



LANDLORD INFORMATION PACK

1.0 Introduction

This information pack provides landlords and letting/managing agents with information that can assist with private renting of properties within the London Borough of Newham.

The Council's Private Sector Housing (PSH) department is committed to ensuring that landlords within the private renting sector provide homes that are safe and healthy for tenants. While this is one of the main objectives of the department, PSH also understands that landlords need support to achieve this goal.

The Council's consultations with landlords and managing agents highlighted the need to empower landlords with useful information in order to meet minimum standards, which would consequently promote professionalism among landlords and contribute to improving high standards in rented accommodation. One of the ways to achieve the aforementioned stated outcomes is by developing and publishing a handbook and guidance, to support Newham's landlords and agents. The guidance explores important topics and signposts to sources of information and assistance.

Please note that this information pack is only a guidance, it does not provide an authoritative interpretation of the law. Should you be in doubt about your legal position or how to proceed with a particular matter, you are advised to seek information from the Citizens Advice Bureau or to consult a Solicitor. You can also refer to useful contacts (item number 14) in this booklet. If you need further advice on any aspect of this information pack, do not hesitate to contact our Service using the details below:

Private Sector Housing Service

London Borough of Newham

Newham Dockside

1000 Dockside Road

London E16 2QU

Tel: 02033731950

Email: privatehousing@newham.gov.uk

Website: <https://www.newham.gov.uk/housing-homes-homelessness/maintaining-good-standards-rented-property-landlords/1>

Should you have any suggestions on how this information pack can be improved or a feedback on any aspect of the information pack, we would be pleased to hear from you.

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1. Pre- Tenancy Inspection

It is essential to closely check the property you are about to rent. Take enough time to closely check the property internally and externally before you rent it. This will help you to identify disrepair and deficiencies that can cause hazards. You should remedy these problems before tenants move into the property. Responsible landlords will ensure that their properties are of high standards before they let occupiers in.

It is important for tenants to feel comfortable in their home and receive value for money. This will facilitate a smooth-running tenancy and encourage tenants to treat such a property with great respect.

It is believed that properties that are in good state of repair with efficient amenities will attract good tenants and consequently, good income. The same applies for properties in poor state of repair, they will attract bad tenants and the yield on such properties would be low. Profits will further reduce when enforcement charges are applied by the Council.

It is good practice for Landlords and agents to have a checklist of tasks to be completed and to ensure the tasks are carried out to a high standard. This would help to identify any disrepair and deficiencies early enough and repair them in time. Not only would repairs be sorted out quickly, your tenants would also be mindful of maintaining the property in a clean and tidy manner.

The information in Appendix I (pages 21-23) are a guide on what to be included in the landlord's/ agents' pre-inspection checklist. A record of the inspection with date, time, findings and action taken should be kept for audit purposes.

Inspecting the property you are renting should not only be done before the tenants move in, it should also be carried out periodically, every three to six months to demonstrate to the council that you carry out periodic inspections and hence, meet one of your licence conditions. A copy of the property inspection checklist can be obtained from

<https://www.newham.gov.uk/downloads/file/849/propertyinspectionchecklist>. For a copy of

other checklists including a Home Safe Certificate, please refer to our website:

<https://www.newham.gov.uk/housing-homes-homelessness/maintaining-good-standards-rented-property-landlords/1>

Besides the pre-tenancy inspection, an inventory of all contents in the property to be rented and their condition should be completed and kept at the start of any tenancy. The general

condition of décor and state of maintenance should also be noted with clear and dated photographs of all rooms (including kitchen, toilets, bathrooms, living room, study, store, bedrooms, floor coverings, doors, windows and furniture provided should be taken as part of the inventory.

The inventory list should be provided to the tenant, checked and agreed at the time of viewing. This would help to reduce unnecessary arguments at the end of tenancy when the amount of deposit to be returned to tenant is to be determined. Ensure to take clear, sufficient and relevant pictures with dates. Most digital cameras can record the date and time when photographs are taken.

