

Lime Legal's Housing Law Week

General Editor: Jan Luba QC

8 October 2014 Update

Welcome to the second issue of Housing Law Week.

The first week's issue received a tremendous response from the sector for which Jan Luba QC, our general editor, and we are very grateful. Many thanks to those who forwarded the email to colleagues. We have received numerous requests asking to be added to the subscription list – and we are only too happy to oblige.

HOUSING LAW NEWS

New Housing Laws

The Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 7, Saving and Transitional Provisions) Order 2014.

This brings into force, on 20 October 2014, most of the new 'tools and powers' that landlords will use to control anti-social behaviour. For the text of the Order, [click here](#).

The Mobile Homes (Wales) Act 2013 (Commencement, Transitional and Saving Provisions) Order 2014.

This brought the key provisions governing terms of occupation and eviction from mobile home sites into force on 1 October 2014. For a copy of the Order, [click here](#).

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

This Order required letting agents and managing agents to join a redress scheme by 2 October 2014. For the full text of the Order, [click here](#). For the explanatory memorandum, [click here](#). For the impact assessment, [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

Consumer Rights Bill.

This is a government bill that relates to housing by: (1) repealing and replacing laws dealing with unfair terms in tenancy agreements and other contracts; and (2) requiring letting agents to publish their fees. The next stage of the bill is the Lords Committee Stage starting on 13 October 2014. For details about the bill and its progress, [click here](#).

Deregulation Bill.

This is a government bill that relates to housing by: (1) reducing the qualifying period for right to buy; (2) removing the power to require preparation of housing strategies; and (3) amending the law on tenancy deposits. The next stage of the bill is the Lords Committee Stage starting on 21 October 2014. For details about the bill and its progress, [click here](#).

Policy Issues in Housing Law

Housing & Anti-social Behaviour: to help social landlords get to grips with the “community trigger” introduced by the Anti-social Behaviour, Crime and Policing Act 2014, the Local Government Association has produced a guidance note - *Implementing the community trigger*. For a copy, [click here](#).

Private renting (1): since the beginning of this month, all letting agents and managing agents in England have been required to belong to one of three prescribed schemes from which landlords and tenants with complaints about their services may obtain redress (see *New Housing Laws* – above) . Failure to belong to a scheme is punishable by a penalty of up to £5000. The three approved schemes are run by The Property Ombudsman, Ombudsman Services Property and the Property Redress Scheme respectively. For the latest statement from the Housing Minister about the new arrangements, [click here](#).

Private renting (2): The Property Ombudsman, who deals with complaints against estate agents and letting agents, has received significantly more complaints in the first six months of 2014. For his *Interim Report* for 2014, [click here](#). A new survey indicates that 32% of tenants felt that letting agents’ application and admin fees represented poor value for money. For more details of that survey, [click here](#).

Homelessness (1). The organisation *Homeless Link* has produced an analysis of the latest UK Government statistics on homelessness in England. For a copy of their summary, [click here](#).

Homelessness (2). The Scottish Government has published the latest quarterly homelessness figures for Scotland. They indicate that, even with no priority need test, applications to local authorities in Scotland are falling. For the full statistics, [click here](#).

Homelessness (3). The Scottish Government has published an updated version of its Guidance directed to local authorities and covering homelessness prevention and housing options. For a copy, [click here](#).

Housing Allocation: a fundamental review of social housing allocation is being undertaken in Northern Ireland. On 2 October 2014 the Department for Social Development published a summary of the responses it had received to research it commissioned to inform the review of social housing allocations policy. For a copy, [click here](#).

Allocations Conference 2014

London : Tuesday 14 October

[Click for details](#)

NEW HOUSING LAW CASES

R (Constantinos Regas) v Enfield LBC

3 October 2014

Following a contested hearing in the Administrative Court, the claimant landlord has been granted permission to apply for a judicial review of the council's decision to adopt an advanced HMO for private landlords in its area in exercise of its powers under the Housing Act 2004. The trial of the claim will be heard in due course.

Croydon Council v Wimalendran Jeyaruban and Chaudry Amir Ijaz

29 September 2014

The defendants were respectively the landlord and letting agent of an unlicensed house in multiple occupation (HMO) in the council's area. At Croydon Magistrates Court they were each fined £3,000 for failing to register the property with £2500 court costs. For further details, [click here](#).

