

# Lime Legal's Housing Law Week

General Editor: Jan Luba QC

## 1 October 2014 Update

Welcome to Lime Legal's *Housing Law Week* – your **free** weekly email update bulletin for Housing professionals and Housing lawyers containing details of the latest developments in Housing law. This issue is packed with news, case law, legislation and much more besides.

We are particularly delighted to announce that Jan Luba QC of Garden Court Chambers is the General Editor of Housing Law Week. Jan is one of the most respected housing lawyers in the country and his contributions as General Editor and author will help to keep HLW's readers right up to date with what's happening in Housing Law.

Our aim is to increase access to Housing Law developments – please forward this email to your colleagues so that they can benefit from this invaluable free resource too by signing up for their weekly HLW update by [clicking here](#)

We hope you enjoy this inaugural issue of HLW and we look forward to keeping you up to date with our weekly emails and our popular conferences.

## HOUSING LAW NEWS

### New Housing Laws

#### ***The Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014***

Made 22 September 2014. Sets out review arrangements when councils use the new "absolute" possession ground for ASB. For the full text [click here](#).

For the explanatory memorandum [click here](#).

#### ***The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014***

Made 3 September 2014. Requires agents to join a redress scheme by 2 October 2014. For the full text [click here](#).

For the explanatory memorandum [click here](#).

For the impact assessment [click here](#).

#### ***Housing (Wales) Act 2014***

Royal Assent 17 September 2014. For the full text [click here](#).

For the full legislative history of the Act and associated documents [click here](#).

#### ***Housing (Scotland) Act 2014***

Royal Assent 1 August 2014. For the full text [click here](#).

For the explanatory memorandum [click here](#).

Chartered Institute of Housing has produced a useful free briefing note. To read it, [click here](#).

***The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014***

Made 8 September 2014. Regulates the type of housing that can be provided to the homeless in Scotland. For the full text [click here](#).

For the relevant policy note [click here](#).

**[Book now or you'll miss:](#)**

**ASB & Social Housing Conference 2014**

**London : Wednesday 15 October**

***“The “must attend” annual conference for all  
ASB and Housing professionals”***

**Click for details**

**Housing Laws in the Pipeline**

***Affordable Homes Bill***

Addresses aspects of the 'bedroom tax'. Passed its Second Reading on 5 September 2014. For the full text of Bill [click here](#).

For the Second Reading debate [click here](#).

For an explanation of an assertion that passing the Bill would cost £1 billion, [click here](#).

For the Commons Library briefing note on the Bill, [click here](#).

***Tenancies (Reform) Bill***

This would protect tenants against retaliatory eviction and amend the law on notices requiring possession relating to assured shorthold tenancies. For the details [click here](#).

Scheduled for Second Reading on 28 November 2014, there is a useful article on the Bill. To read it [click here](#).

***Household Safety (Carbon Monoxide Detectors) Bill***

Would make CO alarms mandatory. For the full text of the Bill [click here](#).

For a record of the Commons debate on 12 September 2014, [click here](#).

The Bill is scheduled for Second Reading on 5 December 2014. For the Commons Library Briefing note on the Bill, [click here](#).

**Policy Issues in Housing Law**

***Homelessness***

The latest official statistics show that nearly 60,000 homeless households are being housed in temporary accommodation in England. For all the details, [click here](#).

The latest homelessness statistics from Wales have been published. To access them, [click here](#).

***Right to Buy***

The UK Government has announced that it is sending information about home-buying to 900,000 council and housing association tenants in England. For the announcement, [click here](#).

### ***Housing Policy in England***

The Housing Minister for England set out the UK Government's current housing policy in his speech to the National Housing Federation Conference. For the full text, [click here](#).

### ***Housing and ASB***

The latest official statistics show that 24,000 ASBOs have been made since they became available in 1998. For full details of the figures, [click here](#). No more ASBO applications will be made after 20 October 2014.

### ***Private Renting***

The UK Government has issued a free "Model agreement for a shorthold assured tenancy" for use in England. To download a copy [click here](#).

### ***Renting to migrants***

The UK Government has announced that those parts of the Immigration Act 2014 which relate to lettings to migrants will be brought into force on 1 December 2014 in five areas (Birmingham, Wolverhampton, Dudley, Walsall and Sandwell). A draft Code of Practice is available – to access it, [click here](#).

### ***Tenant safety***

Recent survey results have shown that one in six homes has a dangerous gas appliance and that risks are highest in the private rented sector. For more details, [click here](#).

## **Allocations Conference 2014**

**London : Tuesday 14 October**

[Click for details](#)

## **NEW HOUSING LAW CASES**

### ***St Helens Metropolitan Borough Council v X*** **17 September 2014**

A London-based landlord of a property let as bedsits was fined £3,500 by St Helens Magistrates' Court and ordered to pay costs of £3,807 after failing to comply with an Improvement Notice served under the Housing Act 2004. The problems included lack of a fire alarm system, damp and excess cold.

A summary of the case is [here](#).

### ***Oxford City Council v Anamul Hoque*** **15 September 2014**

The defendant landlord unlawfully evicted a family with young children contrary to section 1(2) of the Protection from Eviction Act 1977. At Oxford Magistrates' Court he was fined £525 and ordered to pay a victim surcharge of £53 and costs of £1,071 amounting to a total of £1,649.

The details are [here](#).

### ***Bolton Council v Philip Dean*** **7 September 2014**

The defendant was the private landlord of a house containing five flats. He pleaded guilty to seven offences of failing to comply with regulations under the Housing Act 2004. At Bolton Magistrates' Court he was fined £13,000 with a £120 victim surcharge and £1,443 costs.

