

Argyll and Bute Landlords' Newsletter



ELECTRICAL SAFETY LAW IS CHANGING

From 1st December 2015, private landlords are responsible for ensuring that an electrical safety inspection of their property is carried out by a registered electrician* at least every five years.

This covers:

- Any installations in the property for the supply of electricity
- Electrical fixtures and fittings
- Any appliances provided by the landlord under the tenancy.



Landlords must be able to prove that all of the above are in a reasonable state of repair and in proper working order.

So what do landlords need to do?

Landlords are required to ensure that regular electrical safety inspections are carried out by a competent person*, and that anything that fails to pass the inspection is replaced or repaired immediately.

As a minimum, an electrical safety inspection must be carried out:

- Before a tenancy starts, and
- During the tenancy, at intervals of no more than **five years** from the date of the previous inspection.

A copy of the most recent electrical safety inspection reports must be provided to both new and retained tenants.

The electrical safety inspection has two parts:

1. An Electrical Installation Condition Report (EICR) – formerly known as a Periodic Inspection Report (PIR) – on the safety of the electrical installations, fixtures and fittings. The electrician* will carry out checks of installations for the supply of electricity, electrical fittings (e.g. switches, sockets and light fittings) and fixed electrical equipment (e.g. boilers, panel and storage heaters and hard-wired smoke and fire detectors). They will produce an EICR document that highlights any problems using different classifications: and any remedial work that is undertaken as a result of the inspection will then be recorded on a Minor Electrical Installation Works Certificate.

2. A Portable Appliance Test (PAT) on any portable appliances that are provided by the landlord - i.e. any movable electrical equipment that you have provided as part of the tenancy (TVs, refrigerators, toasters, etc.) and must be carried out by either a registered electrician *or any person who has completed appropriate training as a PAT Tester (which can include the landlord)

So When Do Landlords Have to Do This By?

For NEW tenancies starting on or after 1/12/2015 properties must comply and tenants be given copies of the EICR before the tenancy starts.

For tenancies EXISTING before 1/12/15 must be provided with an EICR by 1 December 2016, unless the tenancy ends before that date.

Find out more

Read the full guidance for landlords on the [Private Rented Housing Panel website](#)



* Electricians MUST be employed by a firm that is a member of an accredited registration scheme recognized by the Scottish Government e.g. [SELECT](#) or [NICEIC](#)

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LEGIONELLA BACTERIA IN WATER SYSTEMS—What should you know?

The code of practice issued by the Health and Safety Executive in relation to Legionnaires Disease has changed. **This means that Private Landlords now have a legal obligation to comply with the code.**



In most cases, a simple assessment will show that risks are low and no further action may be necessary. (e.g. a typical lower risk situation may be found in a house with a domestic-type water systems, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a wholesome mains supply (no stored water tanks); where hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and where the only outlets are toilets and wash hand basins). If the assessment shows the risks are low **and** are being properly managed, no further action is needed but it is important to review the assessment regularly in case anything changes in the system.

Simple control measures can help control the risk of exposure to legionella such as:

- flushing out the system prior to letting the property
- avoiding debris getting into the system (eg ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (eg setting the temperature of the calorifier/boiler to ensure water is stored at 60°C)
- make sure any redundant pipework is identified and removed.

Where showers are installed, these can create and disperse water droplets which may be inhaled causing a foreseeable risk of exposure to legionella. However, if used regularly the risks are reduced but tenants should be advised to regularly clean and disinfect showerheads. Instantaneous electric showers pose less of a risk as they are generally cold-water-fed and heat only small volumes of water during operation.

Do not allow water to stagnate within the water system, there should be careful management of dwellings that are vacant for extended periods. Generally, outlets on hot and cold water systems should be used at least once a week to minimise the chances of stagnation. To manage the risks during non-occupancy, implementing a suitable flushing regime or other measures such as draining the system may be necessary.

Advise tenants of control measures put in place to be maintained e.g. not to adjust the temperature setting of the calorifier/boiler, to regularly clean showerheads and to inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken.

Properties on untreated private water supplies may pose a higher risk and this should be considered in the risk assessment..

Further information and templates are available on the [HSE website](#).

FUTURE REGULATION OF LETTING AGENTS

Currently agents are assessed as being fit and proper as part of the Landlord Registration regime. However the Scottish Government is in the process of preparing to implement a new scheme under the Housing (Scotland) Act 2014. This will introduce mandatory regulation and registration of letting agents in Scotland, affecting all professional letting agents in the future, including many Solicitors and other related bodies. As well as the landlords who use them.



Part 4 of the Housing (Scotland) Act 2014 introduces a regulatory framework for Letting Agents to tackle those who do not meet high standards of professionalism and conduct. This will include:

- ◆ the establishment of a mandatory register of Letting Agents with an associated 'fit and proper person' test;
- ◆ regulation making powers to set out training requirements that applicants must meet to be admitted to the register;
- ◆ the production of a statutory Code of Practice that sets out the standards letting agents must meet;
- ◆ an avenue of redress for landlords and tenants to the new First-tier Tribunal in relation to breaches of the Code of Practice;

Overall commencement is expected towards the end of 2016—we'll keep you informed with progress.