2. Tenancy Agreement

A Tenancy agreement is the contract between you, the landlord and the tenant, which set out clearly the type of tenancy, terms of the contract, and the responsibilities of both the tenant and landlord. The contract should be clearly written out. The type of tenancy is often a short-term assured shorthold tenancy, which runs for minimum of 6 months. However, there are other types of tenancies, information on them can be obtained on [Tenancy agreements: a guide for landlords \(England and Wales\): Tenancy types - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/tenancy-agreements-a-guide-for-landlords-england-and-wales)

The tenancy agreement should have some basic information, which include:

- Landlords name and contact address
- Tenant's name
- Address of property to be let
- Duration of tenancy
- Amount of rent payable
- Date rent is payable
- How the rent is to be paid? e.g. 4 weekly or calendar monthly, weekly. If you operate weekly rent payment, ensure to keep a rent book.
- Rent review arrangements
- Who is liable to pay gas, electric, water, council tax bills
- Amount of deposit payable
- How and when deposit is to be paid
- Name of Tenancy deposit protection scheme used

Once the tenancy agreement is signed by both parties, it becomes a legally binding contract and both parties should fulfil their responsibilities and keep to the terms of the agreement.

The tenant must also be given a copy of the tenancy agreement. For an example of an

assured shorthold tenancy agreement, please refer to Model agreement for an assured shorthold tenancy by visiting <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

Landlords are also required to give their tenants the 'How to Rent' guide at the start of the tenancy. Failure to do so could make evicting your tenants more difficult later on, as you will not be able to issue a section 21 notice to quit. For further information please visit [How to Rent - The checklist for renting in England \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/how-to-rent-the-checklist-for-renting-in-england)

3. Tenancy Deposit Protection (TDP)

From the 6th April 2007, tenancy deposit law is applicable to tenancy deposits received by landlords and letting agents. The law requires landlords and letting agents, who are renting properties on assured shorthold tenancies to protect the deposit collected for a tenancy in a government authorised tenancy deposit scheme.

The Tenancy Deposit Protection was designed to ensure that tenants get all or part of their deposit back provided they:

- meet the terms of the tenancy agreement
- don't damage the property
- pay their rent and bills

Landlords and letting agents are required to put the deposit in the scheme within 30 days of getting it and at the end of tenancy, deposit must be returned within 10 days of both parties (tenant and landlord/ letting agent) agreeing how much to be returned. Should there be disputes; the deposit will continue to be protected in the TDP scheme until the issues are sorted.

Information on how to keep the deposit in a government-approved scheme and available authorised schemes can be found on Tenancy deposit protection - GOV.UK (www.gov.uk) and from Newham Citizens Advice Bureau.

If you do not protect a deposit you will not be allowed to use the section 21 notice to quit process. Your tenants can claim up to three times the value of the deposit if it is left unprotected.

4. Understanding your Rights and Responsibilities

The law sets out the rights and responsibilities of both landlords and tenants to one another and with regard to the property being rented. It is important that these rights and responsibilities be clearly understood to avoid disputes, as well as breaches of the law.

Landlords should understand what the law says about their rights and responsibilities in the following areas and more:

- Obligation as a landlord under the assured shorthold tenancy
- How to end a tenancy
- Increasing rent
- Rent Arrears
- Dealing with disrepairs
- Settling disputes
- Paying tax (if applicable to you)
- Charging fair rent when changing a regulated tenancy

The Ministry of Housing, Communities & Local Government (MHCLG) has compiled a lot of useful information for landlords about their rights, roles and responsibilities in their booklet titled 'Assured and Assured Shorthold tenancies- A Guide for Landlords'. The guidance has more detailed explanation on assured shorthold tenancies, rent increases, responsibility of landlord to carry out repairs, bringing tenancy to an end and other useful topic areas.

Besides the guidance produced by the MHCLG, the National Residential Landlord Association (NRLA) can also support you as a landlord to better understand your rights and responsibilities in relation to the law. They provide update on changes to the law and guidance for landlords so that you are aware of any new developments in the private rented sector world. They also work together with Local authorities to empower landlords in the local area by organising landlord forums where important information and topics are discussed and questions that landlords may have are deliberated on to get answers. For more information about the NRLA and how to become a member, please visit <https://www.nrla.org.uk/join?qclid=EAlalQobChMIIsqG8iqfg8QIVh57tCh2DYQC>

Further information about landlord's responsibilities in relation to the law can be obtained from [Renting out your property - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

5. Property Licensing

Before renting out your property to tenants, you need to ensure that you have the right type of property licence for the property you want to let. The type of licence you need to apply for will depend majorly on the number of people and number of households occupying it. A household is formed when members of the same family are living together. If there are three friends sharing a property together, they are not considered a household because they are not from the same family, they are friends and consequently, they are three households. If

you need further clarification on what makes a household, please contact Newham Private Sector Housing team via privatehousing@newham.gov.uk

