to an article on 19 March warns parents that they face £1,000 bill for letting to their student children and friends, while the Mail on Sunday promised £20,000 fines for landlords who flout the new rules, and said that the 'regime' could squeeze out thousands of private owners. This latter apparently is the result of a conspiracy of fat cat Labour business friends who are eager to exploit the market to the detriment of the poor small landlord who will be in far less of a position to meet all of the onerous (and obviously unnecessary) requirements. Much of this coverage

seems to have been initiated by the National Federation of Landlords which bases much of its argument against the need for licensing on the clearly biased 'Fire and HMOs – An analysis of fire fatalities in Houses of Multiple Occupation 1996 – 2003'* A publication which manages to combine misleading selectivity with tastelessness.

Some predict an 'exodus' from the market – this is unlikely although inevitably a few will leave, and so what? If to improve standards of health and safety (remember, the campaign for HMO licensing was started as a result of frequent fire deaths in bedsitland and to rid the industry of its van Hoogstratens) means losing those who are unwilling to comply then so be it – they'll surely find other ways to invest their money. And on a slightly more sympathetic note, for those who are unable to meet the costs of bringing their properties up to scratch, well, maybe letting just isn't for them. Landlords who stay

in the market will no doubt pass on much of the costs through rent, although looking below, these need not necessarily be onerous. It is those who currently don't declare their rental earnings on HMO properties who face the greatest loss.

Although providing much needed publicity for the imminent regulations, the coverage has been perhaps less than helpful, and once again reflects the interests of property owners and investors at the expense of the lowly tenant.

So what will HMO licensing really entail in Camden?

Firstly, a mandatory licensable HMO is one that has three or more storeys and is let to five or more unrelated people.

Camden has identified at least 600 licensable HMOs in Camden (to give a sense of perspective; there are 24,228 private rented dwellings in Camden). The licensing team will send registration papers to the owners of these HMOs on 6th April. Landlords of other HMOs are invited to license via local publicity, but all landlords will have three months from April 6th to license their properties. After this point, landlords of unregistered licensable properties will be in breach, but Camden are keen to emphasise that they want to work *with* landlords in bringing their properties within the remit of the regulations.

The application form is ready now in paper format, but Camden is hoping to have an electronic version ready by the 6th to make it easier for landlords to register. At 16 pages in the main section, the form itself is mercifully short compared with that



CFPT staff and volunteers are joined by Friends of the Earth volunteers at Swiss Cottage market to launch the Fed's Going Green publication. See News in Brief inside.

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Registered No: 25086R

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of other local authorities (32 pages long in Brighton & Hove) and the upside is that once it is done, it lasts for up to five years (unless of course there are any relevant changes).

This is also true of the licence fee. Each local authority sets its own fees, unfortunately due to Government's late release of regulations, Camden's fees will not be available until nearer the date. However, Environment Officer, Darren Wilsher emphasised to CFPT that the fees would reflect administrative costs only (as required by the Act) and that Camden would not be seeking to make any profit from them. The fee

will be valid for five years, so even a cost of £1,000 (considered to be at the higher end of possible fees) per property would work out at just under £4 per week, hardly breaking the bank! On the other hand, non-compliance could result in a £20,000 fine, and tenants themselves will be able to call in inspectors who can demand repairs and fine landlords up to £5,000.

As for inspection, the Sunday Times got it wrong, it will not be necessary for LAs to view all properties prior to issuing a licence, although it may be necessary to inspect some properties to be satisfied that the property is

suitable for licensing. Officers will inspect all licensed properties as soon as possibly after issuing the licence to ensure they are free from hazards as described under the Housing Health and Safety Rating system which replaces the previous 'unfitness standard'.

Camden, as with all local authorities, will have further discretion to licence other HMOs, although there are as yet no clear indications that it will.

