

# London Borough of Barking and Dagenham Landlord and Property Agent Newsletter

## January 2024

**ENFORCEMENT**

**We wish you all happy New Year and thank you for your cooperation in helping to raise standards across the sector.**

### **2024 Selective Licensing Scheme and Additional Licensing Scheme**

We will be consulting with landlords in the next couple of months on a proposal to have a new 5-year selective licensing scheme for privately rented properties and an additional licensing scheme for small houses in multiple occupation in the London Borough of Barking and Dagenham. We will be contacting you with further details in due course.

### **Landlord Support Case Studies**

#### **Case Study**

We recently dealt with a case where a tenant was, unbeknown to the owner, subletting a Barking property to a family, and charging more rent than he was paying. The family complained to the Council's Private Sector Housing Enforcement Team as repairs were not being carried out. They had no idea that the person they paid rent to has no right to be letting the property, and the owner was unaware their property had been sublet.

We mediated between the occupying tenants, the owner, and the head tenant. The head tenant was removed from the arrangement and the owner agreed for the occupying tenants to remain in the property at a more realistic market rent.

If you suspect your property is being sublet without your permission, seek legal advice about starting action to evict them for breaching their contract with you. If you need further advice, please email [prpl@lbbd.gov.uk](mailto:prpl@lbbd.gov.uk)

### **Training**

#### **Course on Condensation, Mould, and Dampness**

The National Residential Landlords Association are running several online courses on condensation, mould, and dampness aimed specifically at landlords and agents. Dampness and condensation are very serious health hazards and are one of the few hazards where both the structural condition of the property and the tenant's lifestyle

are equally important. The private rented sector has the highest incidence of condensation and dampness and is one of the main causes of tenant complaints to councils. There are several causes of dampness and condensation, and whilst structural dampness can usually be easily, though not necessarily cheaply, rectified, condensation is frequently more complex with its cause difficult to identify and resolve. The course run by the NRLA will provide practical guidance on causes of dampness and condensation, advice to give your tenant, and actions a landlord should take to reduce the risk of legal action for condensation. The course is £44 for NRLA members and £52 for non-members: [Condensation And Dampness Training Course | NRLA](#)

The NRLA are offering Barking and Dagenham landlords a special offer until 31<sup>st</sup> March 2025. When you join the NRLA for just £85 per year, you will be automatically enrolled on the Landlord Fundamentals eLearning Course free of charge, making you eligible to become a fully accredited member of the NRLA and take advantage of the many benefits this brings. To take advantage of this offer, simply go to [NRLA Join Us Page](#), complete your details, and enter the promotion code **LBBD623** at checkout.

## Landlord Accreditation Training

The number of Barking and Dagenham Landlords accredited with the London Landlord Accreditation Scheme has increased from 1,369 in June 2023 to 1,617 in September 2023. This is the biggest increase of all London Borough's, except Redbridge who have just had approval for a new licensing scheme. We have arranged for more training dates in Barking Town Hall in 2024, with the first one being 1<sup>st</sup> March.

Booking link: [londonlandlords.org.uk/official-accreditation-courses/](https://londonlandlords.org.uk/official-accreditation-courses/)

## The Home Office are Investigating Immigration Offences in Barking and Dagenham

Landlords in Barking and Dagenham will have seen that the Home Office intend to increase the level of Civil Penalties for Right to Rent breaches, and they will be increasing the number of inspections in the borough.

All landlords in England have a responsibility to prevent those without lawful immigration status from accessing the private rented sector. This should be done by conducting right to rent checks on all prospective adult tenants before the start of the tenancy agreement, to make sure the person is not disqualified from renting a property by reason of their immigration status. The best way for landlords to ensure they do not

discriminate when carrying out right to rent checks is to treat all prospective tenants fairly, making sure their criteria and practices in this regard are appropriate and necessary.

To ensure you are avoiding discrimination in the context of the Right to Rent Scheme, you should:

- Be consistent in how you conduct right to rent checks on all adult prospective tenants, including those who you believe are more likely to be British Citizens.
- Ensure that no prospective tenants are discouraged or excluded, either directly or indirectly, because of a known or perceived protected characteristic.

If you are found to be renting to someone who does not have the right to rent and you have not conducted the checks set out in the code of practice, you may face sanctions from the Home Office. This includes a civil penalty of up to £3,000 per disqualified person.