The Council operates licensing scheme covering the majority of the borough, due to identified issues such as overcrowding, Anti -Social Behaviour (ASB), poor housing etc within the private rented market in Newham. All Landlords privately letting their properties within Newham Council are required to apply for a property licence except for landlords in the E20 area, which represents part of the former Olympic Village. The licence types are Mandatory HMO licence, Additional HMO licence and Selective licence. Each licence has licence conditions, which must be adhered to, failure to adhere to the licence conditions, can lead to prosecution or civil penalty charge. The property licensing team carry out licence condition audits, where landlords are required to forward documents to prove that they are meeting the licence conditions. A failed audit can also result in prosecution or civil penalty charge. The council also adopts compliance checks to ascertain if landlords are meeting the licence conditions they agreed to (by signing the licence documents) before the licence was issued to them. The compliance checks are normally carried out by Compliance officers from the PSH team. Properties that do not meet the licence conditions would be further inspected under HHSRS then followed by appropriate enforcement action. It is therefore important to be compliant whether being checked or not.

To understand what type of licence is required for your property and how to apply for a licence, you can view or download the guidance produced by the property licensing team via [property-licensing-guide-for-landlords \(newham.gov.uk\)](#). Further information about property licensing can be found on www.newham.gov/propertylicensing

6. Housing standards- Housing Health and Safety Rating System (HHSRS)

The HHSRS is a risk assessment method used to assess all the main potential housing related hazards that can be of risk to health or safety. HHSRS is used by the Council to make sure that properties in its area are safe for occupation. HHSRS inspection can either take place if a tenant has asked for an inspection because of disrepair yet to be remedied by their landlord or if the council thinks a property might be hazardous based on their survey.

There are 29 health and safety areas and each hazard is rated according to its seriousness and effect on occupiers. Based on the hazard score, it could fall into category 1 or 2.

Category 1 hazards are more severe with Category 2 hazards being less serious.

Officers within the PSH are authorised to deal with poor housing conditions and they have a range of enforcement powers dependent on the seriousness of the case. For category 1

hazards, the council has a duty to take action to remove or minimise the hazard to make the property safe. They can also take action on category 2 hazards. The initial step would be to approach the landlord informally but if the landlord does not respond, a more formal approach can be taken.

The council can do any of the following if they find a serious hazard:

- issue an enforcement notice
- fix the hazard themselves and bill you for the cost
- prohibit you or anyone else from using part or all of the property

It is important for Landlords to take action on enforcement notices from the council, failure to comply with notices can lead to prosecution or a financial penalty notice being issued. You also have the right to appeal enforcement notices. The appeal is made to the Residential Property Tribunal, who would then hear the cases presented by each side.

The Ministry of Housing, Communities & Local Government has published detailed guidance on the rating of hazards and the document can be downloaded or ordered as a hard copy. You can follow the link below to access the guidance:

[hhsrs - Guidance and regulation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/hhsrs-guidance-and-regulation)

7. Management Regulations for Houses in Multiple Occupation (HMOs)

The subject of HMO, especially its definitions seem to be an area that some landlords grapple with. Sections 254 of the Housing Act 2004 however provide the legal definition of a HMO. You can access the definitions in the published guidance on [property-licensing-guide-for-landlords \(newham.gov.uk\)](https://www.newham.gov.uk/property-licensing-guide-for-landlords).

Apart from the standards detailed in the HHSRS of the Housing Act 2004, The Management of Houses in Multiple Occupation (England) Regulations 2006 also, place certain duties on the manager of the HMO, who is usually the landlord or a managing agent. The duties ensure that proper and adequate management provisions are being applied day-to-day at the property. It is an offence not to comply with the regulations, which could lead either to a prosecution or financial penalty.

The duties imposed on managers of HMOs are to:

- provide contact details of managers to each household and have them displayed

- ensure that all means of escape from fire are maintained and kept free from obstruction, all fire precautions are maintained and that steps are taken to protect occupants from injury
- maintain water supply and drainage
- ensure annual gas safety checks are carried out
- not unreasonably interrupt gas or electricity supply
- maintain in repair and keep clean all common parts and installations, and ensure common parts have adequate lighting
- ensure each unit and furniture are clean at the start of each occupation and maintain the internal structure and installations in each letting
- provide adequate waste storage facilities and ensure that there is appropriate collection of waste

HMO landlords should ensure their kitchen facilities are safe and sufficient for the number of tenants sharing the facilities, the same applies for sanitary facilities (bathroom/toilets), space and room standards, lighting and electrical sockets, ventilation, heating and fire safety standards. If you are in doubt of the standards adopted by Newham Council, please contact the HMO team for advice on HMO standards by calling the telephone number 02033731950.