Campbell v Redstone Mortgages Ltd

29 September 2014

A lender recovered possession of a property for arrears of instalments. When the bailiffs executed the warrant, significant possessions were left on the premises by the defaulting borrower. She later sued for the value of them. The High Court held that the lender had discharged the duty of care it owed in relation to the goods and in allowing the borrower to remove them. For the judgment, [click here](#).

R v Roy Jackson

29 September 2014

The defendant ran a letting agency known as "Suffolk Lettings" in Ipswich. He was arrested and charged with fraud by way of false representation. The amount of money involved was believed to be around £68,000 and was said to be owed to landlords, clients and tenants. At South East Suffolk Magistrates Court in Ipswich the case was committed to Ipswich Crown Court for hearing on 9 October 2014 and the defendant was remanded in custody until then. For further details, [click here](#).

London Fire Brigade v Panayiotis Chrysostomou

26 September 2014

The defendant landlord rented-out a house converted into 8 bedsits. A fire safety inspection found no smoke alarms, no emergency lighting, no fire doors, poorly managed cooking equipment in each bedsit, a single escape route blocked by furniture and no fire risk assessment. The Brigade immediately served a prohibition notice but the tenants remained in occupation. At Inner London Crown Court, the defendant pleaded guilty to failing to comply with a prohibition notice contrary to Article 32(2)(h) of the Regulatory Reform (Fire Safety) Order. He was fined £10,000 with £2,000 costs. For further details, [click here](#).

Leeds City Council v Zulfiqar Ali Din

23 September 2013

The defendant was the landlord and joint owner of the privately rented property. The council served an Improvement Notice on 3 July 2013 which required specified works - relating to adequate heating, fire safety precautions, damp and mould, electrical hazards and structural issues - to be carried out before 3 September 2013. In breach of the notice, the works were only fully completed in July 2014. At Leeds Magistrates Court, the defendant was found guilty of offences under Housing Act 2004 section 30 and fined £1,825 with costs of £2,082.62 and a £120 victim surcharge. For details of the prosecution, [click here](#).

Health and Safety Executive v DSI Plumbing & Heating

22 September 2014

The defendant company undertook gas installation works at two housing developments. An HSE investigation at the first of those revealed evidence of defects in 309 (over 90%) of the dwellings. At the other, it uncovered defects in the gas installations affecting 40 properties. Residents' lives had thus been put at risk by gas faults in 349 properties. The company pleaded guilty at Bournemouth Crown Court to two breaches of the Health and Safety at Work Act 1974 and was fined a total of £10,000 and £1,000 costs. For details of the prosecution, [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 inserting "Subscribe me to HLW" and we will email them Housing Law Week every week.

HOUSING LAW CONSULTATIONS

Data sharing in social housing.

The DWP is consulting about arrangements to share data - relating to benefit claims by tenants - with social landlords. Closing date: **19 October 2014**. For a copy of the consultation paper, [click here](#).

Right to Move. The 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**. For a copy of the consultation paper, [click here](#).

Travellers. The 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**. For a copy of the consultation paper, [click here](#).

NEW HOUSING LAW PUBLICATIONS

Retaliatory Eviction – a solution? Andrew Arden QC and Clare Cullen. LAG Housing Law Blog. 2 October 2014. To read the post, [click here](#).

Enforcement action against bad landlords. Stephen Battersby. RHEN Blog. 1 October 2014. To read the post, [click here](#).

Injunctions in practice. Victoria Power. 24Dash.com Housing Blog. 1 October 2014. To read the post, [click here](#).

Landlord and tenant: speeding up the eviction process. Paul Shamplina. [2014] 158 *Solicitors Journal* Issue 37 p30

How will the Anti-social Behaviour, Crime and Policing Act 2014 help property owners? Louise Hebborn. [2014] 158 *Solicitors Journal* Issue 37 p23

Students: read this before moving into a new house. Guardian article directed at students renting from private landlords. 29 September 2014. To read the article, [click here](#).

Overcrowding & Under-Occupation by Ethnic Group. New data from the Office of National Statistics. Released 2 October 2014. For the figures, [click here](#).

Housing Benefit Direct. The October 2014 issue (no.153) of this round-up of Housing Benefit developments is now available. For a copy, [click here](#).

THE OCTOBER HOUSING LAW DIARY

- 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 (see *New Housing Laws* above)
- 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 at no charge – simply email info@limelegal.co.uk for more information.

Lime Legal's Housing Law Week
All rights reserved

If you have any comments, support queries, suggestions or ideas for articles or would like to subscribe to this newsletter please email info@limelegal.co.uk or call us on 01249 701555.