



Help and Advice

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Bulletin 53: PROPERTY UPDATE

The Help & Advice Group was set up by Synod in 2009, to support local churches in being informed and effective in their life and mission. The group was disbanded in 2014, as part of a simplification of Synod committees, and its work continues through the Trust Officer, under the oversight of the Trust. We are willing to try to provide specific advice on particular topics. Please get in touch if you have questions or suggestions.

This article is part of a series giving an overview of particular subjects on interest for local churches. We also circulate general updates from time to time. Bulletins will also be posted on the members' area of the website with direct links to other websites.

Where readers are directed to web-based resources, the Synod Office is willing to respond to reasonable requests for printed out information for readers without web access, although they may find it more satisfactory to follow up their interest through their local library's web access.

This bulletin gives updates on recent legal developments in relation to residential property that is let to tenants.

'Right to Rent' Checks

Under section 22 of the Immigration Act 2014, from 1 February 2016, all landlords must check that their tenants have a right to stay, and therefore rent, in the UK. This will in particular apply to manses let to tenants when there is no minister in occupation. Landlords can be fined up to £3,000 if they rent property to someone who isn't allowed to stay in the UK.

Accordingly, for tenancies entered into after that date, landlords will have to:

1. Check adult tenant(s) will live in the property as their only or main home;
2. Ask tenant(s) for the original document(s) that show they have the right to be in the UK;
3. Check the documents are valid with the tenant present;
4. Make and keep copies of the documents and record the date the check is made.

More information is given at: www.gov.uk/check-tenant-right-to-rent-documents.

Estate agents can carry out these checks on the landlord's behalf, if you have a written agreement for them to do so. It would be advisable to ask the agent to confirm in writing that the prospective tenants have passed the 'right to rent' test.

Smoke and Carbon Monoxide Alarms

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015, and require landlords to have:

- at least one smoke alarm installed on every storey of their rental property which is used as living accommodation and
- a carbon monoxide alarm in any room used as living accommodation where solid fuel is used.

Although not required by the regulations, it would be advisable also to fit a carbon monoxide alarm in rooms with a gas or oil appliance.

Landlords should check the alarms are in full working order on the first day of each new tenancy. Tenants should test the alarms monthly during their tenancy. This applies to new tenancies beginning after 1 October 2015, and is likely to affect many manses. Local authorities can impose fines of up to £5,000 for failure to comply with a remedial notice.

Further guidance is given online:

www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords

Legionnaires' Disease

Landlords and employers have duties under general health & safety legislation to ensure the safety of people on their premises, and this includes management of risks from legionella bacteria. This duty applies to churches and halls as well as manses.

Briefly, the risk arises where water is stored at between 20-45°C, which could then be dispersed, for example by a shower. Cleaning shower heads, setting temperature controls for the hot water tank, and flushing out the system if it has not been used for some time are among possible control measures.

The Health & Safety Executive has produced a brief guide, which explains how to assess and control the risk of legionella, and keep appropriate records to demonstrate compliance: www.hse.gov.uk/pubns/indg458.pdf.

Heat Networks

This may possibly affect churches with multiple tenants. With effect from 31 December 2015, the Heat Network (Metering and Billing) Regulations 2014 require those who supply and charge for heating, cooling or hot water to at least 2 customers within one building must notify the National Measurement & Regulation Office in the prescribed form.

Where separate meters are in place, billing to each customer should be accurate and based on actual consumption.

From 31 December 2016, separate meters should be installed for each customer where this is not already the case.

Further information is available at: www.gov.uk/guidance/heat-networks, but churches in any doubt are advised to contact Andrew Atkinson at Synod Office.

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