EMPTY HOMES INITIATIVE

Due to the high demand for affordable housing and lack of resources to develop new properties, Argyll and Bute Council is committed to trying to bring as many empty properties in the area back into use as possible.



- ◆ Are you a landlord and you are finding it difficult to find a tenant?
- ◆ Are you wanting to bring your property back up to a suitable standard?
- ◆ There are grants and loans information available and you may be eligible.
- ◆ Properties have to be registered empty prior to **1st April 2012**

Interested in finding out about the Empty Homes Initiative? See our leaflet Empty Homes Grant and Loan Information available here <http://www.argyll-bute.gov.uk/housing/empty-homes> or contact Kelly.ferns@argyll-bute.gov.uk Housing Improvement Officer – Empty Homes, Argyll and Bute Council — 01369 708672

Discounts Available on Empty Homes

Depending how long your property has been registered empty, renovation or alteration works carried out by a VAT registered trader may be eligible for a reduced VAT rate or you may be eligible for discounts at some suppliers. Please contact the Empty Homes Officer to find out more.

WOULD YOU BE ABLE TO SPOT A CANNABIS FARMER?

Cannabis farms used to take place in large industrial units, but in recent years more are being established in residential properties.

Cannabis is the most widely used illegal drug and as it is not native to the Scottish climate it requires special conditions to grow. It needs plenty of heat, compost, fertiliser, and fans.



Tell tale signs that there is potentially a cannabis factory on your property might be:

- ◆ Windows permanently covered up from the inside and condensation visible
- ◆ An unusual strong or sweet smell and/or excessive use of air fresheners
- ◆ Noise coming from equipment eg. fans or heaters
- ◆ Extra vents fitted to roof.
- ◆ Powerful lighting on all day in rooms or attic space
- ◆ Tenants coming and going, maybe not living in the property but popping in and out.



What to watch out for!

- ◆ A tenant wanting to pay rent months in advance
- ◆ A tenant asking you not to visit the premises, especially if you are in the country with outbuildings.

There are also risks to your property for example- **Fires** - these can be caused as the amount of heat required to grow the plants is so great that often the criminals will by pass the electricity meter, however this also bypasses the built in safety measure e.g. Fuses and therefore creating a greater risk of fire. **Dangerous alterations** to property, such as holes in ceilings, floors and walls that may lead to structural collapse. **Uninsured damage** as some insurers will not pay out if damage is due to criminal activity.

If you have any suspicions that your property may be being used to farm cannabis call your local police office on 101 or Crimestoppers on 0800 555 111. A Landlord guide to preventing cannabis farming is available [here](#).

Taxation for Landlords: *If you should declare income—but chose not to!*



Our last newsletter touched briefly on income tax so this is a short reminder.

HMRC is targeting tax evasion by residential landlords. They'll use information they have about property rental in the UK and abroad and other information they hold on customers to identify people who might not have paid what they owe. If you don't make a voluntary disclosure now and HMRC finds out later, you could get higher penalties and face criminal prosecution. Further useful information and guidance can be found at <https://www.gov.uk/let-property-campaign>

WHAT IS AN HMO? Many of our landlords ask this question

An HMO (House in Multiple Occupation) is a property that is shared by three or more tenants who aren't members of the same family who share some or all of their facilities such as kitchens or bathrooms. HMO landlords must have a licence from the Council. This ensures that the property is managed properly and meets certain safety standards. An HMO licence must be applied for before the tenants take up residence. If you believe that this may apply to you please visit our website for further information or contact us direct.

Tenancy Deposits—Have you Lodged and Informed?



Increasing numbers of tenants are now enquiring about un-lodged deposits. Remember **ALL** deposits **must** now have been lodged with one of the three approved companies, **whenever** they were taken and **whenever** the lease began. Don't get caught out and ensure you have told your tenant where the deposit is lodged. Without BOTH you could find yourself in court and with a hefty fine of **3 times** the original amount. Further information and a list of approved companies can be found on the Scottish Government website www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent

And finally... ..

When it comes to renewing your registration we try to let you know—we send emails (if you have provided us with one) and letters to give you plenty of warning that renewal dates are approaching. However, if your information is not up-to-date and you have not informed us at LANDLORD REGISTRATION of your new details, you may miss these reminders and get a large late application fee (£110 per person) applied automatically—this applies to joint owners too (who don't normally have to pay any fees). Therefore please keep ALL information up to date, either online, by post (addressed to Landlord Registration) or by email (landlord.registration@argyll-bute.gov.uk).



If you are no longer a landlord - we want to know, we will then remove you from the system and stop sending you information, but we do need it in writing (or email) please.

FURTHER USEFUL INFORMATION: Websites and Links

www.rentingscotland.org—general Housing related advice - for landlords and tenants

www.prhpscotland.gov.uk—Private rented housing panel

www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent

www.argyllandbuteadvice.net

www.select.org.uk/index.php—Scotland's trade association for the electrical industry.

www.hse.gov.uk/legionnaires/

https://crimestoppers-uk.org/media/250424/landlord-cannabis_booklet_web-final.pdf

<http://niceic.org.uk/> National Inspection Council for Electrical Installation Contractors

CONTACTING US

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