

Issue 9 –November 2011

Environmental Development Landlords' Newsletter

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Welcome to the November 2011 issue of our Landlords' Newsletter. In this issue we have details of the next Landlords' Forum, an update on HMO Licensing and details of formal action taken against landlords and agents following the poor management of their properties.

HMO Renewals

Landlords who have Licences that are about to expire should receive an email reminding them to apply for a renewal Licence. Most of the licences expiring now are those which were granted in 2006.

The renewal process has been made as simple as possible. However, as some things (especially contact details) may have changed over the past 5 years you will need to tell us again about the people involved in the renewal.

If you have not received a reminder email though your licence has expired just go to the Council's web page, find do-it-on-line, and select the HMO renewal option.

The case reference number of your original application is required to submit a renewal. The number will look like this: 06/00000/HMOLIC – and can be found on each letter and document we sent you when the house was licensed.

Renewal application fees are currently £172 for a 12-month licence + if necessary a re-inspection fee of £130. The re-inspection fee will be charged only if the house is deemed to be high risk or where there are concerns over management.

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HMO Additional Licensing

The next phase of HMO licensing begins on 30 January 2012. From that date all houses or flats that are in multiple occupation will require an HMO Licence.

Landlords or their Agents should follow the same on-line procedures for applying for their licence under the second phase of additional scheme. As far as the application is concerned all HMOs irrespective of their status (mandatory, additional phase 1 or additional phase 2) will be treated in the same way.

To the end of October, 203 houses have been licensed this year under Phase 1 of Additional Licensing and another 345 cases are being processed. The total of this year's cases to date is about the same as all those granted from 2006 to 2011 under the mandatory scheme.

One Small Step to Making a Big Difference

By installing 270mm of loft insulation in your house, you could save on average £145 a year*.

Loft insulation can cost you as little as £20 and can be easily installed yourself.

If you do it now your tenants and not the birds on your roof will be nice and cosy for the chilly winter months ahead. You will also be doing your bit to help reduce the effects of climate change.

Did you know?

If every one in the UK installed loft insulation we could save nearly three million tonnes of CO2 every year. That's enough to fill Wembley Stadium nearly 380 times.

*These are estimated figures based on insulating a gas-heated, semi-detached home with three bedrooms (Energy Saving Trust).

Can you include a term in your contract saying "no pets"?

The answer and further information can be found on the next page of the newsletter- 'Tenancy Agreements'



Oxford Landlord's Agent gets Suspended Prison Sentence and 60 Hours Community Service for Unlawful Eviction

Mr John Peter Johnson Bowler of 109A Magdalen Road Oxford pleaded guilty to the unlawful eviction of Mr Stanford Robinson from 109A Magdalen Road. The court heard that on 16th February this year following a long campaign of homophobic abuse, Mr Johnson Bowler unlawfully evicted Mr Robinson by changing the lock to his front door and dumping all his belongings on the pavement outside his home.

Mr Johnson Bowler pleaded guilty to the offence of unlawful eviction. He was given a 6 week prison sentence (suspended for 12 months) plus 60 hours community service (unpaid work) and was ordered to pay £500 costs and £100 compensation to Mr Robinson. His sentence reflects his early guilty plea as well as his former "exemplary character".

If Mr Johnson Bowler defaults on his community order or commits any further offences over the next 12 months, he will be sent to prison forthwith. He now has a criminal record.

Cowley Landlord Fined for breaches of the HMO Management Regulations

Mr Bayton Fundira, landlord of 153 Hollow Way, Oxford pleaded guilty to 8 offences of the HMO Management Regulations in June 2011.

Officers visited the property following a phone call made to the Tenancy Relations Officer. On visiting the property they found the boiler was in a poor condition and no longer provided hot water, there was broken glazing in one of the bedroom windows; the garden was in an untidy condition and there was mould growth in several locations.

Mr Fundira was fined £800 plus expenses.

Formal Caution for East Oxford Letting Agent

An agent in East Oxford accepted a formal caution earlier this month for the non-licensing of an HMO in East Oxford.

