

<p><b>Croydon Borough Council.</b></p>	 <p><b>CROYDON</b> www.croydon.gov.uk</p>
<p>Private Sector Housing Landlords Forum 26<sup>th</sup> September 2017</p>	 <p><b>A BETTER PLACE TO RENT</b></p>

### **Minutes.**

Croydon Private Rented Sector Landlord Forum.

Braithwaite Hall, Croydon Library, 10am and 2pm, Tuesday 26<sup>th</sup> September 2017.

Newsletters, slides and past minutes are available [here](#).

At the meeting an Advice Sheet on electrical appliance testing *and* the Minimum Energy Efficiency Standard were circulated at the meeting. These and past advice sheets are available on the Croydon website using the link provided above.

The MEES speaker passed on his apologies and this item was postponed until the next forum agenda.

#### **1. Welcome to Landlord forum.**

Attendees were welcomed to the forum by Nick Gracie-Langrick.

The forum had a full agenda and we were grateful to the speakers offering his or her time. The morning forum was being repeated in the afternoon each with a number of advice stalls available to speak on an individual basis to services.

It was again recognised that a good number of people who requested a place were not able to be offered one. The Council is sorry that there is no space for everyone. It is important that everyone offered a space attends and if a problem with attending arises, an apology is sent as soon as possible to allow the space to be offered to other person.

The attendance sheet should be signed for safety reasons and at future forums will be used to see if there is regular non-attendance from particular parties.

The next forum has provisionally been booked for Wednesday 10<sup>th</sup> January. It is to be held in Braithwaite Hall. A new layout is to be used to try and help with issues relating to sound quality. This forum will have an afternoon and evening session.

#### **2. Update on the CPRPL scheme** by Nick Gracie-Langrick

The Croydon Private Rented Property Licensing Scheme (CPRPL) started on the 1st October 2015 and has almost been running for about 24 months. The scheme was

introduced under Part 3 of the Housing Act 2004 which enables local authorities to set up selective licensing schemes to help improve management and standards in the rented sector.

Up until the end of September 2017 30,203 applications had been received, this is 94% of the target total. Applications continue to be received at the rate of 250 a month, 1540 having been received in the first 6 months of the year. It is expected that the initial target of 32,000 will be exceeded.

The inspection regime was well underway and officers are managing to inspect between 450 and 500 properties a month. The target is for each licensed property to be inspected to check compliance with standards and compliance with the property conditions. In the majority of cases landlords are written to beforehand with a proposed date and a request to bring along certain certification.

Over the past three months inspectors have been out visiting areas looking for unlicensed premises and inspecting licensed premises. There are six zones incorporating about 2000 properties of which at least half are privately rented. The results from the exercise are not available yet. Approximately 60 unlicensed premises have been identified and landlords are being pursued to ensure compliance. In addition to prosecution a financial penalty can now be issued against a non-compliant landlord.

Further CPRPL licensing updates will be available at future forums. A number of people gave feedback that they were disappointed that this item was dropped from the September meeting and *must* be covered. This point has been noted and an update on Selective Licensing will be on the agenda for the January 2018 forum.

For information on licensing or enforcement please contact the respective teams.

### **Contact information.**

For more information on selective licensing inspections, enforcement and private sector housing matters please contact:

Email – [hsg-privatehousing@croydon.gov.uk](mailto:hsg-privatehousing@croydon.gov.uk)

Telephone: 0208 760 5476 or Minicom: 0208 760 5797

For a selective licensing inspection request:

Email – [SelLicInspection@croydon.gov.uk](mailto:SelLicInspection@croydon.gov.uk)

Or on licencing your property

Email - [propertylicensing@croydon.gov.uk](mailto:propertylicensing@croydon.gov.uk)

Telephone: 0208 726 6103 (Monday to Friday 9am-4pm)

## **2. Electrical Safety by Ian Halton - NAPIT**

Ian Halton (NAPIT) was invited to talk about electrical safety, appliance test reports and some of the different issues with electrical safety. The presentation has been made available to view on the Croydon website.

Under the Croydon Private Rented Property licence conditions a landlord is required to certify under condition 3.2 that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their

inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand.

Under the Houses in Multiple Occupation (England) Management Regulations 2006 it is a requirement that an electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake inspection and certification. The certificate must be supplied to the local authority within 7 days of request.

Under the Housing and Planning Act 2016 there is primary legislation that would allow the government to bring in new regulations requiring landlords of private properties the duty to meet certain electrical standards. The Government is progressing this requirement. "Electrical safety standards" means standards in relation to—

- (a) the installations in the premises for the supply of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.