For more information on HMO licensing, contact Camden's HMO Licensing Team on 020 7974 1268 or visit www.propertylicense.gov.uk

* Small Landlords Association 2003

Landlord wins legal costs

The Lands Tribunal has reversed the Leasehold Valuation Tribunal's decision to prevent the landlord at a block of flats in Canary Wharf from charging the leaseholders its legal costs (Leaseholder 15). This means that the leaseholders at Canary Riverside are now liable for the landlord's costs, amounting to over £180,000. Judge Rich, sitting at the Lands Tribunal:

- Rejected the LVT's ruling that the terms of the lease did not permit the collection of legal fees in the circumstances of the original case.
- Ruled that Schedule 12 of the Commonhold and Leasehold Reform Act does allow the landlord to recover its legal costs from the leaseholders, even though that schedule says that "no person" shall be "required to pay costs incurred by another person ... before a leasehold valuation tribunal".
- Decided that it was not a breach of the EU's unfair contract terms directive for a landlord to recover its legal fees from leaseholders, even though those leaseholders have no equitable right to recover their legal fees from the landlord, the other party to the contract.

Judge Rich acknowledged that his decision to over-ride the application of Schedule 12 in this manner "does involve, if not re-writing the statutory provision, at least the cutting down of its application in a way not expressly enacted." Perhaps he

needs reminding that a judge's role is limited to interpreting to the law, and does not extend to re-writing it. That is the job of Parliament.

However, Judge Rich did accept that there is an inequality of arms between landlords and tenants, with the landlord having a clear advantage. Such an inequality is in breach of Article 6 of the European Convention on Human Rights. Surely it is time that the judge ensured the tribunals kept within the law.

This judgment means that even fewer leaseholders will consider

taking disputes to the LVTs, restoring the overwhelming power that landlords have over leaseholders, as well as rendering entirely bogus any suggestion that these tribunals are "no cost" venues.

In most cases heard by the tribunal, the legal and professional costs have far exceeded the amount of the service charges in dispute.

Thanks to the Campaign for the Abolition of Residential Leasehold (CARL) for this article taken from The Leaseholder Issue 17 Spring 2006 www.carl.org.uk, PO Box 6369, N8 7ZL

Camden Housing Advice Service

Free, expert advice for private tenants, leaseholders and people seeking accommodation. You can phone us, come in or email us.

Housing Advice Centre
North team
179 West End Lane,
NW6 2LH
Tel: 7974 8855
hacnorth.housing@camden.gov.uk

Opening hours

Mon, Thurs, Fri: 9.30 – 4pm
Tues: 9.30 – 1pm; 4 – 7pm
Wed: Closed



Housing Advice Centre
South team
Bidborough House
20 Mabledon Place, WC1H 9BF
Tel: 7974 5801
hacsouth.housing@camden.gov.uk

Opening hours

Mon, Tues, Thurs,
Fri: 9.30 – 3pm
Tues: 4 – 6 by appointment
Wed am: Somali speakers only



Awarded for excellence

Estonians blame the British

House prices have shot up in the Estonian capital Tallin as British investors buy into the newest housing hot spot. It follows a trend of foreign ownership across Europe as the British, amongst others, buy up cheap second (and third and fourth) properties as investments and holiday homes.

Meanwhile, French locals in Charente protest against rocketing house prices by burning Estate Agents magazines – less an act of anti-British xenophobia than desperation as villagers' children are priced out of the local markets.

Foxtons under fire as Estate Agents call for licensing

Although no one has yet publicly burned their brochures, Foxtons Estate Agents have had some seriously (and deservedly) bad press

recently. Featuring on the BBC1 Whistleblowers programme, the documentary involved two undercover reporters who worked as agents for the company. The show revealed widespread malpractice and dishonesty including exposing Foxtons staff falsifying documents, placing fake bids and lying to homebuyers and sellers to maximise their profits.

The programme has shocked others in the business and has clearly damaged the already often fragile reputation of estate agents. National Association of Estate Agents Chief Exec Peter Bolton King described Foxtons' on-camera antics as 'utterly appalling' and is stepping up the NAEA's campaign to licence all estate agents, a move that appears welcome by other agents.