More information on legal duties imposed by The Management of Houses in Multiple Occupation (England) Regulations 2006 can be accessed using the link below:

[The Management of Houses in Multiple Occupation \(England\) Regulations 2006 \(legislation.gov.uk\)](#) and [Shelter Legal England - Rules for managing HMOs - Shelter England](#)

If your HMO falls under the definition of section 257 of the Housing Act 2004 then you will need to comply with different HMO Management regulations, that can be found here: [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(legislation.gov.uk\)](#) .

8. Gas Safety- The minimum standards

The Gas Safety (Installation and Use) Regulations 1998 as amended by The Gas Safety (Installation and Use) (Amendment) Regulations 2018 impose duty on every landlord to ensure that gas appliances and flues provided for tenants' use are maintained in a safe condition.

To comply with the requirements of the Gas Safety Regulations, the following must be done:

- As a landlord you are required to employ a competent contractor to carry out an annual gas check on installations, appliances and flues within the accommodation rented out. Only competent contractors (Gas Safe Engineers) should be permitted to carry out installation and maintenance of gas appliances.
- Written records of all the safety checks must be kept and copies made available to tenants.
- Landlords must ensure that all the equipment supplied with the accommodation are safe to use and adequate information on how to safely use all the gas appliances, especially the boiler must be provided to tenants.
- Tenants who provide their own gas appliances are responsible for their maintenance while the landlord is responsible for the maintenance of the installation pipe works.
- If the property is managed by an agent, the landlord must be clear as to who is responsible for the maintenance of the gas appliances. There must be a written agreement for this.

The Health and Safety Executive are responsible for taking further enforcement action for non-compliance with the Regulations; however you have to provide the council a copy of your gas safety certificate when requested.

Landlords must ensure that contractors carrying out installation and maintenance of gas appliances are registered with Gas Safe. You should check the Gas Safe details, ask to see their certificate or check with Gas Safe register direct.

Landlords are also required to provide their tenants with a copy of the current Gas Safety Certificate at the start of the tenancy. Failure to do so could make evicting your tenants more difficult later on, as you will not be able to issue a section 21 notice to quit.

Further guidance is contained in the leaflet Gas appliances – get them checked, keep them safe, available, free of charge, from the Health and Safety Executive (HSE): telephone 01787 881165 or www.HSE.gov.uk

Gas Safe can be contacted on 08004085500 and www.gassaferegister.co.uk

9. Electrical Safety- The minimum standards

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021.

- The electrical wiring, sockets, light fittings, consumer units (fuse boxes) and other fixed electrical parts in rented homes must be inspected by a qualified and competent electrician and tested every 5 years, or more often than this if the qualified electrician thinks that is necessary.
- The qualified electrician will write a report (usually an Electrical Installation Condition Report or EICR) and give this to you. Landlords must give a copy to their tenants within 28 days. The report shows the condition of the property's electrical installations. They also have to give this to the local council whenever they ask for it.
- Throughout the whole time a tenant is living at the property, national electrical safety standards must be met.
- Local authorities have the power to fine landlords up to £30,000 if they do not comply with their legal obligations under the Regulations.
- These Regulations do not cover social housing. These Regulations also do not cover landlords living with their tenants (lodgers).
- The Regulations do not cover electrical appliances, only the fixed electrical installations.
- Electrical appliances (both new and second- hand) supplied by landlords must be safe. Landlords should regularly carry out Portable Appliance Testing (PAT) on any electrical appliance that they provide and then supply tenants with a record of any electrical inspections carried out. This is a good way of ensuring that their legal obligation to maintain a high standard of electrical safety in their rented property is met.
- Tenants are responsible for making sure that any of their own supplied electrical appliances are safe.

For further advice about electrical safety, contact The National Inspection Council for Electrical Contractors (NICEIC) Technical helpline on 08700130382 or visit their website: www.niceic.org.uk

10. Energy Performance Certificate (EPC)

The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties.

Since 1 April 2020, landlords can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC rating below E, unless they have a valid exemption in place.

If you are currently planning to let a property with an EPC rating of F or G, you need to improve the property's rating to E, or register an exemption, before starting a new tenancy.

If you are currently letting a property with an EPC rating of F or G, and you haven't already taken action, you must improve the property's rating to E immediately, or register an exemption.

If your property is currently empty, and you are not planning to let it, you don't need to take any action to improve its rating until you decide to let it again.

The MEES Regulations are enforced by local authorities, who have a range of powers to check and ensure compliance. If the local council believes a landlord has failed to fulfil their obligations under the MEES Regulations, they can serve the landlord with a compliance notice. If a breach is confirmed, the landlord may receive a financial penalty.