#### Question and Answer session:

Where there is a combination of rented and owner-occupied tenures in a block of flats should the EICR apply to all stakeholders?

Where there is a combination of owner-occupied and PRS within a block of flats there may very well be three options

1. Communal Areas may fall under HMO Licence Conditions and therefore require an EICR. The Management company for this area probably already carry out this, following the IET Regulations and guidelines.
2. PRS is currently not a legal requirement but may be under the new Housing Act.
3. Owner occupiers would be recommended to have an EICR carried out every 10 years (or sooner), but again this would only be a recommendation.

How does the RCD (residual circuit device) work?

A RCD works to protect against electric shock and will isolate the supply to the circuits protected. A RCD detects the imbalance of the current flowing in a circuit and isolates the circuits supplied to reduce the risk of electric shock, it does not stop you getting an electric shock but greatly reduces the chances of injury or death.

Does a socket tester identify whether an appliance is safe or not?

No, a socket tester will indicate the condition of the socket-outlet only, although it would be a good idea to purchase one and check the sockets on a yearly basis with your Home Safety Guidance forms.

Where do I check to find out if an electrician is registered?

Registered electricians can be found on the <http://www.electricalcompetentperson.co.uk>

Can I complete the on-line forms electronically?

Currently they are not available as fillable PDF's, but we will look into this and make these available on line. They can be downloaded at <http://www.homesafetyguidance.co.uk/>

Are landlords liable if the tenants have interfered with the electrics and there is an electrical fire even after an EICR has recently been carried out?

Yes, although in the case of interference, the landlord by carrying out regular checks can verify it was the tenant and can take action against the tenant. An EICR will indicate at the time of inspection that the installation is safe for continued use depending on the limitations of the EICR, so in addition to your EICR we strongly recommend that you carry out the HSG checks on a yearly basis and/or change of occupancy. There is no requirement to maintain records, but records provide proof that you are a landlord who cares about their tenant's safety.

Why is PAT testing not legal requirement? Is Croydon Council considering making it mandatory?

PAT Testing is a risk assessed function of the Health and Safety at Work Act 1974 depending on the type of appliance use, local authorities can include PAT Testing as part of their licencing terms. The Health and Safety Executive have advised in a Low Risk Environment which could include Landlords properties that they should be inspected every two or five years based upon the equipment classification.

<http://www.hse.gov.uk/pubns/indg236.htm>

If I was to carry out my own PAT test do I need to be registered?

No, but you would need to have a means of indicating that you understand the process and be able to, demonstrate that you are competent, you would also need a PAT tester, The Code of Practice, Equipment log, plus labels and more importantly understand the test results.

When will an EICR (electrical installation condition report) be legally required?

It is the Landlords Responsibility to ensure they maintain the Installation. Actually proving this without an EICR or and Electrical Installation Certificate for the whole property might be difficult. Having a recent EICR allows the landlord to show you are maintaining the installation. It has been written into the Housing Act 2016, but due to the election in the summer, the release date which was planned for Oct/Nov has now been delayed and there are not fixed dates for this release.

If a PAT Test was carried out and the next day the equipment caught fire, would the landlord be liable?

Yes, although in the case of interference, the landlord by carrying out regular checks can verify it was the tenant and can take action against the tenant. A PAT Test indicates at the time of inspection that the installation is safe for continued use depending on the limitations of the PAT Testing. Maintain a record and ask for an Equipment Log from your PAT tester, plus add any new equipment you supply as part of the tenancy agreement to this log as new equipment.

Link

NAPIT encourage Landlords to carry out visual inspection of their property on a yearly basis and these home safety guidance documents are here to help record.

<http://www.homesafetyguidance.co.uk/>

Note: Ian has been invited back to the next forum following feedback that more time was needed on his presentation.

### 3. **Regulatory Reform (Fire Safety Order) 2005 by Jon Robbins and William Cronin from the London Fire Brigade.**

The Regulatory Reform (Fire Safety) Order came into force on the 1st October 2006. The Order is designed to provide a minimum fire safety standard in all non-domestic premises with a few exceptions. It identifies a Responsible Person (RP) and if any other person has to some extent control then they could have duties under the Order. In flats the Order places responsibilities in the common ways to the flat entrance door. The Local Authority take on responsibility within the residential part under the Housing Act 2004. If it is not a workplace then any person having control to some extent or the owner and can be designated the Responsible Person. The RP has various fire safety duties which include ensuring the general fire precautions are satisfactory and conducting a fire risk assessment. If more than five persons are employed it has to be a written fire risk assessment.