We have spoken to the Home Office, and they have shared details of their official Right to Rent training, which is based on their Right to Rent guidance. This two-hour course is delivered online, by qualified Home Office trainers. Their trainers also offer sessions covering Document Fraud, Introduction to Immigration, and Right to Work.

The training can be accessed via either of the following links:

[Home Office Mixed webinar sessions | Eventbrite](#)

<https://www.eventbrite.com/cc/home-office-mixed-webinar-sessions-2650869?utm-campaign=social&utm-content=creatorshare&utm-medium=discovery&utm-term=odclsxcollection&utm-source=cp&aff=escb>

For more information, click on this guidance on how and when to conduct a right to rent check: [Landlord's guide to right to rent checks: 18 October 2023 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

The National Residential Landlords Association also offer a Right to Rent one day course. For more details, click here: [Right To Rent Course | NRLA](#)

## **Regulatory News and Advice**

### **No Discrimination Laws**

Letting agents and private landlords cannot have policies such as 'No DSS', 'no benefits', or 'no Universal Credit' because it is a breach of the Equality Act. The days of having a ban are over, which means that renters who receive housing benefit are no longer barred from renting any privately rented properties. The National Residential Landlords Association report that *"housing is a fundamental right. Private landlords play a more important role today in the provision of housing than ever before. Landlords should not discriminate against tenants just because they happen to rely on state benefits."*

## How to Increase Rent Legally

Most assured shorthold tenancies start with a fixed term, meaning that for the first year of a tenancy agreement, the rent cannot be increased. After the fixed term ends, if you want to increase the rent, you must provide your tenant with a minimum of one month's notice if you have a monthly tenancy.

Any proposed rent increase should be in line with average rents in the local area and relevant to the property size. A tenant can refuse an increase in rent and appeal to a tribunal to challenge the increase. The tenant must pay the rent at the existing rate until a decision is reached.

For a full breakdown of the legislation involved, visit [Private renting: Rent increases - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/private-renting-rent-increases)

## Legal Process to Evict Tenants

You must follow strict procedures if you want to end a tenancy or evict a tenant. It is illegal to force a tenant to leave a rented property without following these steps. The council can prosecute you and the tenant can sue you for damages.

You can issue a Section 21 notice if you want the property back after a fixed term ends, or a Section 8 notice if they have broken the terms of their tenancy, for example, by not paying rent or by causing anti-social behaviour.

If the tenant does not leave by the date on the notice, you can apply for a Possession Order from the courts, and then apply for a warrant for possession if the tenants still will not leave. For more information on Section 21 notices, and Section 8 notices, please see: [Evicting tenants in England: Section 21 and Section 8 notices - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/evicting-tenants-in-england-section-21-and-section-8-notices)

You can ask the court to make a Possession Order and a Money Judgement. A Money Judgement orders the tenant to pay back the rent they owe and your court application fee of £355.

## Electrical Installation Inspections Financial Penalties

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require landlords to have the electrical installations in their properties inspected at least every 5 years and tested by a person who is qualified and competent. LBBB Private Sector Housing Team are responsible for enforcing these regulations and can impose a financial penalty of up to £30,000 if they find a landlord is in breach of their duty. Where an Electrical Installation Safety Report identifies urgent remedial work or requires 'further investigation', the private landlord must ensure that the required work is carried out by a qualified and competent person within 28 days (or the period specified in the report if it is less than 28 days), starting with the date of the inspection and testing.

## Carbon Monoxide Detector Requirement Widened

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 extended the requirement for CO alarms. Further information is available here: [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/Smoke_and_Carbon_Monoxide_Alarm_(Amendment)_Regulations_2022_guidance_for_landlords_and_tenants_-_GOV.UK_(www.gov.uk).pdf). From the 1<sup>st</sup> October 2022, all relevant landlords should ensure the following:

1. At least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
2. A carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers). This means a fixed apparatus where fuel of any type (gas, oil, coal, wood, etc) is burned to generate heat. A non-functioning purely decorative fireplace would not constitute a fixed combustion appliance.
3. Smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

## Feedback

What would you like us to include in the next newsletter? Please let us know if you have any feedback by emailing [prpl@lbbd.gov.uk](mailto:prpl@lbbd.gov.uk).