Investing in energy saving measures will improve the energy performance of your property and helps it stand out and be attractive to tenants. Landlords can do the following to improve the energy efficiency of their properties:

- Insulate their properties properly- explore cavity wall insulation, loft insulation
- If your boiler is over 15 years, changing it is a good way to facilitate energy efficiency. The use of combi boiler will save space and would not require hot water tank
- Fit a hot water tank jacket if you have hot water tank
- Changing glazing in property from single to double-glazing
- Look for Energy Saving Recommended logo when buying new appliances and choose the most energy efficient options

Information about funding and grants through a third party as well as self-funding and the process of registering an exemption can be obtained from [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance)

You can also visit www.energysavingtrust.org.uk for more information on energy efficiency in your properties.

Landlords are required to provide their tenants with a copy of the current Energy Performance Certificate (EPC) at the start of the tenancy. Failure to do so could make

evicting your tenants more difficult later on, as you will not be able to issue a section 21 notice to quit.

11. Renting Issues

It is important to remind landlords that the law protects people living in residential accommodation against harassment and illegal eviction. It should be noted that both harassment and illegal eviction are a criminal offence as detailed in the Protection from Eviction Act and victims can claim damages through the civil court as well as applying for a Rent Repayment Order of up to 12 month's rent paid.

11.1 Harassment

Harassment is defined under the Protection from Eviction Act 1977 as anything that the landlord or agent does to interfere with the peace and comfort of the tenant's home or withdrawal of services that are required for the occupation of the premises.

Tenants have a legal right to 'quiet enjoyment' of their home and if the landlord/agent interferes, they are committing an offence. Examples of harassment could include:

- The use of threats to get the tenants to vacate the property
- Withdrawal of amenities such as gas, electric, water supplies. The landlord's failure to pay the bill or the disconnection of the supplies
- Persistent anti-social behaviour exhibited by landlord and/or agent consequently disturbing the tenants in their homes
- Tampering with personal belongings of tenants
- Entering the property either by landlord, agent or contractors without permission or giving of notice.
- Texting or sending inappropriate messages to your tenant or on social media.

Tenants can report these issues to the PSH, the Police, Shelter or CAB and when enough evidence have been gathered to prove the offence has been committed; the Council has the power to prosecute the landlord.

11.2 Illegal Eviction

When evicting tenants, the landlord or agent must follow the correct legal procedures to avoid illegal eviction. The landlord has to first serve the tenants with written notice (section 21 or section 8) informing them that the tenancy will be brought to an end. Since 1st October 2021 a minimum notice period of two months needs to be given in most cases unless the

tenants voluntarily leave the property. The landlord will then apply to obtain a formal possession order from the County Court. If the tenants do not leave the property, then the landlord needs to apply for a formal possession order from the County Court. If the tenant does not leave by the date set on the possession order, the landlord may apply for a warrant for eviction. The court will then appoint bailiffs to evict the tenant.

Only Court appointed bailiffs can legally evict your tenants or their possessions. Examples of illegal eviction can be if the landlord or agent:

- Changes the locks while tenants are away;
- Preventing tenant(s) from using part of their home;
- Move other tenant(s) into their home without their knowledge;
- Threatens or harasses tenant(s), which forces them to leave their home;
- Throws tenant(s) out by force or violence.

11.3 Debt and Rent Arrears

Debt and rent arrears are issues that can also occur when renting privately. Tenants can be advised to seek advice and assistance from the National Debt Line, the Council's Tenancy Liaison Officers (Email: tenancyliasion@newham.gov.uk), contact the Citizens Advice Bureau or the Council's webpage at [Dealing with debt – Money and debt advice and support – Newham Council](#).

If the tenant(s) owes 8 weeks of rent if paying weekly or 2 months if paying monthly, the landlord can give notice to tenant stating their intention to seek possession through the court. The landlord can then apply for a possession order using a faster court procedure. Should the tenant be in receipt of housing benefits, the landlord can contact the Council's benefits department to explore the option of direct payments of rent.

Please refer to [Guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](#) for further advice.

11.4 Poor Housing and Disrepairs

You as the landlord are responsible for carrying out repairs to any properties that you rent out. The Council expects you to resolve any disrepair issues with your tenants.

If you fail to carry out these repairs within a reasonable time then your tenant(s) can contact Private Sector Housing Standards to report disrepair and poor housing conditions in their accommodation. Officers will contact the landlord and carry out their investigations and where necessary take more formal action using their powers under the Housing Act 2004

and other legislation to ensure works are carried out. Landlords should remember that it is their overall responsibility to carry out repairs in the property.