The show also featured corrupt smaller agents such as Chard, showing a staff member agreeing to swindle an elderly client of £60,000 by underselling his flat to a developer for a backhand of £10,000, reminiscent of similar cases in Camden in 2003.

Green guide for tenants and landlords

Did you know that 28% of greenhouse-effect creating CO2 emissions come from our homes? That's more than those produced by industry or road transport! Or that a PC left running all day uses £60 worth of electricity in a year?

CFPT recently launched its latest publication, *Go green in your home – a guide for tenants and their landlords* to highlight issues of global warming and what we can all do in our homes to improve energy efficiency and conservation while saving a pot of money in the process.

The guide is full of hints, tips and advice and provides a grants table to show eligibility for money towards costs for things like insulation and central heating installation or boiler replacement.

You also get a chance to enter a prize draw for £50 worth of Ecover cleaning products! So grab your free copy today – call on 020 7383 0151.

Make a difference with **Help the Aged**

Do you know anyone who would be prepared to speak up about disadvantage or life as an older person today? Would you be prepared to do so yourself?

In order to highlight their work as champions for older people, Help the Aged is in urgent need of real 'live' examples of the disadvantages faced by many older people in Britain today. Issues which concern all of us are also big issues for the press and media – loneliness and isolation, cold, poverty, Council Tax bills, age discrimination, neglect and crime are just a few of the subjects in which older people are true experts.

Help the Aged need people who are willing to come forward and talk about their experiences. They will then be able to highlight your story in a number of ways – in their brochures and leaflets, in their appeal mailings, on local

radio or television, even in the national press. All of this is so important in making sure that the voices of older people are heard and not ignored.

Many people are concerned about appearing in the media in any form, and that is understandable. However, Help the Aged has a team of specialists who are very experienced in handling the media, and who will be with you at all times to offer guidance, reassurance and protection.

- If you are currently coping or struggling with disadvantage, talking to the media could be an effective way to bring attention to it and help others by influencing the Government or your local council;

- If you know someone who is in any of the difficulties mentioned above, this could be your way to help them;
- If you have come through your own personal problem, this could be a way to prevent it happening to others.

If you can help, or you would simply like to know more about what's involved, please let us know (see office contact details on back page). You will then be contacted by Mike Swaddling, a researcher for Help the Aged, or if you would like to contact Mike directly, call on 01276 25115, or via mikeswaddling@hotmail.com

Meet the Camden Rent Officer

John Craddock will be joining us on Wednesday 10th May at 2.30pm

to give an update on the Rent Service and answer your questions

Join us at CFPT's offices at 11-17 The Marr, Camden St, NW1

(Situated next to The Camden Pub between Pratt and Plender Streets)

Refreshments will be provided

Local Election Hustings

Come and grill the local party leaders in the run up to the May elections! Find out how they want to win your vote.

**Saturday April 8th
1.30pm to 4pm
Hampstead Town Hall
Haverstock Hill
NW3**

Hosted by CFPT,
Chaired by Ham & High Editor Geoff Martin
Light refreshments provided

Camden Federation of Private Tenants

needs you

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying

Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government Departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £10.00 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

Please contact us at:

11-17 The Marr,
Camden Street, London NW1 0HE

Tel: 020 7383 0151

e-mail: camfpt@lineone.net

This Mark means that we offer a Quality Assured Information Service.

**Community
Legal Service**



Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name _____

Address _____

Tel no. _____

Email _____

1 I enclose £1 for membership plus £9.00 subscription fee*

2 I would like to donate £ _____ **3** Total enclosed _____

Signature _____ Date _____

Please fill in your details and send with payment to:

Camden Federation of Private Tenants
FREEPOST LON12470
London
NW1 2YW

I am an/a: (please tick)

- Regulated Tenant
 Assured Tenant
 Assured Shorthold Tenant
 Other

**We can waive the application fee in cases of hardship, please contact the office in complete confidence.*