

AnthonyGold

Housing Update - Issue 10

Welcome to the winter edition of the newsletter from the property team at Anthony Gold Solicitors.

This edition of the newsletter brings you a mix of interesting developments in relation to Houses in Multiple Occupation (“HMOs”), licensing, the Proceeds of Crime Act 2002 and an overview of what happened in 2021 and the likely changes to look forward to in 2022.

On 5 November 2021, my colleagues Robin Stewart and Tamanna Begum held webinar in conjunction with barristers from 5 Pump Court on [“The Liability for licensing and property standards in HMOs”](#). The webinar focused on the liability of tenants and landlords in the context of licensing and property standards in HMOs. The speakers discussed the impact of the recent Upper Tribunal decision in *Rakusen v Jepson & Ors, Safer Renting Intervenor (2021) EWCA Civ 115* and its impact on superior landlords in the context of rent repayment order applications. The recording to the webinar can be accessed through this [link](#).

Local authorities have several enforcement tools to act against landlords who commit criminal offences either under the Housing Act 2004 or in relation to offences committed in respect of other breaches such as planning control and breaches of enforcement notices. One of those tools is to confiscate rent from the landlords under the Proceeds of Crime Act 2002. This is a tool that is not used that often but it is of course possible for Local Authorities to go down this route. A detailed discussion on *“Confiscation of Rent: HMOs and the Proceeds of Crime Act 2002”* can be found [here](#).

The imposition of financial penalties remains to be another powerful tool that Local Authorities can use against landlords who commit offences. If a landlord/ agent is not happy with the level of the penalty that has been

imposed and has grounds for appeal then an appeal may be brought at the Tribunal. The Tribunal is required to make its own decision about the level of the fine rather than endorsing the fine proposed by the Council. On the assessment of financial penalties by the First tier Tribunals (FtT) and a reminder of what the FtT are required to consider when deciding financial penalty appeals the case of *Raja v Salford City Council* is a great reminder. A summary of the case and the implications of the decision can be found [here](#).

Finally, 2021 has been a year of many significant developments and continued changes on the possession front. A summary of the most significant developments in the year 2021 can be found [here](#). The Year 2022 looks even more exciting as it appears that some of the long-awaited changes including the publication of the white paper on the renter's reform bill and what will happen to section 21 notices may be revealed next year. There are also other upcoming changes to keep an eye out for which are all summarised [here](#).

We continue to work hard assisting landlord, agents, and property professionals on their legal matters.

We continue to deliver services to clients during these uncertain times and would be happy to assist you with any queries or other questions you may have of things that have happened in the past year or are due to happen in the upcoming year and likely to impact you. Many of our lawyers and support staff continue to work from home with a limited presence in the office. However, we are available to hold meetings remotely to continue to provide our services to you and assist you.

Please do not hesitate to contact us if you wish to discuss any new matters.



Nikki Basin
Solicitor

Where does the buck stop? Liability for licensing and property standards in HMOs

HMOs continue to provide a steady stream of cases in the courts, with the case of *Rakusen v Jepson* reaching the Court of Appeal earlier this year. In this webinar we will consider where liability lies for licensing and property standards in HMOs and the potential liability of tenants and of landlords. We will also look in more depth at the decision in *Rakusen* and the impact of that decision on superior landlords.

To read more click [here](#).

Confiscation of Rent: HMOs and the Proceeds of Crime Act 2002

Most of the criminal offences which relate to houses in multiple occupation (“HMOs”) fit into either of two groups. The first group is offences under the Housing Act 2004 – which are connected to licensing and management of HMOs. The second group is offences relating to planning control, and including breaches of enforcement notices.

To read more click [here](#).

Property Licensing : The right way to assess financial penalties

In the case of [Raja -v- Salford City Council](#), the Upper Tribunal (“UT”) held that First tier Tribunals (“FtT”) are required to make their own assessment in determining financial penalties and should not limit themselves to solely reviewing the council’s decision to impose the penalty.

To read more click [here](#).

2021 Round Up – Significant developments in the Private Rented Sector in 2021

The Year 2021 has been a year with a lot of significant developments in the Private Rented Sector (“PRS”). The Year started off with amended guidance and rules continuing in respect of possession claims. There were also significant developments on the case law front with more cases being heard and courts resuming back to normal. This blog focuses on some of the most significant developments in 2021.

To read more click [here](#).

The Private Rented Sector in 2022 – whatever next?

From a legal perspective in many ways 2021 has been a year of ‘more of the same’ for the private rented sector: more delays to abolition of section 21 notices, an extension for most of the year to the restrictions on possession claims which began in 2020, and the same enforcement trends continuing: further growth in rent repayment orders and civil penalties, while some laws are barely enforced at all.

To read more click [here](#).

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