The Council is committed to dealing with rogue and criminal landlords who do not comply with the requirements of the law nor respect the health and safety of their tenants.

For a copy of the Council's accommodation standards then please refer to our website:

<https://www.newham.gov.uk/downloads/file/1969/guidance-on-accommodation-standards-1-6-doc>

12. Enforcement options by the Council

If a landlord/agent fails to provide a safe and warm home for their tenants by failing to maintain the property or by failing to carry out repairs, then the Council can take enforcement action against them.

The Council can also take enforcement action against any Landlords and/or agents who fail to licence a property or House in Multiple Occupation (HMO) which they rent out that requires a licence.

Types of enforcement Action:

- Serving a Notice;
- Making a Prohibition Order;
- Serving a Financial Penalty Notice (FPN);
- Prosecution;
- Revoke a property licence;
- Reduce the term (time) of a property licence;
- Banning Orders;
- Management Orders (Interim and Final);
- Compulsory Purchase Order (CPO); and
- Rent Repayment Order (RRO)

12.1 Notices and /or Orders

If enforcement action is taken against a landlord/agent then the Council can serve a Notice under a number of different acts including; the Housing Act 2004, Public Health Act 1936, Building Act 1984, Environmental Protection Act 1990, Prevention of Damage by Pests Act 1949, Local Government (Miscellaneous Provisions) Act 1976; and others.

The Council may also make a Prohibition Order (or a Suspended Prohibition Order and or an Emergency Prohibition Order) under the Housing Act 2004.

If a Notice or Order is served under the Housing Act 2004 then the landlord/agent will be charged a fee of **£750**. This allows the Council to recover their costs of serving and preparing the Notice or Order.

12.2 Financial Penalty Notice (FPN)

A Financial Penalty Notice (FPN) is a civil penalty issued against the landlord or agent, as an alternative to prosecution, for offences under the Housing Act 2004.

Relevant offences include:

- failing to comply with an Improvement Notice;
- failing to apply for a property licence;
- failing to comply with the conditions specified in your property licence;
- failing to comply with management regulations for houses in multiple occupation (HMOs); and
- failing to return documents under the conditions of a property licence when requested.
- They can be a maximum of **£30,000** for **each** offence.

12.3 Prosecution

The Council may prosecute a landlord/agent in the Magistrate's Court (or in some cases Crown Court) for the following:

- failing to comply with a Notice or Order served;
- failing to licence a property or house in multiple occupation (HMO) which requires a licence;
- failing to comply with the licence conditions (for either Selective, Additional or Mandatory HMO Licences types);
- failing to comply with the house in multiple occupation (HMO) management regulations;
- failing to provide information and return documents for a property when requested; and
- for illegally evicting or harassing a tenant/s.

Fines vary depending on the offence/s and the act that you are being charged under. If found guilty the landlord will also have to cover the Council's costs in taking the case to Court, including any solicitors and/or barristers fees.

12.4 Banning Order

The Council can also apply for a Banning Order against a Landlord/agent after a conviction (for certain offences) or after repeated civil penalties.

The Banning Order would prevent the Landlord/agent from renting out any residential accommodation, engaging in letting agency work and engaging in any property management work across the whole of England, not just in Newham.

It would also prevent the Landlord/agent from holding any property licences.

12.5 London Rogue Landlord and Agent Checker

Details of prosecutions, financial penalties and Banning Orders are entered into the London Rogue Landlord and Agent Checker on the london.gov.uk website.

12.6 Management Orders (Interim and Final)

The Council can make a Management Order (Interim and Final) to transfer the management of an unlicensed residential property to the Council.

All associated costs of the works and management of the property will be recovered from the rents which will be collected by the Council from the tenants.

Mortgage repayments will however remain the mortgage holder's responsibility.

12.7 Compulsory Purchase Order (CPO)

In some cases, a Compulsory Purchase Order (CPO) may be made, which means that the landlord would lose ownership of their property.

The CPO would transfer the ownership of the property to the Council, without the consent of the owner upon certain criteria being met.

12.8 Rent Repayment Order (RRO)

Even if you are not prosecuted, the Council and/or your tenant(s) can apply to the First Tier Property Tribunal for a Rent Repayment Order (RRO).

If the Tribunal award the RRO, they can make the landlord repay up to 12 months' rent to the tenants (or to the Council, if any Housing Benefit/Universal Credit payments were made).