The Management of Houses in Multiple Occupation (England) Regulation 2006

Regulation 4

States the duties of the manager in relation to safety measures within the HMO. This includes safety with regard to means of escape, fire fighting equipment and alarms as well as ensuring the structural condition and design of the HMO is safe for the occupiers.

A copy of the regulation can be found at http://www.legislation.gov.uk/uksi/2006/372/pdfs/uksi_20060372_en.pdf



Council takes over unlicensed HMO

Oxford City Council has taken control of a property in Marston using management powers under the Housing Act 2004 for the first time in Oxfordshire.

Oxford City Council's Environmental Development service used the power to issue an Interim Management Order which gives them control of a House in Multiple Occupation (HMO) if they consider that there is no realistic prospect of a licence being issued.

The property in Salford Road, Marston, is an unlicensed HMO that contains six people.

The landlord, Ken Herring, is not considered a fit and proper person to hold a licence after being prosecuted twice before for offences at HMOs.

Councillor Joe McManners, Board Member for Housing Needs, says: "If a landlord isn't up to the task then we will take over if we have to."

The property was taken over earlier this year. It makes the Council the landlord of the property and we have taken over the collection of rents and carrying out repairs. The landlord is however, entitled to receive whatever rent is left after the council has charged for its management and repair costs.

If the landlord is unable to arrange for a suitable licence holder the council has the power to issue a Final Management Order that lasts for five years.

The property was inspected by officers from Environmental Development, Housing and Communities and Direct Services and found to be in a poor state of repair. They also found tenants that the landlord didn't know were living there.

Essential repairs will be carried out and a plan will be developed for longer term improvements if a suitable applicant for a HMO licence does not come forward.

Officers from Environmental Development, Housing and Communities and Direct Services worked together on this order.

Tenancy Agreements

Answer: No. According to the Office of Fair Trading Guidance on Unfair Terms in Tenancy Agreements (2005) your contract should strike a fair balance between tenant and landlord. A blanket exclusion of all pets without consideration of all the circumstances would be considered too one sided.

Under the Unfair Terms in Consumer Contracts Regulations (1999), tenants are not bound by standard terms in their contracts with their landlords if those terms are unfair.



Oxford City Council Landlords' Forum

Thursday, 1st December 2011

Arrival from 10:30am

for 11:00am start

Main Hall, Town Hall, St. Aldate's,
Oxford, OX1 1BX

The forum is free of charge.

A draft agenda can be found below.

If you wish to attend the forum please e-mail or telephone using the contact details found on the first page of the newsletter.

10:30am	Arrive and Refreshments
11:00am	Welcome
11:15am	HMO Licensing Update
11:45am	HMO's- A Planning Update
12:15pm	Housing Benefit- The Impact of welfare Reform
12:45pm	Housing Homeless Families in the Private Rented Sector
1:15pm	Questions
1:30pm	Lunch



NLA Meeting

As we have close links with the local NLA we are pleased to give you details of their forthcoming meeting. As you will see anyone is welcome, including non NLA members and we would encourage you to attend.

NLA Oxford Branch Meeting

HMO Licensing and Landlord Accreditation in Oxford: An update

[Book now!](#)

A Accreditation Scheme - a marketing opportunity for landlords?

Ken Staunton, NLA Head of Regions

HMO Licensing Update

Ian Wright, Health Development Service Manager, Environmental Development, Oxford City Council

There will be plenty of time for questions and answers so please make the most of this opportunity and come fully armed with your questions!

Welcome and close by David Kybett, NLA Local Representative

Thursday 17th November 2011, 7pm to 8:30pm

Oxford Spires Four Pillars Hotel

Address: Abingdon Road, Oxford. OX1 4PS

Telephone: 01865 324 324

[click here for a location map and to book your place](#)

This meeting is FREE and open to all.

This event contributes towards your CPD for [NLA Accreditation](#) and can be manually added to your CPD profile on the [Landlord Library](#). It may also count towards CPD for other landlord accreditation schemes – including that run by Oxford City Council—please check with your Accreditation scheme provider.

We hope you have found the newsletter of interest. If you have any suggestion of future articles you would like us to include please email hmos@oxford.gov.uk.