For an account of the case, [click here](#).

***Salford City Council v Catherine Patricia Seale***

**5 September 2014**

The defendant landlady wanted to regain possession of a rented house but, instead of going through normal possession proceedings, she entered the house without permission and, in front of the tenant, removed the electrical fuses and left. The tenant was without heating, lighting and hot water. After a four day trial, the defendant was convicted at Manchester Crown Court of an offence of unlawful eviction and harassment contrary to the Protection from Eviction Act 1977. She was fined £1,000 with £5,000 costs and ordered to pay £250 compensation to the victim.

The news story is [here](#).

***Croydon Council v Jai Jasmine***

**4 September 2014**

Following complaints about anti-social behaviour and a breach of an acceptable behaviour contract, the council applied for a closure order on the defendant tenant's home. Faced with evidence of violence, shouted threats to kill, drug-taking, drinking, foul and abusive language, out-of-control dogs and excessive noise, Croydon Magistrates' Court granted the order sought.

For more information, [click here](#).

***Ijaola-Jokesenumi v United Kingdom***

**4 September 2014**

The UK Government settled, for £3,000, an application to the European Court of Human Rights made by a Nigerian national who complained that the decision not to treat her as being in priority need, when homeless, was based on her, and her children's, immigration status contrary to Article 14 when taken in conjunction with Article 8 of the European Convention on Human Rights.

The judgment is [here](#).

***Dzemyuk v Ukraine***

**4 September 2014**

A local council built a cemetery closer to the applicant's home than local laws allowed. The European Court of Human Rights decided that the resulting health risk was a breach of his Article 8 right to respect for his home and awarded him 6,000 euros.

The judgment is [here](#).

***Health and Safety Executive v Tariq Ali***

**4 September 2014**

The defendant landlord pleaded guilty to single breaches of the Gas Safety (Installation and Use) Regulations 1998 and the Health and Safety at Work Act 1974. The charges related to failing to have gas appliances checked annually and failing to comply with an improvement notice. He was fined £40,000 at Trafford Magistrates' Court and ordered to pay £18,054 costs.

For more information, [click here](#).

***Lichfield District Council v Natalie Reilly***

**3 September 2014**

The defendant had been renting out the spare rooms in her house to four tenants without obtaining an HMO licence. Council officers also identified fire safety and heating issues. On guilty pleas, Stafford Magistrates' Court imposed a fine of £1,625, costs of £1,613 and a victim surcharge of £120.

For more details, [click here](#).

**Would your housing colleagues like to receive our weekly email, alerting them to all the latest news, case law and legislation on housing law and management?**

If so, all they have to do is email [info@limelegal.co.uk](mailto:info@limelegal.co.uk) inserting "Subscribe me to HLW" and we will email them Housing Law Week every week.

**HOUSING LAW CONSULTATIONS**

***Right to Move***

DCLG is consulting about new provisions for lettings in social housing. For example, do we need a new "reasonable preference" category in England for applicants moving to take up work? Closing date 22 October 2014. The consultation document is [here](#).

***Data sharing in social housing***

DWP is consulting about arrangements to share data about benefit claims by tenants with social landlords. Closing date 19 October 2014. The consultation document is [here](#).

***Travellers***

DCLG is consulting on new planning restrictions which will affect gypsies and travellers without authorised sites. In addition to the formal consultation paper there is an easy read version and an equality assessment. Closing date 23 November 2014. The consultation document is [here](#).

**NEW HOUSING LAW PUBLICATIONS (FREE)**

***Private rented sector code of practice***

New guidance for landlords and agents published by RICS and others. [Click here](#).

***How to rent***

Updated version of DCLG's free guide for prospective tenants. [Click here](#).

***Housing Benefit: Discretionary Housing Payments (DHPs)***

New Commons Library Standard Note: SN/SP/6899. 22 September 2014. [Click here](#).

***Tenancy deposits***

New briefing note from the House of Commons Library. [Click here](#).

***Housing Benefit General Bulletin G9/2014***

Latest issue from DWP. [Click here](#).

***The links between housing and poverty***

New research from the Joseph Rowntree Foundation. [Click here](#).

***Nuisance neighbours***

New online guide for victims, published by Which? [Click here](#).

***Social Services Support for Destitute Migrant Families: A guide to support under s 17 Children Act 1989***

A new guide from the Public Law Project. [Click here](#).

***Approaches to tenancy management in the social housing sector: Exploring new models in the tenant-landlord relationship***

A new report from HACT. [Click here](#).

***Standards to ensure that unaccompanied migrant children are able to fully participate: a tool to assist actors in legal and judicial proceedings***

If you work with homeless children who are unaccompanied minors, this guide is for you. [Click here](#).

## THE OCTOBER HOUSING LAW DIARY

- 1 October Start of new Legal Year
- 14 October Lime Legal's Housing Allocations Conference. [Click here for programme and other details](#)
- 15 October Lime Legal's Housing & Anti-social Behaviour Conference. [Click here for programme and other details](#)
- 19 October End of 'data-sharing' consultation (see *Consultations* above)
- 20 October New tools and powers under Anti-social Behaviour Act 2014 due to come into force in England
- 21 October Supreme Court to hear a case about damages for unlawful eviction by a local authority. [Click here](#)
- 22 October End of 'right to move' consultation (see *Consultations* above)

### RECRUITMENT

Advertise your housing jobs for free – simply send to [info@limelegal.co.uk](mailto:info@limelegal.co.uk) a 50 word description of the vacancy and contact details and we shall include it in the next issue of Housing Law Week.

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