13. Renting Your property through Newham's Homelessness Prevention & Advice Service (HPAS)

The Homelessness Prevention & Advice Service have a large number of households who are looking for private rented accommodation in the East London area. The Private Rented Solutions (PRS) Team offer a range of incentives for landlords who wish to let their properties via Newham. A typical incentive would include a financial payment and landlord insurance cover for rent loss and damage. Incentives vary from £500 to £4000 depending on the property size and length of AST.

HPAS also have a Tenancy Sustainment Team (TST) who offer support to landlords of properties let via the PRS Team. The TST provide assistance with Universal Credit claims, rent arrears or any other tenancy related issues. The TST also support new tenants to set up rental payments and make any relevant claims to assist with rent payment. The support provided by the TST for landlords and tenants is available for 12 months from the start of the tenancy. Any problems that arise during this period can be discussed with an officer who will be allocated to work with you and your tenant.

If you have a property that you are interested in letting via the PRS Team please email HPASPRSTeam@newham.gov.uk for more details & a member of the team will be happy to discuss with you.

14. Useful Contacts

London Borough of Newham

Telephone: 020 8430 2000

www.newham.gov.uk

Newham Property Licensing Team

propertylicensing@newham.gov.uk

Citizens Advice Bureau

www.adviceguide.org.uk

National Residential Landlord Association

0333 257 4633

+44 161 962 0010

[Contact Us | NRLA](#)

Newham Landlords Forum

[NRLA & London Borough of Newham Landlords Forum | NRLA](#)

**Accreditation & Training for Landlords and Agents Service ATLAS
London Landlord Accreditation Scheme (LLAS)**

Call 020 7974 2834 if you need assistance or email llas@camden.co.uk
<http://www.londonlandlords.org.uk/>

Shelter

08088004444
www.shelter.org.uk/advice

Newham Trading Standards

Telephone: [0203 373 9937](tel:02033739937)
Email: TradingStandards@newham.gov.uk

Newham ASB Reporting

[Anti-social behaviour – Anti-social and nuisance behaviour – Newham Council](#)

Newham Planning and Building Control team

reception.bco@newham.gov.uk or by telephone (9am to 10.30am Monday to Friday) on
020 3373 8200
duty.officer@newham.gov.uk

Newham Parking Services

[Parking and permits – Newham Council](#)

Newham Homelessness Prevention Advice Services

[Homelessness Prevention and Advice Service \(HPAS\) – Homelessness prevention and advice – Newham Council](#)

NICEIC- National Inspection Council for Electrical Installation Contracting

08700130382
www.NICEIC.org.uk

Health and Safety Executives

08453450055
www.hse.gov.uk

Gas Safe

08004085500
www.gassaferegister.co.uk

Energy Performance Certificates

[Buying or selling your home: Energy Performance Certificates - GOV.UK \(www.gov.uk\)](#)

Deposit Protection Service

[Deposit protection schemes and landlords - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Inland Revenue

[HM Revenue & Customs - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

London Fire Brigade – Advice and Enforcement

[Enforce fire safety legislation | London Fire Brigade \(london-fire.gov.uk\)](http://london-fire.gov.uk)

Appendix I: Pre-Tenancy Checklist

	Items	√(Yes) or x(No)	Notes
	General Information		
1	Property Address		
2	Landlord/Agent Tel. number		
3	Other useful contact if landlord is unavailable		
4	Does the property have a valid and correct licence? The type of licence will be determined largely the number of people and households -Please refer to licensing requirements on item number 6 in this booklet.		
4	Emergency contact numbers available e.g. plumber, electrician, home care Engineer etc.		
5	State the Length of Tenancy (minimum)		
6	Deposit amount and Tenancy Deposit Protection Scheme		
7	Rent amount		
8	List of furniture provided (are they in good condition/ fire retardant and pest- free?)- Chairs, tables, bed/mattresses etc.		
9	List of Appliances provided -washing machine, cooker, fridge, freezer etc. Do you have a valid Portable Appliance Test?		
10	Have you received satisfactory references for your tenants? Is the proof of right to rent property required? For more information on right to rent property in England and document checks, please visit https://www.gov.uk/private-renting/document-checks		