This Order replaced previous fire safety legislation and any fire certificate issued under the Fire Precautions Act 1971 will cease to have any effect. If a fire certificate had been issued in respect of your premises or the premises were built to recent building regulations, as long as you have made no material alterations and all the physical fire precautions have been properly maintained, then it is unlikely you will need to make any significant improvements to your existing physical fire protection arrangements to comply with the Order.

A fire risk assessment must be kept up to date to ensure that all the fire precautions in your premises remain current and adequate. The risk-assessment based regime requires RP to take action to prevent fires and protect against death and injury of employees and relevant persons, should a fire occur. This was the same duty imposed on employers by the Fire Precautions (Workplace) Regulations 1999, but under the new Order the duty will be extended beyond workplaces to include all non-domestic premises to which employees or/and relevant persons have access.

To support the Order, the Department of Communities and Local Government (DCLG) have published a number of guidance documents to assist you in meeting your responsibilities: <https://www.gov.uk/government/publications/making-premises-safe-from-fire-short-guide--2>

Notes reminder from last forum.

#### **Key links**

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

<https://www.rla.org.uk/docs/LACORSFSguideApril62009.PDF>

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>

<http://www.local.gov.uk/fire-safety-purpose-built-flats>

<https://www.tsa-voice.org.uk/news/new-guidance-on-fire-safety-in-specialised-housing-0>

[www.london-fire.gov.uk](http://www.london-fire.gov.uk)

[http://deptsite/docs/fsr/HotwirePublic/Fire safety regulation/Guidance note/Fires in communal areas.pdf](http://deptsite/docs/fsr/HotwirePublic/Fire%20safety%20regulation/Guidance%20note/Fires%20in%20communal%20areas.pdf)

<http://deptsite/docs/fsr/ layouts/15/WopiFrame.aspx?sourcedoc=/docs/fsr/HotwirePublic/Fire%20safety%20regulation/Guidance%20note/Fires%20in%20communal%20areas.pdf&action=default&DefaultItemOpen=1>

4. **Deposit Protection Presentation** by Suzy Hershman of mydeposits (no presentation available but Suzy is happy to return to Croydon).

Suzy covered the role of my deposits in an informative presentation. The **mydeposits** website carries useful information and there is a regular blog for members giving advice on standards and new regulations.

#### Question and Answer session:

How often can landlords go into their property to check its condition?

To avoid breaching a tenants right to quiet enjoyment and privacy, anywhere between three and six months is seen as reasonable. Of course exceptions will occur if there are issues that need to be followed up.

What happens the money paid into the deposit protection scheme?

We will hold the deposit money throughout the tenancy in a safe and secure segregated client money bank account.

What steps are taken that the money collected from deposits is not deposited in an off shore account?

I assume this is with regards to money that we take in our Custodial Scheme. The Department for Communities and Local Government have responsibility for monitoring the Tenancy Deposit Protection Schemes in England and Wales.

If the tenant fails to pay his/her rent can the rent arrears be deducted from the deposit?

Yes it can.

If there is mould growth in a property and a moisture reading has been obtained by a building surveyor who tested condensation levels using a moisture meter is this not enough proof to demonstrate high moisture and therefore the mould growth was caused by the tenant?

As adjudicators are not qualified to make that judgement, the surveyors report would need to attribute responsibility to the tenant. This is a common question and I strongly advise that this particular issue is dealt with at the negotiation stage where there

**5. Home Office Presentation by Sian Edmunds – Intervention & Sanctions Directorate (Immigration) and Pat Dale – Voluntary Departure arrangements.**

The requirements for the right to rent checks are well summarised in the following [link](#) produced by the .gov site entitled Check your tenant's right to rent. The Home Office were present to run an advice table and also remind people about their duties. Whilst enforcement occurs there is the supported side with the option of Voluntary Departure. The .gov uses this [link](#) for the section entitled: Return home if you're in the UK illegally or have claimed asylum.

Meeting Close

The latter meeting closed by 4pm.

The presentation from NAPIT (only) has been made available and will be available on the website. The time given by the speakers was appreciated.

These minutes will also be available on the Croydon website.

**Further Information.** If you have any questions or feedback you are welcome to contact the Property Licensing team on 020 8726 6103, Monday to Friday between 9am – 4pm or Email: [propertylicensing@croydon.gov.uk](mailto:propertylicensing@croydon.gov.uk)