	Items	√(Yes) or x(No)	Notes
11	Have you provided tenant with tenancy agreement and does the tenant understand the terms and conditions of agreement?		
12	Repairs procedure explained and understood? -How to report disrepairs explained to tenants etc.		
13	Have the roles and responsibilities of tenants explained?		
14	Do you have suitable Rubbish bins and have you told tenant the Rubbish Collection day?		
15	Neighbourhood information- libraries, public transport, GP, Dentist, Parks etc.		
16	Any other useful information e.g. instructions for use of heating system, Council Tax, Utility provider details?		
17	Has tenant checked Inventory and signed?		
	Internal Checks	√(Yes) or x(No)	Notes
1	Utility Provider details- Gas Provider		
	Have you given your tenant a current gas safety certificate before they move into property?		
	Note that a gas boiler requires annual service and records should be made available to tenant and Council when requested		
	Check that boiler works properly and gas fires in good condition (e.g. no soot-like marks on boiler).		
2	Utility Provider details -Electric		
	Do you have a current Electrical Installation Conditions Report to show that the property is safe?		
	Have you visually checked the condition of electrical sockets, do they work, are they chipped or cracked?		
3	Heating- Is there space heating in the accommodation i.e. radiators/ fixed gas or electric heaters in living room, hallway/ landing, bedrooms and bathroom?		
	Have you given instructions on how to operate boiler to your tenant?		
	Check and ensure that heating and hot water are working?		
3	Utility Provider details- Water		
	Are taps supplying both hot and cold water?		

	Items	√(Yes) or x(No)	Notes
4	EPC- have you provided a copy to tenant(s)? Is the insulation adequate? How old is boiler? Can improvements be made to achieve better Energy Efficiency?		
5	Ventilation Do all rooms have adequate ventilation? Can all windows open? Do the extractor fans work?		
6	Windows- Are all windows in good working condition? Can they be opened and closed with ease? Can they be locked? (if yes, provide keys). Are there defective timbers? How well do windows fit into frame/ Are windows draught-free? Are there working catches? Is the window glazing adequate, undamaged, crack-free, and with no missing panes? Are windows mould-free?		
7	Dampness- Is there staining on walls, mould growth, peeling wallpaper etc?		
8	Doors- Check if the doors are in good working order. Can they be opened and closed with ease, and are they well fitted into frame? Are they draught free and are there correct locks that work properly. For HMOs, check for fire door requirements- for further information, please refer to Newham fire safety guidance by following the link https://www.newham.gov.uk/downloads/file/3264/fire-safety-advice-for-landlords-newham-branded-		
9	Fire detection system- Provide a mains wired smoke alarm on each storey and a carbon monoxide alarm in any room with a solid fuel burning appliance (for example a coal fire or wood burning stove) Check that you have access to escape routes at all times. Make sure the furniture and furnishings you supply are fire safe. Provide fire alarms and extinguishers if the property is a large house in multiple occupation (HMO). Have you got suitable, adequate and operational fire detection system throughout the property? Has risk assessment being carried out? Do you have a floor plan? for further information, please refer to Newham fire safety guidance by following the link https://www.newham.gov.uk/downloads/file/3264/fire-safety-advice-for-landlords-newham-branded-		
10	Pests- Visually check for signs of pest infestations throughout property and on furniture provided. Are there holes and gaps where pests can enter property?		

	Items	√(Yes) or x(No)	Notes
11	Furniture- The soft furnishings provided by landlord must comply with Furniture & Furnishings Regulations. They must be fire retardant and this can be ascertained by checking the British Standard Institution kite mark on the label of the furniture. If there is no fire safe label, it must be replaced with a compliant furniture.		
12	Flooring and Carpets- Visually check for uneven and/ or loose floorboards. Ensure there are no faults that can cause a trip or slip hazard. Make note of the carpet condition in the inventory prior to occupation, however anticipate some level of wear due to use.		
13	Any other item		
	External Checks	√(Yes) or x(No)	Notes
1	The main fabric of the property should be checked for any disrepair. Examples of items under the main fabric include roof condition, rendering or brickwork condition.		
2	Check for damages to the gutters and down pipes. Are they leaking, filled with vegetation or other blockages?		
3	Check the waste pipes, gullies, soil vent pipes. Are there cracks to the pipes? Are the pipes secured properly with brackets and discharging properly into a gully? Are the gullies clear?		
4	Check the access to the front and rear of the property, are they safe? Are there suitable and safe steps with handrails?		
5	Check the boundary walls, fencing, outbuildings or sheds. Are they in a safe and secure condition?		
6	Check the garden, is it overgrown and filled with rubbish, clutter, white goods and items that can harbour pests?		
7	Have you shown occupiers the location of the gas and electric meters? Are they card meters?		
8	Is there a water meter? Location of the stop tap? Does it work?		
9	Locate the consumer unit or fuse box.		